United States of America

# Congressional Record

PROCEEDINGS AND DEBATES OF THE 106th CONGRESS, FIRST SESSION

Vol. 145 WASHINGTON, WEDNESDAY, APRIL 21, 1999 No. 55

# Senate

The Senate met at 10:30 a.m. and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

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

Almighty God, You have given humankind freedom of will to choose to love and to serve You. Today we are painfully aware of the tragic misuse of this freedom in Kosovo and yesterday in Littleton, Colorado, at Columbine High School. It is with grief that we have followed the merciless bloodshed of ethnic cleansing in Kosovo. On television and in our daily newspapers, we have looked into the haunted, anguished faces of the refugees driven from their homes.

And now, this morning, we are shocked by the accounts of the shooting of fellow students by disaffected young men filled with hate and anger. We pray for the parents, families, and friends of the many teenagers who were killed or wounded.

O God, when there is no place else to turn, we return to You. You have not given up on humankind in spite of all the dreadful things we do to ourselves and to one another. We confess our own little sins of prejudice and rejection that we see written large in the crises of our times. O Lord of Hosts, be with us yet, lest we forget to love You and glorify You by respecting the wonder of each person's life. Through our Lord and Savior. Amen.

## RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able Senator from Washington State is recognized.

## SCHEDULE

Mr. GORTON. Mr. President, for the information of all Senators, under the order of last night, the Senate will be in a period of morning business until 12:30 p.m. Following morning business, the Senate will begin debate on the conference report to accompany the education flexibility bill. By previous order, there are 3 hours of debate on the conference report, and a vote can be expected at the conclusion or yielding back of that time.

On Tuesday, a cloture motion was filed on the lockbox amendment to S. 557. Therefore, Senators should expect that cloture vote on Thursday. As a reminder, pursuant to rule XXII, second-degree amendments must be filed 1 hour prior to a vote on cloture.

I thank my colleagues for their attention.

Mr. President, I seek recognition in my own right. I believe the remarks I am about to make are more proper from my own desk than from the majority leader's.

The PRESIDING OFFICER (Mr. CRAPO). If the Senator will permit, the Chair will read these orders and then the time will be granted.

## RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

## MORNING BUSINESS

The PRESIDING OFFICER. There will now be a period for the transaction of morning business not to extend beyond the hour of 12:30 p.m. with Senators permitted to speak for up to 10 minutes each.

Under the previous order, the Senator from Washington, Mr. GORTON, is recognized to speak for up to 15 minutes.

## WAR IN THE BALKANS

Mr. GORTON. Mr. President, the Congress is about to be asked to appropriate $10 billion, and perhaps more, in emergency funds to finance a war in the Balkans and to help the refugees that war has created. We will be asked to do so after a brief debate and with no opportunity to impose conditions or to add reservations. That is the wrong way to deal with so grave an issue.

On March 23, the Senate authorized air attacks on Yugoslavia in the hope that they would motivate the Government of Yugoslavia to grant autonomy to the Kosovars, a status far less than the independence they seek, enforced by the presence of American and other NATO troops for an undefined period of time, and thus to prevent a refugee crisis. We have been spectacularly unsuccessful at attaining either goal.

I voted against the March resolution. I did so because I believe that the United States should engage in armed conflict only when its vital interests are at stake, and that the then Serb repression of the Kosovar Albanians did not involve any of our vital national interests.

My vote was also motivated by the belief that the limited bombing proposed would be unlikely to help us reach the dubious goal of occupying Kosovo. When we do engage our Armed Forces in conflict, we should do so decisively and with overwhelming force aimed at the cause of the conflict—in this case, the Milosevic government in Belgrade.

This conflict, to the contrary, was begun in too limited a fashion to be likely to bring the Serbs to heel, with no contingency plans should the early bombing not work, and with no anticipation of the brutal Serb reaction in driving hundreds of thousands of Kosovars out of home and country.

It is that failure that brings us to our present state. The President will not acknowledge our failure to reach his goals, will not speak seriously to the American people about both ends and means, and will not ask Congress to authorize him to act decisively and to support him in doing so. Instead, we

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



Printed on recycled paper.

are engaged in a conflict in which the primary goal seems to be to avoid American casualties, the secondary goal to avoid Serbian casualties. So the only real casualties are among the Kosovar Albanians, the people the conflict was designed to protect.

The President will not, and should not, send our troops into Kosovo and won't arm the Kosovo rebels so they can defend themselves. We bomb buildings that we are certain are empty but not television towers or airports. We bomb oil storage depots but allow oil tankers to unload replacement oil within sight of our fleet.

At this point, of course, a conflict over an issue that was not vital to our national security in the beginning has now escalated to one that is, both with respect to the refugees and to the survival of NATO itself, all due to the frivolous and half-hearted nature of our military operations. In the abstract, this fact lays weight to the arguments of Senators LUGAR and MCCAIN, among others, to lift the artificial and self-defeating renunciation of ground operations.

But their arguments flounder disastrously with the first whiff of reality. This is a war run by committee. A dozen politicians from almost as many countries must sign off on targets even with respect to the air war. The United States has not even sought NATO consent to arm the Kosovars and to blockade Yugoslavia.

Does any Senator believe for a moment that this administration will wage or is capable of waging a real war with victory as its goal? No.

We have only four realistic alternatives, all unpalatable. First, there is the remote hope that Milosevic will surrender and agree to our demands. Under those circumstances, we would get to occupy Kosovo for perhaps 25 years. Second, we may quit and go home, leaving chaos in our wake. Third, the most likely outcome now is a settlement brokered by the Russians in which the 90 percent of Albanian Kosovars get the poorest half of a devastated province and the 10 percent Serb Kosovars get the best half. We will then be asked to rebuild Kosovo, Albania, Macedonia, and probably Serbia as well. President Clinton will proclaim this a victory.

The fourth and last alternative is a gradual escalation of the air war, followed by gradual escalation on the ground, without any prospect of real victory but at a very real cost in American lives and the expenditure of billions of American dollars.

Each of these alternatives, Mr. President, is a terrible disservice to the brave American men and women who are loyally fighting this war and who deserve better from our leaders. Each is a tragedy for the hundreds of thousands of Kosovar Albanians rooted out of destroyed homes, turned into impoverished refugees or killed outright.

It is those prospects that the Senate should be debating, using such time as is proportionate to the seriousness of the issues.

But we are now faced with the prospect of a $12 billion add-on to a $2 billion supplemental appropriations bill, with little opportunity for debate and no opportunity to amend or condition that appropriation. What should have been an occasion for a serious debate will become instead a venture in avoiding the responsibility to ask and to answer hard questions.

That is a game the Senate should not play. At the very least, we should allow those who propose intervention on the ground an opportunity to make their case, and those of us who wish to arm the rebels a chance to make ours.

An appropriation covering the cost of this conflict until October without seriously debated conditions is a blank check to the President to conduct the conflict as he pleases. It is all the authorization for war on the ground he is ever likely to seek. It is a total abdication of our responsibilities. I cannot support such an action. I will do all I can to defeat it.

Mr. WYDEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Thank you, Mr. President.

## TRAGIC SCHOOL SHOOTINGS

Mr. WYDEN. Mr. President, once again the Senate is grieving for one of our communities that has suffered a tragic school shooting. We are all profoundly saddened today by the news out of the State of Colorado.

For those of us from my home State of Oregon, this feeling is, unfortunately, too familiar. It was just about a year ago that this same form of evil visited Thurston High School in Oregon. And I want to say, first and foremost, to the people of Colorado that Oregon's heart goes out to all of you today. The people of Colorado are in our prayers.

If our experience can be any measure of comfort, I would offer the observation that in Colorado, just as it was in Oregon, the parents and students will find that their neighbors can be an incredible resource of support. There is more strength in our communities than we realize. And while nothing—nothing—can ever ease this sort of pain, that strength does possess a tremendous healing power.

Mr. President, why are we seeing these tragedies in our country? We feel so good about the very strong economy. We play a preeminent leadership role in the world. There are so many good things in our Nation. But we send our children off to school in the morning and so often we have to worry that they might be gunned down by a classmate. What has produced this horrible evil?

I do not come to the floor of the Senate today to say I have the answers, but I know that we are not doing our job in this body if we do not try to find them. And it seems to me those of us from the States that have seen this horrible scourge—the Senators from Colorado and Arkansas and Kentucky and my own of Oregon—need to sit down together—and soon—and begin a meaningful conversation about the practical and concrete steps that can be taken to prevent these tragedies. We ought to talk with everyone, we ought to talk with Sarah Brady, who has one point of view, talk with the National Rifle Association, who has another point of view. We need to have a concrete dialogue with all who have been part of this national discussion to find a way to stop these tragedies.

In the wake of what happened in Springfield, OR, Senator GORDON SMITH and I worked, on a bipartisan basis, to make sure that if a kid brought a gun to school, action would be taken to treat that as a five-alarm warning. Looking at yesterday's tragedy, it seems to me that our bipartisan bill would not have been enough, because these students had never been caught with guns in school before. But the facts appear to be that the students there knew that this group was involved with weapons and that they had been engaged in potentially dangerous activities. We need to find ways to translate this knowledge into concrete approaches so the authorities can take steps to protect our youngsters in our schools.

Mr. President, so many Members of this body are parents. Many of our colleagues have been blessed with grandchildren. It chills all of us to the bone to think that this can happen in our communities, and that it has happened too often.

The people have elected us to lead. This is a problem which cannot be avoided. I am going to do everything I can, in a bipartisan fashion, with colleagues from other States that have seen these tragedies, to find those practical steps so parents across this country can have the certainty that when they send their youngsters to school they will come home safely at the end of the day.

Mr. President, I yield the floor.

Mr. BINGAMAN. Mr. President, I thank the Chair and I also thank my good friend from Vermont, the chairman of the committee that I serve on with him. I wanted to just take a few minutes to focus the attention of the Senate on this terrible tragedy that occurred yesterday in our schools. We all now know two students of Columbine High School in Littleton, CO, stormed into their school and began shooting at students and teachers, yesterday. The last that I heard, police believed that 16 people have been killed. Many of them were either just beginning their lunch or were studying in the library at the time they were assaulted. The details behind the violence are overwhelming, and the motivations leading to it are incomprehensible to all of us. But we are left wondering how this could happen in a suburban community like Littleton, CO.

I know we all grieve with the parents of those students and the families of the faculty who were killed yesterday.

Our Nation has witnessed five violent events in our schools during the past 17 months and we need to focus on that pattern of activity. Five communities have experienced this violence firsthand:

In Paducah, KY, in December of 1997, December 1, 1997, a 14-year-old boy shot and killed three girls at Heath High School in Kentucky and the shooter wounded five others.

On March 24, 1998, in Jonesboro, AR, two young boys hiding in the woods began shooting at their classmates and their teachers.

At Edinboro, PA, on April 25 of 1998 another 14-year-old student of Parker Middle School shot and killed a teacher and two other boys were wounded.

In Fayetteville, TN, less than a year ago, on March 19 of 1998, a senior at Lincoln County High School in Tennessee shot and killed a fellow student. And then in Springfield, OR, 2 days after the Tennessee incident, on May 21 of 1998, a 15-year-old student opened fire at Thurston High School in Oregon and killed two students and wounded 22 others.

We should not wait for another incident to happen before we take some action here in the Congress. These tragedies are the reason that last year I introduced a bill entitled ''The Safe Schools Security Act.'' The bill passed the Senate unanimously, I believe. Unfortunately, it was dropped in the conference. This year, a little over a month ago, on March 17, I again introduced the Safe Schools Security Act. In my view, we need to move ahead with that legislation. We have waited too long.

Yesterday the importance of this bill was made more evident by what we observed in Colorado. Recent studies show that our children fear they will be the victims of crime in school. Mr. President, 29 percent of our elementary schoolchildren fear that, 34 percent of our junior high, and 20 percent of our high school students fear they will be a victim of a crime while at school, according to a recent poll.

The schoolyard fight which I was familiar with when I was growing up is no longer the worst fear that students have. Mr. President, 75 percent of children ages 7 through 10 say they do worry about being shot or stabbed, and 13 percent of high school seniors report being threatened by a weapon between 1995 and 1996.

In 1997, a high school in my home State, Belen High School in Belen, NM, decided to improve school security. They did so in an effort to protect their students and their teachers and the school property. Belen partnered with Sandia National Laboratories, one of our Department of Energy Labs in Albuquerque, to try to accomplish this security upgrade. The results have been impressive. After 2 years, Belen High School experienced a 75-percent reduction in school violence, a 30-percent reduction in truancy, an 80-percent reduction in vehicle break-ins in the school parking lot, and a 75-percent reduction in vandalism.

Most noteworthy, Belen realized a 100-percent reduction in the presence of unauthorized people on school grounds. This is an issue in more and more of our schools today. They implemented several security measures, including placing security officers on permanent patrol on the campus, fencing the property, and restricting access to a single entrance where students and visitors could be monitored. They installed cameras in the parking lots to monitor vehicles and student activities. Through cooperation with the local police, the high school in Belen secured a police officer to work with the campus security officers and to patrol the school grounds after school to prevent unauthorized access.

This Safe Schools Security Act, which I have introduced again this year, S. 638, will also establish a security technology center that Sandia would operate to provide security assessments of middle schools and high schools, and to offer advice to schools about the security measures that are needed to be implemented and improved. The act would provide money and grants to local schools so they could purchase the appropriate technology and hire the necessary personnel to beef up security.

Obviously, improving school security will not guarantee that violence ceases in our schools.

It is a start. By restricting access, we can reduce unauthorized persons coming onto school grounds. By installing cameras on some of our school campuses, schools can be forewarned of problems in certain areas of the campus, and law enforcement can utilize those cameras in situations like the hostage situation that occurred yesterday in Colorado.

By planning the construction of schools with security in mind, we can begin to minimize the risks of violence occurring in our schools. Teachers and administrators need to identify their schools' security weaknesses. The personnel who have been working on this issue at Sandia Labs, with Federal money I should point out, have developed some expertise that can be helpful to some of our schools in this regard. Because of yesterday's tragedy, parents, teachers, and community leaders are asking, what can be done to protect our schools, and all of us in America are debating what can be done.

This bill cannot ensure that our children will be safe in school, but it will provide schools with a course of action to follow and with some resources to begin addressing this problem in a meaningful way.

We all know that most schools do not have the financial resources to purchase security technology, and high schools and middle schools often lack the technical expertise to know what kind of technology will best serve their school. This bill could help to provide that expertise and help to give good advice, expert advice to schools on appropriate technology and on appropriate actions that could be taken to make our schools more secure.

Mr. President, with this terrible tragedy still very much in front of us, I urge that we consider the proposals that I have set forth in this bill. I urge that we think about what action we can take to lessen the likelihood of these types of incidents in the future. Obviously, our children are our most important resource in this country, and I believe some additional effort in this regard would be well advised and strongly supported by all my colleagues.

I hope we can move ahead on this bill. I appreciate very much the chance to speak on it today.

I yield the floor.

Mr. DASCHLE. Mr. President, this morning we all have to return to business, but it is an especially difficult day to do so.

It is difficult to think of anything other than the terrible tragedy in Littleton, CO yesterday.

Our thoughts and prayers are with the families of Columbine High School—the students and staff injured; the families of those who were killed; and everyone who suffered the terrifying ordeal there.

Our nation is suffering, too—at the thought that such horrifying events are taking place all too often in our country.

It was heartening to see so many parents reunited with their children yesterday. Still, those joyful hugs were bittersweet reminders of the families waiting for students and staff who didn't come home.

These families and the community of Littleton have lost their loved ones, and their lives will never be the same again. Their losses cannot be replaced. They, and everyone affected by yesterday's events, have lost their innocence, too.

We all want to believe that our schools will be places where children can learn in a safe, supportive environment, where they will learn not only what they need to go on to college or vocational school or work, but also what they need to become well-balanced, emotionally secure people.

Certainly schools cannot be expected to do the job by themselves. It does take a village to raise a child.

It takes, first and foremost, parents who love and respect and talk to and spend time with their children. Parents must be prepared to meet the daunting challenge of rearing children in a society that seems to move too fast. As important as schools are, parents are their children's first and most compelling teachers. Parents must realize that, even when they aren't conscious of it, they are teaching their children constantly. Their example is the most powerful teaching tool available, and it

can be used to constructive or destructive ends. Our children's values originate from their parents' values—those taught, and those exemplified, those that are negative and those that are positive.

It also takes a child care system that pays its workers more than the minimum wage. It takes schools that truly educate and do their best to give every student the attention he or she needs. It takes qualified teachers who value their students and, in turn, are valued by us. It takes friends and neighbors who get involved in supporting parents, schools, and children. It takes a juvenile justice system that protects society from violent criminals and strives to intervene in youthful offenders' lives before they are beyond our help. It takes a society that shows children the way without alienating them.

It takes all of us.

Our schools are populated by a talented, committed generation of young people. I am optimistic about our future, their future. It is a sad reality that just a few people can cause such great devastation—in our schools and on our streets. The problem is not our children—it is our failure to deal adequately with their needs. Too many of today's children face intense fear, anger, and confusion. They need our time and attention. They need us to teach them how to deal with those emotions in constructive ways.

Even children who have good values—and are good kids—face incredible emotional and societal challenges and pressures that most children of my generation never had to worry about. And they need our help. I never had to worry about assault weapons or pipe bombs when I went to school. I wasn't confronted with drug pushers. And I had two loving parents who were involved in my education and my life.

We can't go back in time, and we shouldn't undercut our basic freedoms. But we do have to work together—every one of us—to address the problems that threaten the fabric of our society.

We can—and should—have a thoughtful discussion about how to shape a comprehensive national response to the problem of violence in our schools and our communities. We should have that discussion soon.

But today is about grieving the loss of those killed, sending positive thoughts to those who were injured, and praying for everyone involved in this terrible tragedy.

Mrs. MURRAY. Mr. President, yesterday's tragedy in Littleton, Colorado has brought the nation together in our sense of shock and horror. I want the people of Littleton to know that they are in our thoughts and our hearts. We cannot know the devastation they must feel, and we can only imagine, ''what if that were my child?'' In this time of terrible sorrow, your nation sends its profound sympathy.

Yesterday, two heavily-armed students went into Columbine High School in Littleton, in what has been described as a suicide mission, to bring violence and death on their classmates, their teachers, and themselves.

One student last night, a girl from another high school who visited Columbine to show her support, made a very important observation: ''People always say 'it couldn't happen here; it couldn't happen to me,' well, it did happen here; it did happen to us.'' We must ask ourselves what we can to stop this senseless violence from happening again in another town, another community, another school.

As we begin to sort through the aftermath of this terrible tragedy, inevitably we will arrive at the question ''why?'' It is too easy for a young person these days to feel anonymous—to go unseen. Too many young people in America will wake up today, walk through the neighborhood, attend a crowded school, walk through the shopping mall, and return home—without ever getting acknowledgment or recognition or support from even one adult.

As a nation, we must make a determined effort to change this unfortunate fact. We have a responsibility to the nation's young people to do better. I have talked to too many young people who say that ''adults just don't seem to care about me.'' Sometimes just a conversation or even a smile can send an important message to a young person—''You matter. I want things to go well for you. If you need help, I'm here.''

Young people today are different in many ways than when we were young, but one thing hasn't changed. They still need our understanding, and our compassion. And they need to know that someone cares about them so that they don't see violence as a solution. Violence is not an option. We cannot tolerate violence in our schools.

Tragically, these two students at Columbine High School, who so desperately wanted someone's attention have finally succeeded. In their cry to be heard, they have done irreparable damage to the families and community of Littleton. And as we search for an explanation, we find ourselves struggling to understand who those two boys were and how they could commit such an awful crime.

There is not a legislative solution to the problem of violence in our schools. Instead, we must begin a national dialogue about what we all can do to let children know that violence is simply not acceptable. As we all reflect on yesterday, each one of us should ask ourselves what we can do to make a difference. We each must take responsibility to do a better job in letting all children know that adults care about them . . . that there are other ways to make their voice heard . . . that they matter.

For the last three years, I have cosponsored, with former Senator Kempthorne, a resolution establishing the Day of Concern About Young People and Gun Violence. Every year we have received dozens of Senate cosponsors—56 last year—and widespread support from the Parent-Teacher Association, Mothers Against Violence in America, the National Association of Student Councils, and others.

But more importantly, last year more than a million students signed a pledge promising they would never take a gun to school, would never use a gun to settle a dispute, and would use their influence to prevent friends from using guns to settle disputes. I hope all of my Senate colleagues will join me this year in cosponsoring and passing this important resolution establishing the Day of Concern on October 21, 1999.

Thank you, Mr. President.

Mr. ALLARD. Mr. President, my wife Joan and I were shocked and dismayed at the violence and bloodshed at Columbine High School in Littleton, Colorado yesterday.

Words cannot do justification to the deep sense of loss all of us are feeling today following the tragedy. But words—these words, and the words of our prayers—are what we have to offer now.

I offer my condolences to all those who lost loved ones, and to those whose loved ones have been wounded, hurt, and terrified.

I would like to ask America for their prayers as well. They are needed. The Columbine High School community is in shock, the State of Colorado is in shock, and America is in shock.

Before I left my office just now, I heard the final number of casualties—15. Fifteen lives, most of them young, ended yesterday by savage violence.

This is a wound, a scar, that will not be removed, and for those who bear the worst of this burden my wife and I offer all our compassion, our sympathy and our prayers.

We should recognize the heroism of the local police, the emergency personnel, and others who responded, as well as the heroism of the students and teachers caught in the attack. Many put their lives on the line to rescue students and escort them to safety.

The simple, unplanned bravery and courage of those who did whatever they could—in the midst of mayhem and terror—to avert further tragedy might never be fully known but should be fully acknowledged.

There are far too many of my colleagues who have had this experience—who have watched as news of school shootings and teen violence spread across the media. This tragedy erupted in Colorado, but it is part of a nationwide concern.

In the coming months there will be time, and there will be a need, for us to commit ourselves to finding a solution to this tragic problem. We must ask ourselves how this could happen, and what can be done to prevent it from ever happening again. There is, I am sure, no simple solution. But we must pledge ourselves to doing what we can.

Right now, however, I think the best response in the aftermath of this horror is, as Governor Bill Owens said, to

hug our children. To hug them, and think about providing a better, more secure future.

I yield the floor.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Mr. President, I think, be it Senator ALLARD or his wife or myself or my wife or any American, we woke up this morning to watch the morning news to be saddened by the situation in Kosovo but to be brought to tears by the situation in Littleton, CO. It is a tragic time and a very sad day for America. I concur with my colleague from Colorado, there are no easy answers. There were brave people and there were wonderful young people who lost their lives. So let me join with my colleague from Colorado in expressing our concern, our sympathy, and our condolences to all involved in this tragic issue.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, it is my understanding that Senator BOXER and I have been given 30 minutes in morning business today. Is that true?

The PRESIDING OFFICER. That is correct.

Mr. REID. I yield myself such time as I may consume.

The PRESIDING OFFICER. The Senator from Nevada is recognized.

## EARTH DAY

Mr. REID. Mr. President, there is a lot going on in the world today. We have the conflict in Kosovo. We have, as the Senator from Oregon pointed out, the calamity that has taken place in the State of Colorado, dealing with the death of 16 children, or maybe even more.

In spite of these very dramatic events taking place around the world, I think it is appropriate that we pause and reflect on one of the most important days we have each year, and that is Earth Day, which is tomorrow.

As we know, tomorrow will be the culminating day of this week legislatively because of the events that will take place with the 50th anniversary of NATO. So tomorrow we will be unable to celebrate Earth Day here in the Senate. So Senator BOXER and I felt it was appropriate that we spend some time with some of our colleagues talking about Earth Day and the importance of Earth Day.

There are a number of ways we can celebrate Earth Day, but I think there is no way that is more appropriate than talking about one of the things which sets the United States apart from any other nation, and that is our great National Park System. We are the envy of the rest of the world. When people talk about successes in Government, I think they must reflect upon our National Park System.

We have 54 national parks in the United States. In addition to that, we have a number of other entities within our National Park System that are important. But today I want to talk about our national parks.

We are very fortunate in Nevada; we have one of the 54 national parks. It is a unique setting. The Great Basin National Park is the baby of our National Park System. There is only one national park that is newer than the Great Basin National Park. And we are so happy to have the Great Basin National Park. It was 60 years in its coming.

I can remember when I introduced legislation to have this beautiful facility become a national park. This chart shows part of our national park. It is Wheeler Peak, which is about 13,000 feet high. You can see the majesty of this great mountain.

When I introduced this legislation, President Reagan was President of the United States. There were times that were very partisan then, as now, and the Secretary of Agriculture was asking the President to veto the creation of the national park.

I called in the Director of the National Park System, William Penn Mott, and I said, I am really worried that the President is going to veto the legislation creating this national park. He looked at me and said, There is no way President Reagan is going to veto this national park. He said, I have been with President Reagan; I worked with him when he was Governor of the State of California, and he has assigned me to be the superintendent of the parks for our country. He said, It was in the 1930s when I was a park ranger that I was called upon by Senator Key Pittman, a Senator from Nevada, to travel to Nevada to find a location for a national park. I went there, and I found that location. It is this exact spot that you have chosen to designate as a national park.

And he said, for political reasons, it has never come to reality. He said that possibility is now, and there is no way that President Reagan would veto the creation of this gem that we have in the State of Nevada.

He was right. The President gladly signed the bill, and we now have as part of our National Park System the Great Basin National Park. We could pick any one of the 54 units in our National Park System, and I am sure people from those States would be just as proud of that park as I am of the Great Basin National Park. This park has Wheeler Peak, which I show you here, but in addition to that, we have in the Great Basin National Park the only glacier in the State of Nevada.

In addition to that, you cannot see them here, but in this park we have bristlecone pine trees, the oldest living things in the world, more than 5,000 years old. We are going to celebrate a new millennium, 2,000 years. Well, 3,000 years before Christ was born, these trees started growing. That is an old tree, oldest living thing in the world located in this national park.

In addition to that, we have the Lehman Caves. The Lehman Caves are interesting because they were discovered unintentionally by a cowboy out doing whatever cowboys do. Suddenly he finds he and his horse have dropped into this subterranean cavern that became the Lehman Caves, which has been visited by hundreds of thousands of people over the years.

I am very proud of our National Park System. I am proud of the Great Basin National Park. Senator GRAHAM and I introduced legislation yesterday that will take $500 million a year from a fund that is already created, not new taxes, and put it into the National Park System where we are $4 billion in arrears just maintaining our national parks, maintaining the trails, the bathrooms, the information centers, the things that are so necessary to maintain this great program we have called our National Park System.

Certainly as part of Earth Day, we must recognize the fact that part of celebrating Earth Day has to be our National Park System. One last thing, because I see my colleagues on the floor, we are so honored in the State of Nevada, Dale Antonich, who is the chief park ranger of the Lake Mead recreation area, which is part of our National Park System, was chosen as this year's recipient of the Harry Yount National Park Ranger Award for excellence in rangering. This is important because he has been chosen by his peers to be the top park ranger. This says a lot. We are very proud of Lake Mead. It receives about 12 million visitors a year. He is the chief ranger there. I am sure that people who come to the park, to Lake Mead, receive a good experience. I want to give this resident of Boulder City, NV, all the accolades that he deserves as being selected as the top park ranger in our country.

As I indicated, we have set aside 30 minutes. That is all the time we could get today to celebrate Earth Day. I did see in the Chamber my friend from California. I wonder if I could get the attention of my two colleagues. We have 30 minutes that we have set aside to talk about the parks. I am wondering if I could yield time to my friend from California. We are very proud of Nevada, but there is no State in the Union that has more natural beauty than California. I think Nevada has as much natural beauty, but there is no State that has any more natural beauty than the great State of California, which is the neighboring State of the State of Nevada.

I am very happy that the Senator from California, Mrs. FEINSTEIN, is here to talk about some of the beauties of the State of California. I am sure that is what she is going to do; is that not true?

Mrs. FEINSTEIN. I will speak about global warming.

Mr. REID. Global warming is perfect. That deals with Earth Day, and that is why we are here to talk. How much time does the Senator need?

Mrs. FEINSTEIN. Is it possible to have 10 to 15 minutes?

Mr. REID. I am sure we have 10 minutes. I yield the Senator from California 10 minutes to talk about global warming and the importance of Earth Day.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. FEINSTEIN. I thank the Chair, and I thank the distinguished Senator from Nevada.

Mr. President, I note that the Senator from Colorado is on the floor. I really want to extend to him and to all of the people of Colorado my deepest sympathy and sorrow for the events yesterday. After I finish a brief global warming statement, I would like to make a more inclusive statement about the events that took place in Colorado, but I want him to know that my heart and thoughts are with him and the people of Colorado today.

Mr. President, as we prepare to celebrate Earth Day tomorrow, I wanted to speak for a few minutes about what I consider to be the single greatest environmental threat facing our planet: the threat of global warming.

The phenomenon of global climate change really hit home for me in January of 1997. That year, devastating floods killed seven people and caused nearly $2 billion in damage in California. California is famous for its weather extremes, but the 1997 floods were unusual in terms of their ferocity, the loss of life they caused, and the tremendous property damage that occurred.

Even more striking, the 1997 flood was only one of four 100-year floods that occurred in California in the 1990s. Therefore, it certainly got my attention when I read that the National Oceanic and Atmospheric Agency believes that major changes in the El Nino and La Nina ocean currents, which brought so much rain to California, may be linked to changes in the ocean's temperature.

Last fall, I received an in-depth briefing from Dr. John Holdren, the Teresa and John Heinz Professor of Environmental Policy and Director of the Science, Technology, and Public Policy Program at Harvard University. Dr. Holdren presented clear and compelling evidence to me that global warming is real. It is happening, and it will have significant impacts on human health, our environment, and our economy.

Despite the overwhelming scientific evidence, however, literally every week my office receives bulletins from groups that continue to dispute the reality of global warming. Today I would like to lay out the evidence that global warming is indeed occurring.

There is overwhelming scientific consensus about the following facts: The natural greenhouse effect (which is primarily a product of water vapor, carbon dioxide, and methane) makes the earth habitable, keeping the average surface temperature about 33 degrees Celsius warmer than it would otherwise be.

Large increases in greenhouse gas concentrations resulting from human activities produce significant further global warming, accompanied by other changes in climatic patterns.

Today's atmospheric carbon dioxide concentration is about 30 percent higher than pre-industrial levels. The methane concentration is over 100 percent higher. These levels are higher than at any time in the last 160,000 years.

The Intergovernmental Panel on Climate Change, an assembly of 2,000 of the world's leading experts on climate and related disciplines, has found that human activities are increasing the greenhouse effect, and therefore raising the temperature of the planet. It is important to note that the IPCC includes scientists from all member states of the World Meteorological Association and the United Nations.

To quote the IPCC:

> The atmospheric concentrations of the greenhouse gases, and among them, carbon dioxide, methane and nitrous oxide, have grown significantly since pre-industrial times . . . These trends can be attributed largely to human activities, mostly fossil fuel use, land-use change and agriculture. Concentrations of other anthropogenic greenhouse gases have also increased. An increase of greenhouse gas concentrations leads on average to an additional warming of the atmosphere and the Earth's surface. Many greenhouse gases remain in the atmosphere—and affect climate—for a long time.

The IPCC estimates that carbon dioxide concentrations in the atmosphere have risen from 280 parts per million before the Industrial Revolution, to 360 parts per million today. By the end of the next century, the carbon dioxide level will be somewhere between 480 and 800 parts per million.

According to the IPCC, this change is ''unlikely to be entirely natural in origin. The balance of evidence, from changes in global mean surface air temperature and from changes in geographical, seasonal, and vertical patterns of atmospheric temperature, suggest a discernible human influence on global climate.''

Already, these increased greenhouse gas emissions are changing the earth's climate. Here are the facts:

The average temperature of the earth has risen 1.3 degrees in the last 100 years.

Ten of the warmest years on record have occurred in the last 12 years. 1998 was the hottest year on record.

The last 50 years appear to have been the warmest half century in 6,000 years, according to evidence from ice core samples.

Scientific evidence convincingly shows increased rates of evaporation and rainfall, glacier retreat, sea ice shrinkage, and rising sea levels.

The IPCC estimates that by 2100, the earth's temperature will have risen by two to six degrees. This rate of warming, if it were to occur, would be the fastest warming rate in the last 10,000 years.

Even if an overwhelming body of scientific evidence regarding global warming did not exist, the weather map alone would tell us something is wrong. According to the National Climatic Data Center, weather extremes are becoming more and more frequent: hurricanes, tornadoes, blizzards, flooding, droughts. So far this century, extreme weather events have increased by 20 percent. Annual precipitation is up 6 percent since 1900, and total winter precipitation is up 8 percent.

Just look at the period from November 1997 through July 1998, when a series of extreme weather events hit this nation. Northern California had its wettest May ever in 1998, with precipitation in at least one area hitting 800 percent of normal. Meanwhile, Texas suffered under a devastating drought, with San Antonio getting only 8 percent of its normal rainfall in May. In Florida last summer, the U.S. Forest Service estimated that 80 percent of the State was at a drought level equivalent to a desert. Ohio, the Upper Midwest, and New England had no shortage of rain, however; floods in those areas claimed 13 lives.

While individually none of these events can be linked directly to global warming, collectively they show a troubling pattern consistent with what the best science tells us global warming will look like.

Things could get worse. According to the IPCC, one third to one half of all mountain glacier mass could disappear in the next century. Melting glaciers, combined with melting of the antarctic ice shelves, could raise sea level by as much as three feet in the next 100 years. This could cause severe flooding in the San Francisco Bay Area, New Orleans, the Everglades, and the Chesapeake Bay.

The weather changes caused by global warming also could wreak havoc upon the environment and human health. The University of California estimates that global warming could render 20 to 50 percent of the State's natural areas unsuitable for the current species who live there. Major vegetation changes are occurring over one-eighth of the planet. The effects of global warming on human health, including outbreaks of tropical diseases such as malaria and yellow fever, are so significant that I plan to discuss those separately in a floor statement soon.

Global warming is not a problem that we can afford to ignore or dismiss. The scientific evidence is overwhelming and persuasive, and we need to take steps now to reduce global warming. That is why I am circulating a letter, along with Senators GORTON and BRYAN, that encourages the President to work with Congress to implement improved Corporate Average Fuel Efficiency Standards. Cars and light trucks, including sport utility vehicles, are responsible for 20 percent of all carbon emissions in the United States, and emit more carbon than all sources in Great Britain combined.

By raising fuel efficiency standards, we can reduce carbon dioxide emissions by over 240 million tons per year. This

will help curb global warming, improve air quality, save consumers at the gas pump, and reduce our reliance on imported oil.

Stronger fuel efficiency standards alone will not solve the global warming problem, but they are a very good place to start. I am pleased to say that a bipartisan group of 22 Senators have already signed the letter to the President, and I am hopeful that more will sign soon.

I also urge all of my colleagues—especially those who may remain skeptical about the existence of global warming—to attend a briefing that I am hosting on May 11 with scientists from the University of California, including Nobel Laureate Sherwood Rowland. These scientists will discuss recent satellite measurements concerning global climate change; disturbing new evidence that climate change may be occurring more abruptly than scientists had earlier forecast; and possible solutions to the problem.

Global warming is an extremely complicated issue, and I understand that a number of policy alternatives are currently on the table—from the Kyoto Protocol supported by President Clinton, to the ''Credit for Early Action'' bill sponsored by Senator CHAFEE, to the bill currently being drafted by Senator MURKOWSKI. I do not presume to stand here today with a master plan for how to stop global warming.

But I do feel strongly that global warming's existence cannot be disputed. It is real. It could cause the greatest environmental crisis of our time. I hope that we can at least recognize the threat, and begin working together to address it.

## UNANIMOUS CONSENT AGREEMENT

Mr. REID. Mr. President, I ask unanimous consent that the Senator from Colorado, Senator CAMPBELL, be recognized on his own time, and that his speech not appear as part of the 30 minutes dedicated to Senators BOXER and REID, and that his speech appear separate in the RECORD. After that, I tell the Chair that the final approximately 10 minutes that is left for Senators BOXER and REID would be given to the Senator from New Jersey, Mr. LAUTENBERG.

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

The PRESIDING OFFICER. The Senator from New Jersey is recognized for 10 minutes.

Mr. LAUTENBERG. Thank you, Mr. President.

Mr. President, our mission this morning is to discuss the environment, and to celebrate the birth of Earth Day, which takes place tomorrow. I will use my time for that purpose.

But I want to take just a minute, because I, like everyone else in this country, am heartbroken by what we saw take place yesterday. In my conversation with the Senator from Colorado, I expressed my sympathies. But I want to point out something. Those children were killed by deranged young people of their own class. But they used guns, and they used weapons that are, frankly, I think out of control in our society. This isn't just happening in Colorado. It is a terrible happening in Colorado. But look at the other days. It happened in Utah. It has happened in Arkansas, Mississippi, Kentucky, Oregon, and Illinois. Just search your mind and you can find almost every State having had a problem. It is a plague in our society. It is a blight across our country.

There is a bit of a paradox as we talk about Earth Day and the positive aspects of what Earth Day can mean so that children can bathe in the waters, fish in the streams, play on the Earth, and breathe the air—all positive things looking toward an improvement in their health—just under the shadow of the murderous rampage that took place yesterday.

### PRIVILEGE OF THE FLOOR

Mr. President, I ask unanimous consent that Lisa Haage, a detailee in my office, be granted the privilege of the floor for the duration of the 106th Congress.

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

Mr. LAUTENBERG. Mr. President, I rise to join my colleagues to discuss the Democratic environmental agenda on the eve of Earth Day.

We have an ambitious agenda to protect open spaces, reduce sprawl and relieve congestion.

While Congressional Democrats have an excellent agenda for the future, we also have a proud history of accomplishment since the first Earth Day in 1970. Our nation's major environmental laws were written and passed under Democratic leadership.

Democrats passed the first Clean Water Act. Democrats wrote the first Superfund law. Democrats authored the Clean Air Act.

And the Clinton Administration has an impressive record of enforcing these laws. The EPA has an outstanding record of cleaning up toxic waste sites under the Superfund program.

For example, by the end of this Fiscal Year, September 30, 95 percent of all Superfund sites will have remedies selected and cleanups beginning or underway.

Overall, the Clinton Administration has cleaned up more Superfund sites in the past two years than in the first 12 years of program.

Administrator Browner has also had success protecting our nation's drinking water, reducing smog so that children breathe healthier air, and cleaning up our lakes and rivers for swimming and fishing.

Mr. President, today, I would specifically like to talk about my brownfields bill and its promise to reduce sprawl and protect our environment.

My common sense brownfields bill, S. 20, will help accomplish all of these goals.

My bill will help turn a contaminated, abandoned parcel of land into a new school, an new business or a new playing field. And the benefits will multiply from there. Cleaning up brownfields protects open spaces by keeping commercial development inside our cities, where it creates jobs and can lower property taxes.

With more reuse and redevelopment in our cities, there will be less pressure to develop farmland and parkland outside our cities.

How do we make this happen? By making grant money available for States and cities to start the redevelopment of brownfields, and using their own zoning codes and no Federal regulations with that so that they can make sure people who are interested in buying and developing these sites aren't sued for the contamination that was never their fault.

Brownfields need not be a blight on our communities but an opportunity for smart growth.

Mr. President, fortunately, brownfields is not a partisan issue. In fact, many Republican Senators have supported the thrust of my legislation. This means, on this Earth Day, we have a chance to do something that will protect our environment and open spaces, and leave a better world for our children and grandchildren.

We should not miss the opportunity to do so.

Mr. President, we have pending before us the reauthorization of Superfund. It is now 2 years since the Superfund bill expired, and we still continue to operate. But we don't derive any of the revenues that were supposed to be part of the bill. We can't get a Superfund bill that is decent that doesn't protect the polluters, which is what Superfund was all about. It says, let the responsible parties pay for their damage. It has worked pretty well.

I was at a site in New Jersey that was the No. 1 Superfund site in the country. A company there agreed, finally, to pay $100 million toward the restoration of this site. I was there on Saturday to commemorate this new development. It was a spectacular day. I was there with the Little League. They even let me throw out the first pitch. That is the only first pitch I have thrown out. I haven't been invited by the Yankees, or otherwise. But to be able to throw out a pitch to the Little League, to see a softball field next to that, a hardball, a regular baseball field next to that, a soccer field next to that, all developed out of what was a horrible toxic waste site. The lake is clean. Before, there were signs for the children to avoid getting too near the lake because there was poisonous material in there. No fish could live—nothing.

When he celebrated the cleanup of that lake 2 years ago, the mayor of Pitman, NJ, a fellow named Bruce Ware, stood next to me, and, he said, ''I am going to fulfill a promise that I made years ago that if this lake ever got

cleaned up I am going in it.'' With that, he turned, fully dressed, with his tie and his jacket and his suit, and he jumped in the lake. He was so ecstatic about the fact that this community was going to be rid of this blighted parcel of land—about 100 acres, a big piece of land.

It is fantastic. I believe it will result in not only more revenues for the community but also a lifting of the spirit in that community.

That is what we ought to be doing. We ought not tinker with Superfund, to reduce it, to emasculate it such that it has no power and no strength.

I hope we are going to be able to do that in the next few days. I hope the American people will insist that as we attempt to clean up our land and avoid the sprawl that we are living with that we will pay attention to what we have as a society in terms of an obligation to future generations.

Mr. President, I thank the Chair for the opportunity to have the floor.

I yield the floor.

## TRAGEDY IN LITTLETON, COLORADO

Mrs. FEINSTEIN. Mr. President, I want to say a few words about the tragedy in Colorado. I want to express my sincere sympathies for the families and victims of yesterday's events.

Once again, we have witnessed a deadly school shooting in America's heartland. Yesterday's events, although greater in magnitude than other shootings in recent years, have, it seems, become part of a growing trend in this country, and particularly among young people, and that is to solve everyday problems with deadly violence.

Now, some of us have heard firsthand the gruesome effects of gun violence. But we can't imagine what the classmates and families of those Colorado children must be going through today. The senseless loss, the graphic memories, the fear of violence, the lack of explanation.

Who among us can imagine how we would feel if two dozen of our friends and classmates were gunned down in a matter of minutes? Who among us knows what we would say to our own children if something like this happened at their school? And who among us wants to imagine what it would be like to receive that phone call telling us that our child is no more.

Mr. President, this is a time for grieving, but it is also a time for sincere reflection on the direction of this country and the nature of child on child violence. Sadly, this nation has experienced an ever increasing number of these incidents in the last two years. We saw it happen in Pearl, Mississippi where two students were killed. We saw it happen in West Paducah, Kentucky where three students were killed. We saw it in Jonesboro, Arkansas where five were killed and in Springfield, Oregon where two were killed.

We saw a five-year-old Memphis, Tennessee kindergartner last year bring a gun to school because the teacher had given him ''timeout'' the day before. Now Littleton, Colorado joins that tragic list.

We are still learning the specifics of this latest tragedy. But while this most recent incident may have been executed with more deadly results, it is all too familiar. We must struggle to learn why these incidents are happening with ever increasing frequency. Are children more troubled than they have been in the past? Do parents need to pay more attention to danger signals within their own homes? Do parents even have the ability to recognize danger signs? And do they know what to do when they see the signs of trouble?

I am certain that we will all continue to ask these questions in the coming days and weeks. I hope we don't stop asking until we find some answers.

One area in which I have been working for many years is the problem of gun access. I realize that bringing up gun control at this time might be viewed by some as trying to capitalize on yesterday's tragedy. I am sure the NRA will criticize those of us who connect this violence with the easy access of guns in America. But sadly, times of tragedy like this are often the only times people pay attention to the problems plaguing our society. If we do not speak up now, we may not prevent future Littletons from occurring.

Children have easy access to guns of every sort and every caliber—including assault weapons and high capacity clips that make it all too simple to strike fellow students down in mere seconds. Whereas in the past a grievance might be settled in a brief fistfight, today our children often turn to firearms.

Yesterday, two masked gunmen killed as many as 25 people with semiautomatic gunfire and explosive devices. Other students hid under desks and in rooms throughout the school, watching the gruesome scene develop on televisions within the classrooms, and in some cases calling the media to report crying, gunfire, and the sound of running feet from within the school walls. One student reported to police that he saw two of his classmates carrying shotguns, automatic weapons, and pipe bombs.

We may never be able to stop children from feeling alone and wanting to strike out. But we can certainly stop them from gaining the use of high capacity weapons with which to strike. And we should.

In 1994, we passed a ban on assault weapons and high capacity ammunition clips, with the intent to get these guns off the streets, out of the hands of criminals, and away from our kids. But because of strong NRA opposition, we were forced to allow pre-existing guns and clips to remain on the shelves of stores across this country. And although the President has stopped the importation of most assault weapons to this country, millions of high capacity ammunition magazines continue to flow onto our shores and into the hands of criminals and, indeed, our children.

In fact, between March and August of last year alone, BATF approved more than 8 million large-capacity clips for importation into America. The clips approved during this one short period accounted for almost 128 million rounds of ammunition—and every round represents the potential for taking one human life.

Mr. President, 75, 90, and even 250-round clips have no sporting purpose. They are not used for self defense. They have only one use—the purposeful killing of other men, women and children.

I have introduced legislation, supported by the President, that will stop the flow of these clips into this country. I know that we cannot eliminate these clips from existence. But we must—we must—do our best to make it harder and harder for children to find these clips and to use these guns.

It is both illogical and irresponsible to permit foreign companies to sell items to the American public—particularly items that are so often used for deadly purposes—that U.S. companies are prohibited from selling. It is time to plug this loophole and close our borders to these tools of death and destruction. Our domestic manufacturers are complying with the law, and we must now force foreign manufacturers to comply as well.

In closing our borders to these high capacity clips, we will not put an end to all incidents of gun violence. But we will limit the destructive power of that violence. We will not stop every troubled child who decides to commit an act of violence from doing so, but we can limit the tools that a child can find to carry out that act.

Each of us has been touched in some way by the devastating effects of gun violence. Each of our states has faced unnecessary tragedy and senseless destruction as a result of the high-powered, high-capacity weapons falling into the hands of gangs, drive-by shooters, cop killers, grievance killers, and yes, even children. My own state of California has too often been the subject of national attention due to incidents of gun violence.

We must work to console the victims of this crime and the families of those who have been injured. My thoughts and prayers go out to those who have been affected by yesterday's events. We must now rededicate our efforts to prevent future tragedies from developing. I for one want to stop the easy access juveniles have to weapons of war, reduce this violence we see every night on TV, and help strengthen and nurture a new family ethic that says ''enough'' to this kind of violence.

## TRAGEDY IN COLORADO

Mr. CAMPBELL. Mr. President, I thank my friends, the Senator from

Nevada, Mr. REID, and the Senator from California for the condolences and well wishes they have offered.

Yesterday, the parents in Jefferson County, CO, said goodbye to their children on their way to school as they have done on countless mornings, and as I have done, and as you have also done as a parent over the years. But for some, that goodbye must now be their final farewell. As a parent and grandparent and the husband of a person who taught school for over 10 years, I can't imagine the agony those families are feeling this morning. Today, my whole State is paralyzed with grief, as you might know.

Hundreds of families in Colorado endured a life-or-death lottery—knowing students at Columbine High School were dead, but not knowing if their youngsters were among those killed. It is tragic that on Earth Day the remains of those students will be returned to the Earth while their souls go to heaven.

The community of Littleton is a very nice town. I visit there often. Mr. President, Columbine High School is a fine school, with a fine staff, a good curriculum and nice youngsters. It has no history of racial violence or gang trouble or anything of that nature. It was not a school you would ever expect something like this to happen in. Certainly, there is a story in that and a tragedy. For those families, there will be no more hurried breakfasts, no more arguments over curfews when they send the youngsters to school, no more report cards, no more money for trips to the malls, and no more plans for after they leave high school.

What really frightens me is that, despite our best intentions to prevent this from happening, these horrors find a way to continue. In fact, Colorado has had a law on the books since 1994 that prevents any weapons from going into a public school. But they still do. With a gun, a bomb, a knife, a club, or whatever, young people are using violence as a way to resolve disagreements.

I don't know how we got there. Perhaps nobody does. I can remember the days when young people decided it was OK to have disagreements in the streets and they might have fist fights after school, or drag races, things of that nature. Those means were not right or acceptable, but those days are long gone. Now, too often they tend to kill their way to solutions. The disputes in those days were between two individuals, and they ended up shaking hands. Somebody lost and somebody won. In those days, we all lived through it. Now, all too often some of the parties to a conflict lose their lives. I don't know when we traded pugilism for pipe bombs. Frankly, I don't think they have found all the bombs at Littleton High School. They are still searching.

In fact, one went off at 2 o'clock this morning.

I don't know when these youngsters got accustomed to killing each other. But I know we often blame television, we blame movies, we blame video games, and we blame a number of other things.

But those children in Jefferson County and their families ache every day. I just wanted to tell the people of Colorado that my colleagues, Senator WYDEN, Senator FEINSTEIN, Senator REID, Senator LAUTENBERG, and a number of others have all offered their sympathies, and want people in Colorado to know that our hearts in the United States Senate are with all of the families through this terrible and tragic time.

Thank you, Mr. President.

I yield the floor.

I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

(The remarks of Mr. MCCONNELL and Mr. LIEBERMAN pertaining to the introduction of S. 846 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER. The Chair, in his capacity as a Senator from the State of New Hampshire, suggests the absence of a quorum.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

## PRIVILEGE OF THE FLOOR

Mr. GRAHAM. Mr. President, I ask unanimous consent that Ms. Angela Ewell-Madison, Mr. Sean McCluskie, and Mr. Jordan Coyle of my staff be afforded privileges of the floor during the duration of my remarks.

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

Mr. GRAHAM. Thank you, Mr. President.

## BUDGET REFORM

Mr. GRAHAM. Mr. President, I prepared these remarks yesterday in anticipation that we would be debating the budget reform bill today. It is my understanding that subsequent to yesterday's offering of an amendment, which was referred to as the lockbox amendment, in lieu of the budget reform bill, that now the budget reform bill has been withdrawn.

But anticipating that that is a relatively temporary step, because we cannot avoid having to deal with the issues of budget reform if we are serious about our goal of preserving the momentum that is currently underway towards a surplus in the Federal Government fiscal accounts, I offer some comments today which I hope will be useful as we prepare for that return to the budget reform discussion.

I am very pleased that we are focusing on this issue, because it is an indication of our commitment to retain the fiscal discipline that has gotten us to the point where we have the opportunity to talk about a Federal budget surplus and how it should be appropriately used.

I want to discuss two interrelated issues. One I will call the issue of the "vault": How will we protect the surplus that we have once it has been attained? But the even more significant predicate issue is, How do we achieve the surplus?

I am concerned by some of the actions that were taken in 1998 which indicate a lack of resolve to protect the surplus. It is no good to have the securest vault in the bank possible if we fritter away the money we would like to place in that vault. If we do not address the underlying issues of fiscal discipline, responsibility, the Social Security trust fund will be endangered no matter how strong our lockbox is to protect it.

This Congress is in a unique position to reaffirm the stated commitment to fiscal discipline and to cure the previous willingness of Congresses to undermine that discipline through budget trickery.

As recently as 1993, the Federal budget deficit was at a record high of $290 billion. Last year, we learned that 5 years of effort, fiscal austerity, and a strong economy had transformed that staggering deficit into the first budget surplus in more than a generation. While we celebrated that success—it was a cause for celebration—it did not give Congress carte blanche authority to return to its spendthrift ways of the past. Especially daunting was the reality that 100 percent of the surplus was the result of surpluses in the Social Security trust fund.

We have a responsibility to our current generation, as well as to their children and grandchildren, to save that extra money until Social Security's long-term solvency is assured. Unfortunately, the 105th Congress stumbled in its commitment to that goal. Though it resisted a proposal to spend surplus funds on a catch-all omnibus list of tax cuts, and it similarly rejected suggestions that the surplus could be used for increased spending, it did not exercise similar good judgment during the end-of-the-year rush to adjourn. The same Congress that claimed to be saving the surplus for Social Security participated in raids on that same surplus through the back door.

In the waning hours of last year's budget negotiations, we passed a $532 billion omnibus appropriations bill. Inserted in that $532 billion spending bill was $21.4 billion of so-called emergency spending. As we know, the fact that that $21.4 billion was designated as an

emergency meant that it did not have to be offset by spending reductions elsewhere in the budget or by additional revenue. Rather, it was funded by reducing the surplus, that 100-percent Social Security-derived surplus.

Let me illustrate with these charts what has been happening.

In 1998, the stated Social Security surplus, that is the amount of revenue into the Social Security trust fund in excess of the checks that were written to the beneficiaries of Social Security, was $99 billion. But before that $99 billion could be realized, there was a predicate called for in it, and that was for $27 billion in order to offset the deficit that the Federal Government was running in its non-Social Security accounts. And then we added to that $27 billion an additional $3 billion in the fiscal year 1998 expenditures through that emergency appropriation that did not have to be offset by reductions in spending or additional revenue but came directly out of the surplus fund. So instead of having a surplus of $99 billion, we ended up with a surplus of $69 billion.

What is the projection for fiscal year 1999? This year, the Social Security surplus has grown to $127 billion, but, again, the first call is going to be to offset the deficit which will be projected for the non-Social Security portion of the budget, which is $3 billion, the next $13 billion, which is this year's component of last year's emergency spending bill, and in addition to that, we are now discussing the possibility of additional funding for the Kosovo emergency of $6 billion. That is the most modest number which has been suggested thus far. Others are suggesting that number might be doubled or tripled in terms of its cost.

Instead of a Social Security surplus of $127 billion, we are now at $105 billion in Social Security surplus, with that number itself being subject to further dilution if there are additional emergency outlays allocated.

For fiscal year 2000, we are looking at a Social Security surplus of $138 billion, minus $5 billion to pay for deficits other than Social Security in the Federal budget, $5 billion, which is the final installment on that 1998 emergency appropriation bill, and, again, the possibility of additional emergency spending for Kosovo or other purposes.

Mr. President, it is critical that we exercise constraint in terms of how we use the emergency spending power available to Congress, or we will substantially dilute the funds that are going to be locked up in this lockbox vault protected for Social Security beneficiaries. I think there are several steps we need to take.

The first is that Congress needs to commit itself to reexamining that $21.4 billion we spent last year and determine what portions of that $21.4 billion did not meet the standards for an emergency appropriation. With that commitment, we should restore those funds to the Social Security surplus during this year's budget consideration. I am pleased that the Senate adopted an amendment to our budget resolution which committed us to that objective. That should be a commitment in which we should be joined by the House and the President.

Over the long haul, it is critical that we institute some additional spending procedures which will allow us to respond to true emergencies without, as we did in 1998, opening the door to misuse.

Senator SNOWE of Maine, Senator VOINOVICH of Ohio, and I have introduced legislation to permanently close these loopholes in our current budget procedure. These procedures would basically provide for a 60-vote supermajority of the Senate to be required in the event there was a challenge that items which were listed as emergencies in an emergency spending bill were not true emergencies and did not meet the statutory definition; also, a 60-vote supermajority for the passage of any bill which contained emergency spending so we could not have a repetition of what happened last year in that emergency spending was inserted into a large omnibus spending bill and, therefore, not effectively subject to removal.

Those are some of the procedural steps that should be taken in order to assure we do not have a continued repetition of a dilution of the Social Security surplus before it has a chance to get into the lockbox.

Now let me make a few points about the lockbox itself, the vault into which we intend to place these surpluses that, hopefully, we have protected with greater vigilance than we did in the fall of 1998.

I strongly support developing measures which will create a financially solvent Social Security system for current and future beneficiaries. This is not only a fiscal goal, but it is a moral responsibility, a moral responsibility to carry out the contract that exists between the American people and the American Government for their financial security in retirement. I am pleased the Senate is debating this issue, since the trustees of the Social Security system are predicting that in the year 2034 the current Social Security system will not be solvent. It is critical that we take steps now to protect long-term solvency.

However, the proposed lockbox, which was a part of the budget reform legislation, in my opinion, is not sufficient to accomplish this objective.

What are its deficiencies?

First, it allows the Social Security surplus, in addition to paying down the national debt, to be used for unspecified ''Social Security reform.''

Now, Social Security reform can mean different things, but not all of those things are related to achieving solvency in the Social Security system. Would Social Security reform include increasing the benefits which would make the program potentially even more subject to insolvency at an earlier date? Would it mean reducing revenue into the system, including such proposals as returning to a pay-as-you-go system or diverting a portion of the current revenue out of the Social Security system into some individual retirement accounts? All of those ideas may or may not have merit, but they should not be accomplished at the expense of our commitment to solvency in the current Social Security system.

I propose to offer an amendment at such time as it is appropriate that would have the Social Security surplus used solely to pay off national debt, specifically that component of the debt which is held by the public. Only this action will ensure the Social Security surplus is used for its intended purpose of meeting our obligations to the American people and, in so doing, contribute to a stronger American economy, which is the fundamental basis upon which the Federal Government will be able to meet its future obligations to Social Security beneficiaries.

There will be a cascading series of positive effects on the economy if we commit the Social Security surplus to paying down the national debt. Paying down the debt will lower long-term interest rates. These lower rates will make it less expensive for Americans to borrow money, and this lower cost of borrowing will encourage business ventures to expand, to increase their productivity, to increase their hiring.

It will encourage increased investment in long-term fundamental areas such as education. The new economic activity and increased labor productivity will lead to increased economic growth. This growth will lead to the strengthened capacity of the National Government to meet its Social Security obligations.

These points were best expressed by the chairman of the Federal Reserve System, Mr. Alan Greenspan, when he said,

> . . . in light of these inexorable demographic trends, I have always emphasized that we should be aiming budgetary surpluses and using the proceeds to retire outstanding Federal debt. This would put further downward pressure on long-term interest rates, which would enhance private capital investment, labor productivity, and economic growth.

If I were allowed, I would also have offered a second amendment that would not tie the Government's ability to borrow debt from the public to a 10-year budget projection. In the legislation that was before us, there was a proposal to use future estimates of our national debt as the benchmark for determining whether we had protected the Social Security surplus. I think there is merit in that approach, but I believe this legislation had carried that merit beyond its reasonable limits.

I would provide, through the amendment I had intended to offer, for a more reasonable and credible debt ceiling target. It also would have provided enhanced flexibility to accommodate

unanticipated events, both domestic and foreign. I would suggest that it is an impossible task for any person to estimate the budget and to estimate the national debt on a 10-year basis. I would offer as my basis for that statement a look-back just 5 years, not 10 years, which this legislation proposed.

In January of 1993, the Congressional Budget Office estimated what the national debt would be 5 years hence, in the fiscal year 1998, which ended September 30, 1998. Their projection was that the national debt on that date would be $4.863 trillion. At the same time, in January of 1993, the administration made an estimate of what they thought the national debt would be 5 years hence. Their projection was $4.576 trillion. The actual number was $3.720 trillion. So the CBO was off by over a trillion dollars. The administration was off by $856 billion. That was a 5-year projection.

What we are proposing in this legislation is to use 10-year projections and to give those the sanctity of almost biblical correctness, because they would become the basis upon which our future budgets would be predicated.

Mr. President, seeing my time is about to expire, I offer these amendments as an indication of the direction which I think we should be proceeding in as we strive together to achieve a very important goal, which is to protect the Social Security surplus for its intended purpose of meeting the obligations that we have for this and future generations of Americans. I believe the amendments I will offer will help both assure that the money is protected before it goes into the vault, and that the vault itself is a reasonable and secure place in which we can place those funds.

Protecting Social Security for our children and grandchildren is one of the highest goals of the Federal Government. We can make the lockbox stronger, and we can and should control emergency spending so there will be money to put in the lockbox for future generations.

Thank you, Mr. President.

Mr. BREAUX addressed the Chair.

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

## VIOLENT CRIME

Mr. BREAUX. Mr. President, I rise to make comments about the very unfortunate situation that occurred in Denver, CO, yesterday at Columbine High School. I know that our entire Nation mourns and grieves for the students and the teachers who lost their lives in the very tragic occurrence that happened just yesterday.

I, and I know all of my colleagues, hope for a day when the young people, our Nation's children, will never again have to fear for their safety anywhere in this country—but especially in their own schools that they attend each day. I certainly want to join with others who have extended their sympathies and condolences to the families and friends of those children who lost their lives. We hope for the very best for their families as they deal with this very tragic situation. I express my desire that they know our prayers are with them and their families.

As I, along with millions of Americans, watched on television yesterday the carrying out of something that used to be only in theatrical performances and in the movies—the tragic situation—I was drawn to the men and women of the Denver Police, Colorado law enforcement officials, members of the SWAT team, and the emergency medical personnel who were all working so diligently to spare people from suffering grave damages that were being inflicted on the victims in that community. They were doing everything they could to minimize the loss of life and human suffering and misery that was being brought about by the tragic actions of two apparently very disturbed and deranged young students who carried out these dastardly deeds.

I was also reminded of all of the people in my home State of Louisiana who, at the same time, have been working every day, night, week, and month to try to do something about the abnormal crime rate that has affected my own State of Louisiana. I report to my colleagues and to the people of our State that there is, indeed, some good news. The good news is contained in a report I saw just yesterday while this tragic event was going on in Colorado. The good news was that violent crime in the city of New Orleans, for example, has fallen 21 percent just since the month of January. This is the 11th consecutive quarter in which total crime—and particularly violent crime—was down.

This is not something that just happened. It happened because of the joint efforts of Mayor Marc Morial and the city council, along with the police force and, in particular, the superintendent of police in New Orleans, Superintendent Richard Pennington, and all the men and women of the New Orleans police force who have been working very diligently in a joint and cooperative effort to try to reach the success that now is becoming more and more apparent.

Since Chief Pennington took over the New Orleans Police Department, violent crime has dropped 55 percent. Overall, crime has fallen 33 percent. Murders are down 30 percent. Armed robberies, which numbered 1,200 every quarter, are now down to the 390s. Assaults are down 15 percent compared to the first quarter of 1998.

The New Orleans story is truly a real success story in confronting violent crime and doing something about it and doing something that has been enormously successful. Chief Pennington has said this success is a result of ''saturating the streets with more officers and putting them in key places'' and improving the investigations of repeat offenders.

I remember, for many months, we talked about President Clinton's proposal that the Congress adopted regarding community policing. This is a real example of the fact that community policing does in fact get the job done when you have people who believe in it. This administration can be justifiably proud of their proposal, and the States that implemented it and benefited from it can justifiably be pleased with the results. Chief Pennington has not only worked with Mayor Marc Morial and the city council to hire more people, he has been able to use the COPS program to hire 200 additional officers. New Orleans has received $8.6 million through this Federal program, dollars that have paid the salaries of extra and new police officers—obviously, money that has been well spent. Also, Chief Pennington has installed Comstat, which uses block-by-block data to track crime and find so-called hot spots in the community.

Using this data, the chief and his enforcement officials can move his offices from quiet areas to those areas that need more attention and need more police presence.

Obviously, the bottom line is these strategies and community policing programs are working. We now see actual indications and statistics which say that New Orleans is today a much safer place than it used to be, so that the thousands and thousands of people who regularly visit our cities for the numerable festivals, activities and celebrations which are part of our Louisiana culture, and particularly part of the New Orleans culture, can come to our city knowing it is a much safer place than it used to be.

I am particularly reminded of the next two weekends. We celebrate the jazz festival in New Orleans, and literally thousands of people from all over this country and literally from all over this world will be visiting our city. The good news is that they now know that when they visit these cities it is much safer than it has been in the past because of the actions of so many people who are dedicated, just as the people in Denver, to making their communities a safer place.

While we remember the tragedies in one city today in our Nation, we can also take great pride in knowing that activities by dedicated people are making a difference and that things in most communities are getting better. New Orleans is one example of that.

Mr. President, I yield the floor.

I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

## NATO'S STRATEGIC CONCEPT

Mr. WARNER. Mr. President, as we approach the 50th anniversary Summit

of NATO this weekend, I rise today to share with my colleagues my concerns about a key document that will be considered at this summit. It is entitled ''Strategic Concept for NATO.''

Mr. President, I have been privileged to be in the Senate 21 years. Throughout those years of time, there has often been a need to speak on behalf of NATO in this Senate. I say humbly and most respectfully that I have been at the forefront of Senate support for NATO. I can remember the early years of my time in the Senate. There was Member after Member that assaulted the need for the United States to remain in NATO. ''Let's cut back. Let's save the money. Let's bring our men and women home. We have done our job.'' I was among that group that had the long-range vision for NATO. It must remain. It must be strong, and U.S. leadership in NATO is absolutely essential.

So the remarks that I contribute today, here on the floor, are the result of a series of consultations I have had with the administration, and I hope will be taken in a constructive light and not as an expression in any way of criticism of this great organization, NATO.

With that in mind, I wrote to the President of the United States on April 7 to urge him to initiate, among the other 18 nations and the heads of state and government of NATO, the thought that at this 50th summit we should not try and write the final draft of the ''Strategic Concept.'' I repeat, ''the final draft.'' Certainly at this important gathering, a draft should be considered. Maybe several drafts should be considered, but we should not etch in stone the final draft of the ''Strategic Concept.'' That document spells out the future strategy and mission of the alliance. It states the parameters by which the alliance decides whether it should or should not send forward military units to engage in operations, possibly combat operations.

Why do I take this position? Because the old ''Strategic Concept,'' enacted in 1991, was largely oriented towards the Soviet Union and the threats from the Soviet Union and the Warsaw Pact. So obviously it is time to change it. But it can remain in effect for an additional, brief period of perhaps 6 months so that we can evaluate the lessons learned from the Kosovo operation.

Periodically in the 50-year history of NATO, NATO has changed its mission statement, or ''Strategic Concept.'' But that can remain in effect for 8, 9 sometimes 10 years.

So this document to be revised at this summit could well control NATO operations for the next decade.

I do not see the urgency to put it, as I say, in stone at this time. The urgency is to consider it, to put out a draft, and let the nations of NATO and their respective legislators and the Congress of the United States consider those drafts and consider them—this is the key reason that I rise—''consider'' them in the light of the lessons learned in Kosovo.

This 50th anniversary Summit is taking place against the background of perhaps the most serious conflict we have seen on the European continent—indeed, the most serious, in my judgment, since the conclusion of World War II. It is the first actual combat of a great magnitude in which NATO has been involved.

We are operating on what is known as the ''consensus'' of the 19 nations—any one of which has a veto power—directing the military operations, which are under the command of General Clark, the Supreme Allied Commander.

I am not here to in any way criticize these operations. But I will simply say, Mr. President, that there will be many, many lessons learned at such time as this operation—and the sooner the better—is concluded with NATO having succeeded in reaching the objectives that have been made very clear by the NATO alliance and addressed many times by our President, the Prime Minister of Great Britain, the Chancellor of Germany, and others.

Mr. President, the alliance must have time to evaluate the lessons learned from the Kosovo operations before, again I say, setting in stone for possibly the next decade documents which will guide future NATO military operations.

While everyone recognizes the ''Strategic Concept'' of 1991 must be updated, it has not impeded the current Kosovo operation. Indeed, this operation is going forward with that ''Strategic Concept'' still in place. So it could stay in place another 6 months.

That is the only period of time I am asking for—an additional 6 months before the ''Strategic Concept'' is finalized. A short delay has advantages, if for no other reason than to show respect for the Congress of the United States and the people of this country will have their own evaluation of how well the Kosovo operation went, what was done right and what could have been improved.

The Secretary of Defense, when he was before the Armed Services Committee last week, said in response to questioning, ''We are guided by the consensus of the alliance.'' We need all 19 voices to say yes. And then he made a very important addition, ''Had we been there alone or with a coalition similar to what we had in 1991 in the Persian Gulf we might have done it another way.''

This is a lesson learned. We should not be allowed to deny to the Congress and to other legislatures the opportunity to study lessons learned and to make our contribution as a member nation to the future ''Strategic Concept for NATO.''

As I speak today, the draft of the ''Strategic Concept'' continues to be reworked, during this very hour, by the staffs of the 19 nations before it will be submitted to the NATO heads of state this weekend at the summit. There are press reports today that key elements of the ''Strategic Concept'' might not be completed by the summit—due to be continued—because of disagreement among the allies. The key element there is the relationship between NATO and the United Nations—a very, very important relationship. At no time should the United Nations have a veto over a decision by the NATO powers to use force. That is this Senator's view.

My main concern is, to what extent does the draft ''Strategic Concept'' reflect the views expressed in a May 15, 1998, speech in Berlin that President Clinton made? I am addressing the draft being reworked against a background of a statement by the President of the United States a year ago. President Clinton stated:

> Yesterday's NATO guarded our borders against direct military invasion. Tomorrow's Alliance must continue to defend enlarged borders and defend against the threats to our security from beyond them [meaning borders]—the spread of weapons of mass destruction, ethnic violence, regional conflict.

That thought expresses a desire to broaden and go beyond the 1991 concept. Is that being worked in this final draft? I know not; collectively, we in this Chamber do not know.

Other administration officials, most notably the Secretary of State, Ms. Albright, have been outspoken in the belief that the revised ''Strategic Concept'' should place increased emphasis on NATO's future role in non-Article 5—she said ''out of area''—threats to our ''common interests,'' threats such as Kosovo. The definition of these common interests and the various military missions NATO is prepared to undertake in defense of these interests will establish the foundation for NATO military operations, possibly for the next decade.

Against the backdrop of the uncertainties in Kosovo, NATO should pause, in this Senator's judgment—I repeat, take a breath, a long deep breath and pause—before rendering judgment on these important issues. Let us review, over the next 6 months, the lessons learned as a consequence of the Kosovo operation.

Unfortunately, the NATO summit will take place against the background of continuing, unfolding events relating to Kosovo which we cannot predict at this moment. The United States and our allies may have many lessons to be learned from Kosovo to assess as we look to NATO's future for the next decade and its military missions. That assessment must be a pivotal part of any new strategic concept. NATO is simply too important to the United States, to our allies in Europe, and indeed to those nations who seek admission to NATO. NATO is essential for the future of the European continent and our relationships with that continent.

We are just beginning to learn important lessons now in the Kosovo situation. For example, it is obvious to all that the U.S. military is the primary source of attack aircraft. We are flying 60 percent of the missions of the high-

performance aircraft. Most of the ordnance being used is high-tech, precision-guided ordnance, an arsenal of which the United States possesses in far greater numbers than the other nations of NATO. They simply do not have in their military inventories this equipment.

I add to that, the airlift; that is, the cargo planes that must put in place the necessary resupply, the necessary equipment; for example, the helicopters, the Apaches which are moving in at this very moment, to be positioned in Albania for future use in the Kosovo operation. The other nations simply do not have that airlift. They do not have the tanker aircraft. Airplanes going into Kosovo now take off from Italy or other places. They move in, they have to get refueled in most instances before the strikes, they are refueled coming out of the strikes, and indeed refueled over the area so they can remain over the target area. It is the U.S. tanker aircraft that are carrying on the greater proportion of that essential part of this mission. The other nations of NATO do not have in their inventories that equipment.

Until other nations do acquire or at least have in place firm contractual commitments to acquire such equipment, the United States will likely be the only source of that equipment for any future operation other than Kosovo. It is our taxpayers, it is our men and women of the Armed Forces, who support and maintain this equipment. As we write the future concept for operations in NATO, we have to recognize that much of the equipment for modern warfare is possessed by the United States. Are we ready to sign that in stone now, recognizing particularly that the new nations do not have that equipment? A lesson to be learned, a lesson to be thought through very carefully.

The American people will soon be asked to support an emergency supplemental budget request to pay for the costs of the Kosovo operation. Are Americans ready to sign up to a new strategic concept that could well commit the U.S. military to other such operations requiring the same type of weaponry?

There are other lessons to be learned. It is now becoming apparent that our military planners are being subjected to many levels of review—this is a consensus military operation by 19 nations—for it is a fact that NATO can only operate by consensus; 19 nations must agree before a military action can be taken. A single nation can stop the planners—indeed, even stop the operation.

The result can be a military planning operation of the ''lowest common denominator.'' Are we now making military decisions not on the basis of the professional military judgment or on the basis of what will be most effectively done to achieve our objectives on the battlefield but, rather, on what agreement we can get among the 19 nations to carry out the recommendations of the professional military? These are issues which are to be examined as lessons learned in the future of Kosovo.

On April 7 I wrote the President a letter expressing the various concerns that I have related here on the floor. The President responded to my letter, on April 14, indicating his position that, ''the right course is to proceed with a revised 'Strategic Concept' '' at this conference, and sign it into stone.

Therefore, I ask unanimous consent to print in the RECORD the exchange of letters; my letter sent to the President and his response.

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

U.S. SENATE,
COMMITTEE ON ARMED SERVICES,
*Washington, DC, April 7, 1999.*

The PRESIDENT,
*The White House,*
*Washington, DC.*

DEAR MR. PRESIDENT: The Administration, in consultation with our NATO allies, is now finalizing various documents to be submitted to the Heads of State for ratification at the upcoming 50th anniversary NATO Summit to be held in Washington later this month. A key decision, in my view the most important one, is the revision of the Strategic Concept for the future—perhaps a decade—that will guide NATO in its decision making process regarding the deployment of military forces.

I am recommending, Mr. President, that a draft form of this document be reviewed by the principals, but not finalized, at this 50th anniversary Summit. Given the events in Kosovo, a new Strategic Concept for NATO—the document that spells out the future strategy and mission of the Alliance—should not be written ''in stone'' at this time. Instead, NATO leaders should issue a draft Strategic Concept at the Summit, which would be subject to further comment and study for a period of approximately six months. Thereafter, a final document should be adopted.

NATO is by far the most successful military alliance in contemporary history. It was the deciding factor in avoiding widespread conflict in Europe throughout the Cold War. Subsequent to that tense period of history, NATO was, again, the deciding factor in bringing about an end to hostilities in Bosnia, and thereafter providing the security essential to allow Bosnia to achieve the modest gains we have seen in the reconstruction of the economic, political and security base of that nation.

Now NATO is engaged in combating the widespread evils of Milosevic and his Serbian followers in Kosovo.

I visited Kosovo and Macedonia last September and witnessed Milosevic's repression of the Kosovar Albanians. Thereafter, I spoke in the Senate on the essential need for a stabilizing military force in Kosovo to allow the various international humanitarian organizations to assist the people of Kosovo—many then refugees in their own land, forced into the hills and mountains by brutal Serb attacks. Since then, I have consistently been supportive of NATO military action against Milosevic.

Unfortunately, it is now likely that the NATO Summit will take place against the background of continuing, unfolding events relating to Kosovo. At this time, no predictions can be made as to a resolution.

We are just beginning to learn important lessons from the Kosovo conflict. Each day is a new chapter. For example, NATO planners and many in the Administration, and in Congress, have long been aware of the disparities in military capabilities and equipment between the United States and our allies. Now, the military operation against Yugoslavia has made the American people equally aware and concerned about these disparities. The U.S. has been providing the greatest proportion of attack aircraft capable of delivering precision-guided munitions. Further, the United States is providing the preponderance of airlift to deliver both military assets (such as the critically needed Apache helicopters and support equipment) and humanitarian relief supplies, the delivery of which are now in competition with each other.

Until other NATO nations acquire, or at least have in place firm commitments to acquire, comparable military capabilities, the United States will continually be called on to carry the greatest share of the military responsibilities for such ''out of area'' operations in the future. This issue must be addressed, and the Congress consulted and the American people informed.

It is my understanding that the draft Strategic Concept currently under consideration by NATO specifically addresses NATO strategy for non-Article 5, ''out of area'' threats to our common interests—threats such as Bosnia and Kosovo. According to Secretary Albright in a December 8, 1998 statement to the North Atlantic Council, ''The new Strategic Concept must find the right balance between affirming the centrality of Article V collective defense missions and ensuring that the fundamental tasks of the Alliance are intimately related to the broader defense of our common interests.'' Is this the type of broad commitment to be accepted in final form, just weeks away at the 50th anniversary Summit?

During the Senate's debate on the Resolution of Ratification regarding NATO expansion, the Senate addressed this issue by adopting a very important amendment put forth by Senator Kyl. But this was before the events in Kosovo. The lessons of Kosovo could even change this position.

The intent of this letter is to give you my personal view that a ''final'' decision by NATO on the Strategic concept should not be taken—risked—against the uncertainties emanating from the Kosovo situation.

The U.S. and our allies will have many ''lessons learned'' to assess as a pivotal part of the future Strategic Concept. Bosnia and Kosovo have been NATO's first forays into aggressive military operations. As of this writing, the Kosovo situation is having a destabilizing effect of the few gains made to date in Bosnia. This combined situation must be carefully assessed and evaluated before the U.S. and our allies sign on a new Strategic Concept for the next decade of NATO.

A brief period for study and reflection by ourselves as well as our Allies would be prudent. NATO is too vital for the future of Europe and American leadership.

With kind regards, I am

Respectfully,

JOHN WARNER,
*Chairman.*

---

THE WHITE HOUSE,
*Washington, DC, April 14, 1999.*

Hon. JOHN W. WARNER,
*Chairman, Committee on Armed Services, U.S. Senate, Washington, DC.*

DEAR MR. CHAIRMAN: Thank you for your thoughtful letter on the upcoming NATO summit and the revised Strategic Concept. I appreciate your attention to these important issues, and I agree strongly with your view that NATO's continued vitality is essential to safeguarding American and European security.

I have thought carefully about your proposal to delay agreement on the revised Strategic Concept in light of NATO's military operations in Kosovo. While I share your deep concern about the situation in Kosovo and the devastating effects of Serb atrocities, I am convinced that the right course is to proceed with a revised Strategic Concept that will make NATO even more effective in addressing regional and ethnic conflict of this very sort. Our operations in Kosovo have demonstrated the crucial importance of NATO being prepared for the full spectrum of military operations—a preparedness the revised Strategic Concept will help ensure.

The Strategic Concept will reaffirm NATO's core mission of collective defense, while also making the adaptations needed to deal with threats such as the regional conflicts we have seen in Bosnia and Kosovo as well as the evolving risks posed by the proliferation of weapons of mass destruction. It will also help ensure greater interoperability among allied forces and an increased European contribution to our shared security. The Strategic Concept will not contain new commitments or obligations for the United States but rather will underscore NATO's enduring purposes outlined in the 1949 North Atlantic Treaty. It will also recognize the need for adapted capabilities in the face of changed circumstances. This approach is fully consistent with the Kyl Amendment, which called for a strong reaffirmation of collective defense as well as a recognition of new security challenges.

The upcoming summit offers a historic opportunity to strengthen the NATO Alliance and ensure that it remains as effective in the future as it has been over the past fifty years. While the situation in Kosovo has presented difficult challenges, I am confident that NATO resolve in the face of this tyranny will bring a successful conclusion.

Your support for the NATO Alliance and for our policy in Kosovo has been indispensable. I look forward to working closely with you in the coming days to ensure that the summit is an overwhelming success.

Sincerely,

BILL CLINTON.

Mr. WARNER. Mr. President, I address the Senate today because I have done my very best as one Senator to bring this to the attention of our President, and hopefully, through this floor speech, to the attention of the other heads of state and government who will come to Washington. Again, I continue to urge my plea not to put this ''Strategic Concept'' in final form in this forthcoming Summit. I encourage my colleagues who may share my views on this critical issue to likewise speak out before it is too late, in an effort to prevent a rush to judgment on NATO's future. NATO is simply too important to our national security to do any less.

On a related issue, I am distressed to hear statements by my colleagues, and some in the administration, which tie NATO's future to a successful—I repeat successful—outcome in Kosovo. I personally support the objectives that have been stated time and time again by the NATO ministers, and indeed our President, our Secretaries of State and Defense. We all know we have to create a situation so the refugees can be returned. We know we have to have in place a military force, the composition of which I think should be flexible. It does not have to be all United States—absolutely not. Maybe other nations not in NATO will join. We need flexibility there to allow these people to return in a secure environment and to have a measure of self-government, of autonomy. They deserve no less. Those are the basics.

But to say unless everything we lay down today has succeeded, we have success and we have victory, and if we do not achieve it, it is the end of NATO—I urge my colleagues not to make such a statement. NATO must go on. NATO must go on and survive the Kosovo operation. It is the responsibility of those of us here in the Senate, of the President of the United States, and the other heads of state and government to make certain that is achieved, because we know not at this moment what the outcome will be in Kosovo. Yes, we have to achieve the basic goals, but in my humble judgment, diplomacy will reenter at some point. So I suggest we pledge ourselves to the future of NATO and be more cautious in our statements.

Kosovo-like operations are not NATO's reason for being. They are ''out-of-area'' operations that NATO does if it can. We should not be making pronouncements on NATO's future based on the outcome of these ''out-of-area'' operations.

This alliance has withstood the test of time for 50 years. It has exceeded the expectations of those minds that gathered 50 years ago to conceive it. It is the most significant military alliance in the history of mankind, and it has to continue to be for the future.

Mr. President, I thank my colleagues for their patience in allowing me to deliver these remarks, and I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

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

The PRESIDING OFFICER. We are in morning business.

Mr. JEFFORDS. Mr. President, I believe under the special order, the conference report on the Ed-Flex bill should be brought forward at this time.

## EDUCATION FLEXIBILITY PARTNERSHIP ACT OF 1999—CONFERENCE REPORT

Mr. JEFFORDS. Mr. President, I submit a report of the committee of conference on the bill (H.R. 800) to provide for education flexibility partnerships and ask for its immediate consideration.

The PRESIDING OFFICER. The report will be stated.

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. 800), have agreed to recommend and do recommend to their respective Houses this report, signed by a majority of the conferees.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the conference report.

(The conference report is printed in the House proceedings of the RECORD of April 20, 1999.)

Mr. JEFFORDS. Mr. President, today, we are considering the conference report to the only outstanding education issue remaining from the last Congress—the Education Flexibility Partnership Act. Today, we will complete last year's unfinished business.

Over a year ago, the President told the Nation's Governors that passage of this legislation ''would dramatically reduce the regulatory burden of the federal government on the states in the area of education.''

The National Governors' Association has strongly urged the Congress to pass Ed-Flex this year and today we will act on their request.

The Education Flexibility Partnership Act, H.R. 800, will give States the ability, if they so choose, to make limited resources go further toward the goal of improving school and student performance. It offers a deal no one can refuse—results rather than red tape.

Under Ed-Flex, the Department of Education gives a State authority to grant waivers within a State, affording each State the ability to make decisions about whether school districts may be granted waivers pertaining to certain Federal requirements.

It is very important to note that States cannot waive any Federal regulatory or statutory requirements relating to health and safety, civil rights, maintenance of effort, comparability of services, equitable participation of students and professional staff in private schools, parental participation and involvement, and distribution of funds to state or local education agencies.

Currently 12 States have Ed-Flex authority which was created through a Federal demonstration program, originally created in 1994.

My home State of Vermont is one of the twelve using Ed-Flex authority. Vermont has used Ed-Flex to improve and maximize Title I services for those students participating in Title I programs in smaller rural school districts. In addition, my home state has also used their Ed-Flex authority to provide greater access to professional development, which is essential to educational reform and improvement.

Two weeks ago, the Independent Review Panel, which was created under the 1994 Elementary and Secondary Education Act for the purpose of reviewing federally funded elementary and secondary education programs, issued its report.

One of the sections of the report focuses on waivers including the use of waiver authority by the current 12 Ed-Flex States. The report states:

Waivers also encourage innovation; they allow educators to focus first on identifying the most promising strategies for improving academic achievement and then on requesting waivers to remove obstacles to their efforts.

I believe H.R. 800 is structured to ensure that the primary function of

issuing waivers is to positively impact overall school and student performance.

The bill before us today, H.R. 800, under the sponsorship of Senator Bill FRIST and Senator Ron WYDEN, has significantly improved the accountability aspects of the 1994 Ed-Flex demonstration program. This legislation emphasizes that flexibility is a tool in helping States and districts achieve education goals and standards. It also highlights the importance of States having, in place, first-rate accountability systems that will track the progress of schools and students impacted by the waivers granted under Ed-Flex.

I believe passage of this legislation also gives us an excellent introduction to the debate we must have on the Elementary and Secondary Education Act, the law which contains most of the federal programs designed to assist students and teachers in our elementary and secondary schools. This law must be renewed in this Congress.

Through the Ed-Flex debate, we have discussed the importance of accountability, the roles that the various levels of Government play in the elementary and secondary education system, professional development activities for teachers and other school personnel, and most importantly, student achievement. All of these issues are essential elements to the structure of the Elementary and Secondary Education Act reauthorization effort.

As we embark on a new century, it is the perfect opportunity for us to examine the federal role in our education delivery system. At the beginning of this current century, the biggest education challenge facing this country centered around increasing the number of individuals graduating from high school. In the early 1900s, fewer than seven percent of seventeen year-olds graduated from high school. In 1999, that percentage has risen to slightly over eighty percent.

Although continuing our efforts on increasing high school graduation rates is still important, our biggest challenge at the close of the 20th century is to ensure that our Nation's schools are all high quality academic institutions. The bill before us today gives states and towns greater flexibility in meeting that challenge.

This legislation is not meant to serve as the sole solution for improving school and student performance.

However, it does serve as a mechanism that will give states the ability to maximize various education initiatives through flexibility with real accountability. I urge my colleagues to support the passage of the conference report to H.R. 800, the Education Flexibility Partnership Act.

I would like to take this opportunity to thank Senator BILL FRIST for his leadership in this area. He has worked tirelessly over the last year on this legislation with Senator WYDEN. I thank both of them for their dedication and efforts.

I would also like to thank the ranking member of the committee, Senator KENNEDY. He has been especially helpful in adding many of the accountability provisions contained in the conference bill before us. I thank him for his cooperation and leadership.

I also thank all of the Senate conferees for their assistance and cooperation.

I would also like to acknowledge the hard work of the chairman of the House Education and Workforce Committee, Congressman BILL GOODLING and the House sponsors of this legislation, Representatives MIKE CASTLE and TIM ROEMER. They have worked very hard on this legislation.

I would also like to thank Wayne Riddle with the Congressional Research Service and Mark Sigurski with the Senate Legislative Counsel Office. They have been very helpful with their technical advice and assistance.

I also extend my appreciation to Gail Taylor and Bob McNamara with the Vermont Department of Education. They have been extraordinarily helpful with their technical assistance.

Mr. President, we are now considering the Ed-Flex conference report which passed the House 368–57 about an hour and a half ago, so we are on our way, at this moment, to getting the bill down to the President, so that he can sign it. And, the President has agreed to sign this bill.

This is the last unfinished business that we had on a number of education bills that we passed last year. This one passed the education committee, but did not go any further.

The major changes that were made in conference dealt with the question of how much flexibility we should give the States in the utilization of funds for the purpose of the 100,000 teacher provisions that were attached to the bill.

When the bill left here, the Senate gave the towns the flexibility to use the teacher hiring funds for IDEA if they felt it would be better utilized. That was objected to by the President, who felt it was more important to have the funds elsewhere other than to help with special education.

We did reach an agreement, however, which was satisfactory, obviously from the vote in the House. This agreement is that those States which are already at the 1-teacher-to-18-students ratio would not have to utilize the funds to hire teachers. Rather, those States that have already reached the goal of 1 teacher per 18 students would be able to use the funds for professional development.

We have, I think, a good compromise, though I am sure the Senate, as indicated by its previous vote, would prefer to help special education. Another very high priority is the question of improving teacher performance.

Mr. President, I yield to Senator FRIST such time as he may consume.

The PRESIDING OFFICER (Mr. BUNNING). The Senator from Tennessee.

Mr. FRIST. Mr. President, as the sponsor of this critical education bill that we have before us, I would like to thank Senator JEFFORDS, who is Chairman of the Senate Health, Education, Labor, and Pensions Committee, for his hard work on this bill that began well over a year ago. He really undertook the initiative and expressed his willingness to take this bill, a bill that will benefit millions of children in public schools all across this country, through his committee, not once but actually two different times, and then to shepherd it through the process of floor consideration and, most recently, the debate and discussion in the conference committee.

Last Congress, the chairman had a truly remarkable record of passing numerous education bills through Congress and having them signed into law. Most people in America are not aware of the significant number of bills, all of which get translated down to investing in the future by investing in our youth today.

Ed-Flex was the only one of all of those bills that we did not complete last year. It was unfinished last year and fell over into this year. I am glad the chairman took the initiative of saying this is the final building block from the last Congress and shepherded it through the legislative process to where we are today. Today we will have several hours of debate and ultimately a vote that I am confident will result in adoption of this conference report. It will ultimately be signed by the President of the United States, again to be translated into an investment in our children.

I think we all hope that the passage of Ed-Flex bodes well for another 2 years of positive education accomplishments in the Senate Health, Education, Labor, and Pensions Committee.

Mr. President, I started working on this bill to expand Ed-Flex with Senator RON WYDEN, who will address this body in a few minutes, along with Governors VOINOVICH and Carper at the National Governors' Association a little over a year ago. That occurred just following completion of a task force which was set into motion by the chairman of the Senate Budget Committee who felt very strongly that an important role for us in the Senate Budget Committee is to provide oversight of existing programs.

Senator DOMENICI basically said: What I would like to do in the Budget Committee is look at some of the programs that we have out there in education. That task force resulted in us looking at a number of programs, one of which was a demonstration project called Ed-Flex.

Shortly after that oversight process, we began to ask more and more questions. We went to the Governors, and the Governors came to us. It became very clear that Governors—Democrat, Republican and Independent—felt very strongly that one of the most important things that we could do, if our

goal in this body is really to improve our public schools, is go back and look at some of the problems. And one of the obvious problems the Governors pointed out was the excessive regulations—not the intended goals but the excessive regulations. The Governors addressed this, at the level of the National Governors' Association, and they came out with numerous statements. This is one of their statements from February 23 of this year in which they said:

Congress should grant all states this important tool that will accelerate the pace of school reform and move the nation closer to meeting its goal of raising student achievement. Congress should pass Ed-Flex now.

I am delighted that now is the time, that we will all have the opportunity to cast that final vote in this body, so that not just 12 States but all States in this country can have the opportunity to have increased flexibility, maintaining strong accountability with Ed-Flex.

In the task force in the Budget Committee, as many of my colleagues know, what we learned is not necessarily good news as we look at education. We spend billions of dollars every year on a system that, unfortunately, if we look at the final product—and that is an educated student—is failing our students miserably. Achievement levels are staggering at almost every age group in almost every subject matter. And if we compare our students to students in other countries, it appears that the longer a child is in an American school, the worse off he or she is when compared to their international counterparts. That is in the United States of America today.

At the same time, we see, as we look at this global comparison, that the world is getting smaller, barriers are falling down. Our students today are and will be competing internationally. New technologies and an increasingly global marketplace are fueling a growing need for well-educated workers who are able to compete with their peers worldwide. Unfortunately, we are equipping too few American students with the ability to compete in those jobs.

Ed-Flex is not a panacea; it is a first step. What this particular piece of legislation will do is take a demonstration project that is currently underway in the 12 States—which appear in yellow on this chart—and expand that opportunity of flexibility with accountability to all 50 States. We have a really clear-cut demonstration in States like Texas, where Ed-Flex programs have been implemented, that they have been successful in increasing student achievement. It is not a panacea though; again, in my mind, it is a first step. But it does shout certain things. It shouts that we can do better. It shouts the importance of elimination of unnecessary regulations. It shouts flexibility coupled with accountability. It shouts efficiency. And it shouts state and local control of education.

As we look forward, I suspect that we will devote a large portion of our legislative session to considering other education issues, many of which were discussed on the floor in our debate of Ed-Flex. These education reform measures will be addressed in the reauthorization of the Elementary and Secondary Education Act. But Ed-Flex, the bill today, is, I believe, the first step in that process.

The success stories we have heard again and again come from innovation at the state and local level. I am sure all my colleagues in this body could share an example of one sort or another from their particular State of an innovative school, an innovative principal, innovative teachers.

One such in my own State of Tennessee is the Cason Lane Academy in Murfreesboro. Another example we have all heard about again and again in this body is the Chicago Public School System which went from being the—I quote—''worst school system in America,'' as deemed by then-Secretary of Education Bill Bennett, to a model for reform and innovation.

Part of the reason that both Cason Lane back in Murfreesboro, TN, and Chicago have been successful is that they have been free from some of the heavyhanded or shackling Government recommendations at both the State and the Federal level. Once they are freed from these regulations, clearly having a well-defined plan, having strong accountability built in, they have been able to creatively address some of the problems they face and give their students that opportunity to achieve a better education.

What our Ed-Flex bill does is give that same opportunity to States which do not have that opportunity today. It will give it to those states, and local schools and those local school districts so they will have the opportunity to meet the stated goals of Federal legislation, but how they meet those goals will be determined and based on local need. And that is what our Ed-Flex bill does.

We have heard a lot from Texas about the success there. Test scores have been on the rise for all students, even for those categorized as ''educationally disadvantaged'' who receive title I services. Paperwork demands on teachers and principals were dramatically reduced. The bureaucratic demands on their administrators were greatly reduced. Texas even claims that a whole new environment has been created that is—and I quote—''free of any real or perceived barriers to education reform.'' All States will be able to have that flexibility and that accountability.

I am pleased that Congress came together in a truly bipartisan way for what really should be and is a nonpartisan effort to enact this education reform. I was disappointed, however, that the Administration was very threatened by the provision which offered states greater flexibility in using appropriated dollars to either reduce class size or for individuals with disabilities in our school systems. That particular amendment is not part of the legislation we are debating today.

That Lott amendment would have given States yet another option how they would use that money. That was important, I believe, in the debate that came forward because Ed-Flex is about that fundamental principle of untying the hands of those people who are closest to our students, those people who are in the best position to identify what needs there might be—whether it is construction or class size or more computers or hooking up to the Internet.

The Lott amendment was very much in this same vein. I am disappointed that the President came forward and threatened to veto this particular vision to give States more choice. The Administration's veto threat, which we dealt with last week in the Conference Committee, I believe underlies the President's rhetoric about increased flexibility—which he made in this building during the State of the Union Message—but that in truth is more limited than what we see in reality. Nevertheless, I am delighted with the outcome of this particular bill to cut redtape, to increase flexibility in education.

I have enjoyed working with a number of Governors. Later in the afternoon I hope to be able to recognize some of them by name, a number of Members in the House of Representatives, and a number of Senators. I am pleased that the 106th Congress has started out on such a positive note in addressing one of America's most pressing issues, and that is the education of our children. I am proud to have been a coauthor of this bill and look forward to seeing millions of schoolchildren benefit from an expanded Ed-Flex program.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. I thank the Chair.

Mr. President, I thank the Senator from Massachusetts. I know he is waiting to speak as well. I thank him for the chance to follow my colleague, Senator FRIST.

For too long the major political parties in this country have been at war on the education issue. Today, with this bipartisan legislation, we are beginning to make the peace and to do it in a way that is good for America's children.

I especially thank my colleague, Senator FRIST. He and I have worked together on this legislation for many months. The heart of this legislation is that now we will be able to take the dollars away from various bureaucratic Federal requirements and pour those dollars into our classrooms to help our kids.

This legislation involves eight Federal programs and more than $12 billion. What we have found in the course

of our hearings is that again and again across this country we are wasting a substantial portion of that money on various duplicative Federal rules that essentially put our local school districts through what one called to me ''bureaucratic water torture,'' when what they want to do is put those dollars into our classrooms.

I happen to think both political parties have made an important contribution in this discussion about education. A number of my colleagues have said, before we spend additional money, we are going to have to spend billions and billions of dollars that the Federal Government allocates today in a more effective way.

The Ed-Flex legislation does that. That is why Senator FRIST and I have made it a priority, and that is why we have told our colleagues in the Senate we want that to be the first education bill to come to the floor of the Senate: Before you go to the American people and ask for additional funds, demonstrate clearly you are spending the dollars that are allocated today effectively. That is what this legislation does.

I also think a number of our colleagues, led by the distinguished Senator from Massachusetts, Mr. KENNEDY, are absolutely right in saying that additional money is going to be needed for education. It is going to be needed to ensure we have the technology we need for youngsters. It is going to be needed to reduce class size in America, and I think that is an important part of this debate as well. When this legislation is signed into law by the President of the United States, we are going to go on to consider that legislation. I submit to our colleagues, we are in a lot better shape going to the American people to ask for additional funds when we have proven with legislation like Ed-Flex that we can squeeze more value out of the existing dollars that are being allocated.

Make no mistake about it, existing funds are going to be liberated with Ed-Flex and are going to help us achieve some objectives that Members of this body feel very strongly about.

For example, Members of the Senate on both sides of the aisle very much want to reduce class size in America. Existing dollars using the Ed-Flex program can do that. In fact, in a school a short distance from here, in Howard County, MD, the Phelps Luck Elementary School used the Ed-Flex program to reduce the average student/teacher ratio in math and reading from 25 to 1 to 12 to 1.

Some of us believe we are going to need additional dollars to reduce class size in America, but make no mistake about it; under the legislation that Senator FRIST and I have brought to the Senate today, we can use existing dollars to reduce class size in America. I think that is something of value to our colleagues.

I will pass on one example from my home State of Oregon from The Dalles High School that I think sums it all up. We found at one of our high schools in rural Oregon that low-income students were unable to take advanced computer courses at a local community college because the high school lacked the necessary equipment and instructors. Yet there was a community college very close by, and we were not able to use the dollars that had to be spent at the high school at that nearby community college without going through all kinds of redtape and bureaucracy. With Ed-Flex, we were able to use those dollars earmarked for the high school at the local community college without any additional cost to the taxpayers. The students were able to go to the community college. They got the training they needed. Ed-Flex, again, showed that with just a modest change in Federal regulation, we could do a better job of educating young people in America.

We have had this program, as my colleague from Tennessee has noted, in 12 States. We have debated this on the floor of the Senate for some time. And through that debate, there has not been offered one example, not one in any community or any State, of low-income students being exploited in any way. I cannot recall another Federal program where it has not been possible to show some problem somewhere, but in the course of this debate, which has gotten a bit contentious, as we know, over the last few months, not one example has been produced with respect to how this program in 12 States has been abused.

The fact is, it has worked. It has worked everywhere. The scores are up in the State of Texas where they are using it. Class size is down in Howard County where they are using it. Students are getting access to advanced technologies in my home State of Oregon. It has worked virtually everywhere, but it is going to work even better when we pass this legislation.

I will close this part of the debate by saying I am especially pleased, and I thank my colleague from Tennessee for his help on this, with the changes in this legislation to ensure that the role of Ed-Flex will be expanded in a variety of areas involving interactive computer technology in our schools. When this Ed-Flex legislation becomes law in my State, which was the very first in the country to pioneer this, it is going to start a new program using Ed-Flex authority so that every second grader in the State of Oregon will be able to use interactive computer technology to learn and improve their reading skills.

I am especially pleased that we have been able to add this technology waiver program. This is a good day for the Senate.

My colleague, Senator FRIST, thanked so many people when we were on the floor before, but I especially thank Ms. Lindsay Rosenberg of my staff who is with us here today.

Bipartisan legislation such as this does not happen by osmosis. It happens because a lot of our staff have spent a lot of weekends and evenings working on this legislation. Today the first bipartisan education bill is coming to the floor of the Senate. It offers a fresh, creative approach to Federal/State relations, one with enormous potential for improving education for all our citizens.

Mr. President, I yield the floor.

Mr. FRIST. Mr. President, again, I want to thank my cosponsor, Senator WYDEN, as we have taken this bill forward, for all of his tremendous assistance on the task force last year, as well as today.

Also, because I mentioned the National Governors' Association, I want to very briefly point out how important was their participation in this legislation. Again, it was bipartisan from the outset. I think much of what we do in the future will be with the Governors, as we work together, recognizing the local control of education being so vital and important. Governor Carper, chairman of the National Governors' Association; Governor Ridge, chairman of the Republican Governors Association; Governor O'Bannon, chairman of the Democrat Governors Association; former Governor and now Senator VOINOVICH, who has been so instrumental in this legislation; and Governor Leavitt, vice chair of the NGA, as well.

At this juncture, I yield 15 minutes to my colleague from the great State of Missouri.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. ASHCROFT. I thank the Chair.

Mr. President, I look forward to the passage of the Ed-Flex Partnership Act, which I believe will liberate schools and teachers from the costly burden of Federal mandates and regulations. It is very important that we free our teachers to teach and that we free the resources of the educational system to meet the needs of students, rather than to satisfy directives of the bureaucracy.

I believe this bill will give America's teachers more freedom to teach. It will release them from countless hours spent filling out forms from Washington, DC. The State of Missouri's 525 school districts will have more time to educate their children and a greater ability to decide how best to use the precious resource of taxpayer dollars, and how to use those to devote them to the best interests of students and student achievement, and not for a sort of edification of the bureaucracy in Washington.

So I want to thank Senator WYDEN, Senator FRIST, and Senator JEFFORDS: Senator JEFFORDS as chairman of the relevant committee, and Senators FRIST and WYDEN, who are the lead cosponsors of this important legislation. They have done wonderful work here.

This is work designed to find its way all the way to the student in the school system. So much of what is done in the name of education never finds its way

to the student. So often it edifies the bureaucracy, or builds it, or strengthens it. So often it applies to some hierarchical part of the State educational system. But Ed-Flex is designed to carry the benefit all the way to the student. There is one thing that we care about more than anything else, and that is the student in the school system. Sometimes we lose sight of that. I commend Senators FRIST, WYDEN, and JEFFORDS for their having kept the student in focus in this particular measure.

I am also pleased to support this conference report because it contains an amendment that I proposed, which makes an important change to a discipline provision within the Individuals with Disabilities Education Act. Now, this provision, which the Senate approved by a vote of 78–21, gives school authorities the opportunity and the right to discipline any student who possesses a weapon on school premises. This provision allows a school to place a student—even a student with a disability—in an interim alternative educational setting if the student carries or possesses a gun on school premises. This action closes a loophole in the IDEA law that only permitted a school to take disciplinary action if the child carried the weapon to school, but not if he or she possessed the weapon at school.

My intent in offering this provision over a month ago was to empower schools to maintain a safe and secure learning environment for students, teachers, and for other school personnel.

America is saddened today, and we all grieve at yesterday's tragic situation in the Columbine High School in Littleton, CO. That situation underscores the need for us to continue to find ways to help teachers, parents, and school officials maintain safer schools. We need to be creating a learning environment that is free of undue disruption or violence. We should give local school officials the authority to enforce zero tolerance of weapons brought to school. That is a step in which this bill goes when it includes the ability to discipline students who bring guns to school or possess guns at school.

I know all of us here offer our condolences, heartfelt sympathies, to all of the families, the loved ones, the teachers, and to the communities that surround or are involved in the tragedy in Colorado.

We don't know all the facts of this incident. We don't know the complete background on the students who are allegedly involved in this situation. But this incident should prompt in us a desire to examine our current Federal laws and to make whatever necessary changes there are, if there can be changes made to prevent tragedies like this from occurring.

Since I became a Member of the Senate in 1995, I have had concerns about school safety. I have already worked to make improvements in Federal law to create a safer learning environment for students and teachers. My involvement on this issue began with the 1995 killing of the 15-year-old in St. Louis named Christine Smetzer. She was killed in the restroom of a high school in St. Louis County.

Now, the male special education student convicted of murdering Christine had a juvenile record and had been caught in women's restrooms at a previous school. However, the teachers and the administrators at McCluer High School where he was transferred say they were not informed of the student's record when he transferred to their school. So here you have a student who should have been identified, could have been identified as a student who had a special potential for the kind of violence and danger that transpired. The student was transferred, but the information that would have alerted school officials to make the school a safer environment, to help that student avoid the commission of the crime, and certainly to prevent the kind of tragic outcome, the killing of another student, our Federal laws were part of the problem that kept that from happening.

So in response to that, I secured a provision in the law requiring that student disciplinary records transfer to a new school when the student transfers to a new school. That was just a small step taken in response to that 1995 problem with student discipline requirements that the Federal Government imposes.

Now, the discipline provision in the bill that we are discussing here today was something that I, frankly, came to understand as a result of discussing concerns with Missouri schools. A suburban Missouri school district told me it found a disabled student to be in possession of a weapon at school, but the school could not be sure that the student had actually carried the weapon to the school premises. This school told me it needed this loophole closed to ensure that it could act swiftly and with confidence to an obviously dangerous situation.

You can imagine the inability to discipline somebody because they said, ''I didn't carry the gun on to the premises, I just got it after I was here,'' or ''I found it in my locker or on the floor,'' or ''You can't prove that I brought it into the school. Therefore, you can't discipline me for having a gun at school.''

What a terrible situation that is. So when I sought to offer this amendment—which was passed overwhelmingly by the Senate and remains in the conference committee report—it was in response to this need to make sure that the Federal Government doesn't have rules that make it impossible for local schools to be able to maintain a secure and safe school environment.

Interestingly enough, 2 weeks ago, I was traveling in the State of Missouri, talking with teachers and parents and principals and administrators to get their input about education. Time after time, they talked to me about safety and about discipline. Very often, they even mentioned weapons at school. They mentioned that the Federal law was handcuffing their ability to take appropriate steps to keep their schools safe.

In a specific school—I was told by the administrator of that school, this is not a hypothetical, but I choose not to name the school because the school would prefer not to be identified—I was told of a situation in a rural Missouri school where a disabled student had made numerous threats against both students and staff, had threatened on at least seven occasions to kill other students or staff. The school was aware of the threats, but was hindered by the Federal law from taking steps that they thought were most appropriate to deal with the student.

Later, this high school student finally shot another student. The shooting happened off school grounds and the school was able to remove the student from the classroom once the shooting had taken place.

But I wonder if we might think carefully as to whether or not the Federal requirements which tie the hands of State officials and school officials regarding school discipline, whether those Federal knots, Federal handcuffs—ought to be taken off our school principals, our teachers, our administrators, our school boards so that they have the ability at an early time when there is an early warning to take steps to avoid the tragedy that can otherwise exist. In this situation they weren't able to actually get done what they needed to do until another student had been shot. I don't believe that resulted in a fatality. But the difference between someone wounded and someone killed is frequently not something we can take a great deal of consolation in because that bullet could have been deadly.

Another school superintendent reported to me that Federal law required him to return a disabled student to the classroom after the student threatened to shoot school employees.

We have seen the tragic gruesome events in States close to Missouri, in schools in Jonesboro, AR, in Paducah, KY, and now in Littleton, CO. I don't want to see this happen in my home State of Missouri. I don't want to see these kinds of things happen anywhere.

Again, I emphasize: We do not—I repeat ''do not''—know all of the facts of the Littleton incident. We do not know if they were special education students subject to the Federal IDEA laws or not. But we do know that this situation should prompt us to examine all of our Federal laws involving school safety.

We have a massive tragedy waiting to happen if we have Federal rules and regulations which keep our school officials across America from being able to control schools, control students, and discipline students appropriately.

We have a massive tragedy waiting to happen if we don't allow teachers and administrators to keep students who have guns from coming onto the campus and being on the campus.

The provision that is in this measure, which I have had the privilege of sponsoring, ends one of these laws and helps protect our kids from gun violence in schools.

The tragic events at schools across the nation in the last year or so say something very, very troubling about our culture.

In Springfield, MO, which is my hometown—I grew up there, went through school grades 1 through 12 in Springfield—just hours after the shootings at Columbine High School in Colorado, the school board voted to approve arming its school district security guards with weapons. I am saddened that the board had to take this action. But it reflects the harsh reality of our culture today.

I think all of us wonder why these incidents of violence happen. Children against children—what does it say about our culture?

Have we developed a culture of violence which degrades the value of life?

We wonder about the movies, movies and video games and music, the so-called gangster rap—I am not even sure how to label it—which talk about this kind of killing and suicide, and the disrespect for fellow students and fellow human beings.

I think we need in our society to reexamine what our culture is teaching our children.

What are we saying? What are we promoting with the death, with the violence, with the glorification of drugs in so much of the literature, and as a matter of fact, in much of the music?

Parents need to be concerned.

These aren't all things that government can have much to do about, but I think our parents need to be concerned about the level of exposure that our children have to things which degrade the appreciation for life and desensitize our feelings toward death.

The joystick on a video game may punch out an opponent on the screen, and one might be able to kill, kill, kill, kill just by punching the button on the computer.

I think we have to be careful that we don't create in ourselves the mentality of disrespect of what ought to be an appreciation for life, and desensitize our feelings.

Obviously, Congress can't solve all the problems.

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

Mr. ASHCROFT. I ask unanimous consent that I have another 60 seconds.

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

Mr. ASHCROFT. Mr. President, we can act to ensure that our legislative policies empower parents, teachers, principals and administrators with the ability to ensure that our children have a safe learning environment. I believe that is something we owe America.

Current Federal education laws preclude schools from dealing with early warning signs of danger. It is time for us to end that. I am pleased that we have done it to a small degree in the Ed-Flex measure.

I am grateful for the sponsors of this measure and for the excellent work they have done for America and education.

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

Mr. FRIST. Mr. President, I understand the Senator from New York will be speaking for about 5 minutes, after which I will have 5 minutes.

The PRESIDING OFFICER. The Senator from New York.

Who yields time?

Mr. KENNEDY. I would be glad to yield 5 minutes to the Senator.

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

Mr. SCHUMER. Mr. President, I thank the Senator from Tennessee and the Senator from Massachusetts for yielding me this time.

Mr. President, this afternoon we are talking about education legislation.

Today, all of our thoughts and prayers go to one school in Littleton, CO. Yesterday's massacre is all too familiar. It is America's recurring nightmare. It leaves us shocked and numb. It takes away our innocence. It makes children afraid to go to school.

This morning I had breakfast with my daughters. I do that every day before they go off to the schoolbus. Usually, it is routine, but today the conversation was a little different, both for me and for my girls.

Yesterday, as we sat transfixed to our television sets praying for those caught in the crossfire and hoping for an explanation of the carnage, we heard the same phrases that we heard in Pearl, in Springfield, in Jonesboro and Paducah.

''This is a quiet town.''

''Nothing like this happens here.''

''We do not have crime problems in this town.''

''It didn't seem real.''

''This is a good school.''

''Could it have been prevented?''

''How could someone be so distraught to murder, and, yet, no one in authority knew?''

''How did they get a gun?''

''What can we do?''

The same words each time.

Each time there is a new tragedy, we act as if this will be the last in a list of school shootings. But it is not the last.

As sad and as horrible as it seems, this will definitely not be the last time we tune in to our television sets to see children fleeing from their schools.

I have taken to the floor today to ask that we in Congress make a concerted and comprehensive attempt to address school shootings. I want, today, to list some ideas, many of which have already been discussed, some of which haven't, which I hope we can agree to work on and come up with some solutions that may make a difference. We have counselled teenagers since time began who have struggled with personal and psychological problems. The difference today is that through computers, fantasy worlds, lethal guns, and explosives, the damage that a disturbed boy can do today is 1,000 times worse than it was when we were kids. Some schools are very good at counseling. Most are not. We need to help schools get better at counseling.

We need the Federal Government to help share information among schools so that good schools can teach those schools that do not do very well how to do it. There are too many young boys and girls with troubles and too few well-trained people to handle them.

Second, the people who best knew that there were troubled kids in Columbine High were the students at the school.

Students need to be encouraged to confidentially identify for the school psychologists and counselors those in the school who are exhibiting dangerous behavior and who need help. It is usually not the nature of a teenager to approach an authority figure to say someone in class is doing something strange. But it is not impossible to change that. If they know they are helping someone, kids will answer the call.

Then there is the issue of hate groups. It is shocking that a large number of students in Littleton knew that yesterday was Hitler's birthday. That is because this group of so-called Goths idealize and proselytize about Hitler. But school authorities had no idea that there were those who worship Hitler in the school.

We have to identify and we have to exchange information about hate groups and be far more vigilant in condemning these activities. Principals, teachers, and students must be encouraged to speak out. We have to get hate, white supremacy, and guns out of the schools. We don't know yet how these youths got their weapons. Did they take them from their parents? Did they steal them from a neighbor? Did they buy them off the Internet? Did they get them at a gun show or store?

We must accept that any solution has to involve a change in gun laws. A teenager can only do so much damage with his fists. There have always been troubled teenagers. All of a sudden they seem to have the ability to do so much more damage. We can work on trying to change teenagers. We should also work on making sure that the instrumentalities of death and destruction cannot end up in their hands.

We have to close off loopholes that allow kids to get a gun. We should ban unlicensed Internet sales. We should pass Senator KENNEDY's child access prevention law. The House should pass Congresswoman MCCARTHY's comprehensive legislation. We need the

President to help us, to lead us in passing this type of legislation. We should also begin an effort in the public and private sectors to invest research money in ''smart'' guns that cannot be used by anyone other than the owner. This is an area where the military and the private sector can come together and do a lot of good. I will be talking more about that later in the week.

Mr. President, it is not enough to wring our hands and pray it won't happen again. We need to act. Let's resolve to work together to do what is necessary to protect our children. Let us focus on better counseling, condemnation of hate groups within the school, encouraging students to come forward, and much better laws preventing kids from getting guns.

We are all in mourning today. When the tears are dry, let's not pretend that this won't happen again.

Mr. DURBIN. Will the Senator yield?

Mr. SCHUMER. I am happy to yield.

Mr. DURBIN. Mr. President, I say at the outset, I salute the Senator on his remarks. I think he struck the right tone. There is a sense of mourning and sadness across America for what happened in Colorado.

We have to address the needs of troubled children. I think the Senator from New York was correct in highlighting that. I think he also calls us to task, too, to do something sensible about gun control. A troubled child is a sad thing; a troubled child with a gun can be a tragedy not just for himself but for a lot of innocent youngsters.

I ask the Senator if he can indicate to Members those legislative initiatives we should be considering that might slow down the violence we are seeing too often in America and too frequently in our schools?

Mr. SCHUMER. I thank my colleague from Illinois for his comments. There are a lot of initiatives. The Senator from Illinois himself has been a leader in this area. There are many things we can do.

In this specific instance, we don't know where the guns came from. They may have come from gun shows. Gun shows are open markets where virtually anyone can buy a gun. They may have even been bought off the Internet. There are almost no rules for controlling gun sales on the Internet.

We also can proceed with trigger locks and much stronger legislation in terms of making schools gun free.

These are things we can come together on. I think they are things that most experts agree would not eliminate the chance for this occurring but greatly reduce it.

I look forward to working with the Senator and all Members of this body to do something about this. It is just awful when you see the pictures. Everyone is moved to try to do something to prevent it.

PRIVILEGE OF THE FLOOR

Mr. KENNEDY. Mr. President, I ask unanimous consent that Angela Williams and David Goldberg, detailees in my Senate Judiciary Committee, be permitted floor privileges.

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

Mr. KENNEDY. I see the good Senator from Ohio. I know he has been waiting. I yield 5 minutes to Senator VOINOVICH.

Mr. VOINOVICH. Mr. President, I appreciate the courtesy of the Senator from Massachusetts.

I rise to support approval of the conference report on Ed-Flex. However, I would be remiss if I didn't respond to the remarks of Senator SCHUMER and Senator ASHCROFT in terms of the tragedy that took place in Colorado and expressing the sympathy of the people of the State of Ohio to those families who are suffering today as a result of that tragedy. As one who has lost a child from a tragic automobile situation—instant death—I can understand the trauma those families are experiencing right now.

I think it is a sad commentary on our society that this happened in Colorado, as well as other States, as mentioned by Senator ASHCROFT and Senator SCHUMER. There is something wrong with our society and I am not sure we can solve it here on the floor of the Senate. I think it has to be solved in the hearts and the minds of the people who reside in our country. I think a lot has to do with turning back to our family and our moral values that are so important and which inculcate in us respect for our fellow man.

I grew up in a family where I was taught to respect all individuals. It wasn't a man's color of skin, their religion, or their socioeconomic status that mattered; it was their character.

I think there may be lots of responses to this tragedy, but I cannot help but think if they go back to the Boy Scout motto, the Girl Scout motto, and some of the basic fundamental organizations that build character, that this country will be far better off.

In spite of everything we do, in my State I was ridiculed because we made a major capital improvement to put metal detector devices into our high schools. Many people said we shouldn't have to do that in our high schools, and that money went that quick. We wanted to guarantee that at least when kids were in school, they knew their classmates didn't have some kind of weapon. I am sure that perhaps in that school district, nobody even gave any thought that that kind of a situation could occur.

The other area I think we need to recognize is that, unfortunately, youngsters today aren't getting the kind of moral and family and religious training at home and the responsibilities are falling more on our schools. In Ohio, we aggressively pursued a mediation and dispute resolution program in kindergarten and first grade to try to teach children that when they have differences of opinion with other individuals, they sit down and talk them out; they don't use physical force to resolve their problems. We have recognized in our State that social service agencies have to be connected. We are locating them now in our schools. If we identify a youngster with a problem, that student can get the help they need. More important than that, most of the time the family gets the help they need so that they don't participate in antisocial behavior.

There are a number of things that need to be done. I hope we don't, as a response to this, think there is just one approach that will make a difference. It will require a multifaceted approach, and again, looking into our own heart and soul.

Ed-Flex, which I have worked on as well as the Presiding Officer, Senator FRIST, might also help because it will give school districts around this country the opportunity to take money which is available to them through the Federal Government, and if they feel there is a better way that money can be spent to make a difference in the lives of children, they are going to be able to do that.

Many children who don't do well early on in school become frustrated; as a result of that frustration, they turn to antisocial behavior. One of the things that stands in the way is that they are unable to read.

Because of Ed-Flex, school districts that are title I schools, school districts that can take advantage of the Eisenhower Professional Grant Program, are going to have the opportunity to change the use of those dollars and put them into reading. We found that in the State of Ohio, when we have taken the Eisenhower professional grant money that says you have to use it for science and math and it has allowed us to take that money and use it for reading. We did that because in the early grades, if a kid cannot read, he cannot do math, he cannot do science. If I had my way, every title I school, every Eisenhower grant in the primary and secondary grades that are eligible for those programs would take advantage of Ed-Flex, would come back to their State school organizations and say, we could use this money better so we can make a difference in the lives of these kids.

Just think what a difference that will make in America today. We have in Ohio now what we have called a fourth grade guarantee. No child will go to the fifth grade unless they are able to read at that fourth grade level. That in itself, I think, would help a great deal with some of the problems we have in our schools today.

I would like to finish my remarks by giving some people some credit for this work on Ed-Flex: The majority leader who helped make this a priority for this Senate; you, Senator FRIST, for the terrific work that you have done; Senator JEFFORDS, Senator WYDEN, and everyone who has come together; the National Governors' Association, on a

bipartisan basis, that supported this legislation.

I just want it known, I do not know what is going to happen with elementary and secondary education. I do not know whether our Republican block grant is going to work or Senator KENNEDY's various education programs are going to work. But one thing I do know is going to work: Ed-Flex is going to work. I think if we let it work for the next couple of years we will prove, just like we have with our welfare reform system, if you give people on the local level the flexibility to use the dollars and to use the brains that God has given them, they can really make a difference in the lives of people. That is the thing about which we really should feel very, very good. I am glad I had a little part of it.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, how much time now remains?

The PRESIDING OFFICER. There remain 43 minutes.

Mr. KENNEDY. Following that time, or at least some time, the good Senator from Minnesota has an hour, is that correct?

The PRESIDING OFFICER. That is correct, the Senator from Minnesota has an hour.

Mr. KENNEDY. Mr. President, I join with others who rise today to express our great sense of sorrow to those families and all of those who have experienced the loss and suffering in Littleton, CO.

Our hearts go out to the children and their families and all the victims of this latest senseless school tragedy. In the days and weeks to come, we will learn much more about how and why it could have happened—and why it happened again, after the fair warning we have had from similar tragedies that shocked the nation so deeply in recent years.

This terrible tragedy has scarred the Nation and reminded us, once again, about the fragile nature of the young children in our country who are going off to school every day. It reminds all of us that we have an important responsibility to do everything we can to give children the support and love they need, to help them as they walk the path of adolescence into maturity.

Obviously, the schools are an extremely important element in that development. But we know nothing replaces the home, nothing replaces a parent, nothing replaces those members of the family or friends who are loving, caring, and encouraging. Those who offer firmness in establishing guidelines and guideposts for children as they develop. So all of us are very mindful of those tragedies that are being experienced even while we meet here, of the tears that are being shed, and the struggle of many of those young children for their lives, even as we meet here today.

There is a certain poignancy since we are meeting on education legislation. It is important legislation. It is worthwhile of passage. But I think all of us today are remembering Jonesboro, AR; Notus, ID; Springfield, OR; Fayetteville, TN; Edinboro, PA; West Paducah, KY; and Pearl, MS. Now we have Littleton, CO. All of those communities have been affected by violence in their community schools.

Perhaps reviewing the kinds of acts of violence that take place in schools, they do not appear to be overwhelming in total numbers, as we might think of total numbers. I think all of us are enormously moved and touched by these human tragedies, because, of course, all of us believe young children have such hope and promise and opportunity to live in our communities and in our country. Children offer so much to their families and to their loved ones. To see the violence snuff out innocent lives is a factor, a force in all of our souls that rings heavily.

So, all of us here in the Senate reach out to those families.

Mr. President, in reading through the newspapers in my own city of Boston today, there were some rather interesting articles which I will just mention here on the floor of the Senate, and then I will take time to address the measure that is at hand.

There was a conference taking place in Boston and there were excellent articles about that conference. I ask unanimous consent to have them printed in the RECORD.

There being no objection, the articles were order to be printed in the RECORD, as follows:

[From the Boston Herald, Apr. 21, 1999]

EXPERTS: GUN ACCESS, SOCIAL ANGER TO BLAME

(By David Weber)

Easy access to guns, an increasingly blurred line between fantasy and reality, and anger sparked by social rejection fueled the epidemic of school violence, according to experts.

''It's getting a little crazier and a little more frequent. It seems to be the boundaries between reality and fantasy are decreasing more and more,'' said Dr. Bernard Yudowitz, a forensic psychiatrist.

''As young people project themselves in virtual reality at movies and arcades and get their heads into that, life becomes virtual reality, which is not reality,'' he said.

Combine that with the age-old traits of teenagers—strong urges, feelings of aggression and a sense of omnipotence—and you have a dangerous mix, Yudowitz said. He said the feeling of omnipotence allows teens to ignore consequences to themselves and others.

''It (adolescence) can be a fun and creative time. But you need a context to provide boundaries,'' he said.

Citing his 30 years of working with young people, he said, ''Adolescents are less and less grounded. If you don't have the proper sense of reality, you can't attach your values to anything of substance, and it all becomes a great big game.''

For students rejected by their peers, that game is all the more dangerous, said author Hara Estroff Marano, who addresses the string of recent school shootings in the book, ''Why Doesn't Anybody Like Me: A Guide to Raising Socially Confident Kids.''

''I don't think the most important issues are gun control or security in the school,'' said Marano, an editor-at-large of Psychology Today.

''The real issue is what's causing this behavior, and the fact is kids who pull the trigger have problems along with their peers.''

Working parents and school officials don't pay enough attention to the social competence of children. And when children become social outcasts, they're more susceptible to dark media messages.

''A normal, adjusted child who watches violent programming will come away with a different message than a child who lacks the social skills to get along with his peers.'' ''They feel violent programs are in fact endorsing revenge.''

John Rosenthal, co-founder of Stop Handgun Violence, said a proliferation of ever more lethal guns, along with irresponsible storage of the weapons in homes, is a big part of the deadly epidemic.

''I'm horrified but not surprised (by yesterday's shootings) because there were eight schoolyard shootings last year that killed 15 kids and wounded 44 others. All were perpetrated by teenagers, most of whom had access to high-powered assault weapons.

''In many cases, they were stolen from their parents or other relatives who left their weapons around loaded and unlocked,'' Rosenthal said.

''Like those other schoolyard shootings, (yesterday's) tragedy could have been prevented by reducing access to guns by kids. We can blame TV, the media and any number of violent movies, but access to guns is the real issue.''

---

[From the Globe, Apr. 21, 1999]

DEADLY ACTS PUT FOCUS ON NEED FOR PREVENTION

(By Ellen O'Brien)

It has happened in Alaska, Arkansas, Oregon, Pennsylvania, Mississippi, and Kentucky.

All boys, all armed with guns and rifles, all creating a deadly fantasy where one day they would strike back, and often telling teachers and classmates their plans in advance.

And now, the nation turns its attention to the youths in Littleton, Colo., where the toll was the deadliest yet.

Once again, the country will stop talking about standardized testing and teacher's salaries and view children in classrooms as potential targets and killers. People will wonder how it could have been prevented and will worry about where it will happen again.

The incidence of juvenile crime in big cities, and of school violence, has been decreasing in recent years.

But these days, each angry act carries a far greater threat.

''These are still rare crimes,'' said Jack Levin, director of the Brudnick Center on Violence at Northeastern University. ''But because of the easy access to handguns, we are seeing larger and larger body counts.''

''All it takes,'' Levin said, ''is one alienated, marginalized youngster who decides to get even.''

In general, Levin and other specialists said, big cities have tried to respond to the issue of school violence with more preventive measures. Meanwhile, Levin said, the high-profile school massacres of the last decade occurred in suburban or rural towns.

''I think small-town America has to realize they also are in trouble, and need to supervise their children and take guns out of their hands—the way big cities have tired to do,'' Levin said.

Metal detectors and police presence in schools, lawsuits against gun manufacturers and media giants, and sentencing of juvenile criminals as adults have all been suggested

or tried. But none of these options, advocates agree, can stop school violence.

Academics, activities, politicians, and parents around the nation say solutions are obvious, though less tangible than an instrument that detects gun metal. They cite the British Parliament's approval of one of the world's strictest gun laws after 16 children and their teacher were gunned down in Dunblane, Scotland, in 1997.

They also point to overburdened schools, where the system is faced with a growing number of angst-ridden students.

''There's a real connection between'' this violence ''and the fact that counselors have huge case loads'' and ''an enormous amount of kids who evidence worry,'' said Margaret Welch, director of the Collaborative for Integrated School Services at the Harvard Graduate School of Education.

Still, deadly violence in schools is rare. June Arnette, associate director of the National School Safety Center in Westlake, Calif., which monitors school violence from news accounts, said that before yesterday, they had identified nine school-related violent deaths, including three suicides, during the 1998–99 school year. She said there were 42 violent school deaths in 1997–98 and 25 violent deaths the previous school year.

In Boston and many surrounding cities and towns, Community Based Justice has identified several boys who fantasized about killing their classmates or teacher and bragged about it or dedicated an English essay to it. The program, which brings together teachers, students, prosecutors, and police, updates reports on troubled children and suggests ways to help.

Few officials believe the students were going to carry out their elaborate plans. However, the children who appeared troubled were visited at home, and at least one, who was also displaying a fascination with setting fires, was referred this year to a program for violent youths.

As for metal detectors, Boston Public School Superintendent Thomas W. Payzant said they cannot prevent all students from carrying guns and knives onto school property.

Boston's Madison Park High School posted metal detectors at doors, but other city high schools supply officials with handheld detectors that are used sporadically.

Because it is feared that expulsions can lead to violent students returning with even more anger, troubled teens in Boston are sometimes referred to counseling centers, and can be readmitted after evaluation.

But Boston's school system has heard countless complaints from headmasters that there are not enough alternative schools where students obviously in need of help can attend classes.

''You can't do it with metal detectors,'' Welch said. ''Support services need to be provided for all kids.''

Mr. KENNEDY. Let me just mention a few quotations. This is one of the participants:

''It's getting a little crazier and a little more frequent. It seems to be the boundaries between reality and fantasy are decreasing more and more,'' said Dr. Bernard Yudowitz, a forensic psychiatrist.

''As young people project themselves in virtual relative movies and arcades and get their heads into that, life becomes virtual reality, which is not reality,'' he said.

Combine that with the age-old traits of teenagers—strong urges, feelings of aggression and a sense of omnipotence—and you have a dangerous mix Yudowitz said. He said the feeling of omnipotence allows teens to ignore consequences to themselves and others.

''It (adolescence) can be a fun and creative time. But you need a context to provide boundaries,'' he said.

* * * * *

The real issue is what's causing this behavior, and the fact is kids who pull the trigger have problems getting along with their peers.''

Working parents and school officials don't pay enough attention to the social competence of children. And when children become social outcasts, they're more susceptible to dark media messages.

''A normal, adjusted child who watches violent programming will come away with a different message than a child who lacks the social skills to get along with his peers.'' ''They feel violent programs are in fact endorsing revenge.''

Mr. KENNEDY. Then it continues on with some very constructive suggestions, from Mr. Rosenthal, who is a cofounder of Stop Handgun Violence, talking about responsibility, responsibility with regard to the availability of weapons. He is talking about the responsibility of parents who own guns to make sure the guns are securely locked and kept separately from ammunition, so no weapon is left loaded and accessible to children in a house; the responsibility of both manufacturers and dealers to prevent the proliferation of guns that are sold to children directly and on the black market, and that too easily get into the hands of gangs and the criminal element. These are important responsibilities that adults must meet. They are not going to be a cure-all. They are not going to be an end-all.

But they are a beginning. A beginning to provide a measurement of responsibility. We want responsibility from young people, from children, and we want responsibility from others as well who have the access and the ability to see that either weapons are available or not available to children.

We have 14 children die every single day from gun violence. None of us this afternoon have come up with a silver bullet to resolve all of these kinds of problems, but we ought to be able to take some measured steps to make some difference. It is not going to be enough to just shed tears, because they are empty tears, unless we are prepared to take some actions on these measures.

(Mr. HUTCHINSON assumed the Chair.)

Mr. KENNEDY. Mr. President, I listened to my friend from Missouri speak about a particular provision about guns which he offered to the legislation and which was retained in the ED-Flex conference report. I am also reminded that there was a very close referendum in his home State, only decided 53–47, on whether a felon could purchase and carry a concealed weapon—even allowing a felon to carry that weapon onto school grounds. The National Rifle Association said yes, they should be able to do that. There is a similar measure in Colorado itself, right now it is ready to be voted on by the state legislature. We will soon enough see statements from the National Rifle Association supporting this law—urging that criminals ought to be able to have concealed weapons, even though they have committed felonies, that for their own self-protection they can carry those weapons anywhere, even into a school—come on now. Come on now. We cannot solve all the problems here, but we can reduce the access and the availability in these kinds of circumstances. We ought to at least ask ourselves, How hard is the National Rifle Association going to press on these measures? How many times do we have to be reminded about the tragic consequences these measures can have?

The good citizens of Missouri rejected that law. It is the first time we have had a referendum, and it was rejected by the public.

I am not here to describe what the position of the Senator was on that issue, but it does seem to me that to pass a law that says someone who has committed a felony—they could have been convicted of a felony like domestic violence—is permitted to go out and buy and carry a concealed weapon is not moving us in the right direction.

I hope as my good friends and colleagues have mentioned—Senator SCHUMER, Senator DURBIN and others who will speak on this—that we will be able to at least present to the Senate some recommendations which really demand responsibility from those who have access to keep those guns safely away from children.

It is interesting to me that this body has voted to effectively prevent the Centers for Disease Control from accurately calculating the number of injuries from gun violence because of the power of the National Rifle Association on the floor of the Senate and the House of Representatives. They do not want to know how much gun violence is out there. We do not let the Centers for Disease Control, using all their capabilities, even tell us how big the problem is.

Today, as we sit in the Senate, the Consumer Products Safety Commission has the ability to provide safety for toy guns for children so that the ends will not break off and a child will not gag or choke. But virtually all protections available to the Consumer Products Safety Commission for real guns that can be used against the citizens have been taken away. Isn't that extraordinary? The Consumer Products Safety Commission can issue regulations on toy guns for your children but not real guns that can kill you. Why? Because of the power of the National Rifle Association.

Mr. President, I hope people around the country who are sharing the grief of those families understand that there are no magic bullets to resolve these issues, but we can take some steps and we should take some steps to do something about it. I believe in requiring responsible actions by manufacturers who produce guns to have safety locks so that they will not discharge and kill

children if they are dropped and cannot be fired by a child who takes the gun without parental supervision, and requiring other safety provisions so they can only be used by those who purchase the weapon.

There are all kinds of technology available which add maybe a few dollars to the cost of those weapons, but can greatly improve the safety of the guns with just a little responsible action by the manufacturers, by the dealers, and by the gun owners. Hopefully, we can get their support for legislation that can at least reduce access and availability of weapons to children who are going to school. I hope we will be able to do that.

I think we can give the assurance that we will have an opportunity to debate those issues in this Congress, hopefully very soon, with or without the hearings in the Judiciary Committee; preferably with, but, if necessary, without. I do not think those measures are so difficult and so complex that the Members of this body cannot grasp them. We can have some accountability in the Senate on those measures.

Mr. President, on the underlying legislation, I urge my colleagues to support the ED-Flex conference report. We will have many opportunities over the course of this session to improve and expand the partnership with States and local communities to strengthen public schools across then nation.

I commend Senator FRIST and Senator WYDEN for their leadership on the ED-Flex Partnership Act of 1999. And, I commend Chairman JEFFORDS, Congressman GOODLING, and Congressman CLAY for their leadership in making education a priority in this Congress.

To date, the Federal Government has been a limited partner in supporting elementary and secondary education. However, we have made a substantial investment increasing the accessibility and affordability of college for all qualified students. For elementary and secondary education, the Federal Government provides 7 cents out of every dollar at the local level. The ED-Flex legislation is not going to provide an additional nickel or dollar to any school district.

In 1994, when Senator Hatfield offered, and I supported, an amendment to provide that ED-Flex program for 6 pilot states. Then we expanded the program to 6 more states so that there are currently 12 ED-Flex pilot States. The conference report today is simply an expansion of that program.

Mr. President, some may say, why don't we give complete flexibility to the local community? Communities need additional support. We know that the primary responsibility for the education of the nation's children remains within the local community, the local school boards, teachers, and parents, and with help and assistance from the States, and some help and assistance from the Federal Government.

When we first passed title I—I was here when we did it—we did not provide the kind of statutory protections and accountability that we have today, many of which can be waived under ED-Flex. And what do you know? Five years later, they were using the title I programs to build swimming pools and buy shoulder pads for football players in local communities. It did not ensure that the neediest children who had the greatest needs were served and served well. So we amended the law to ensure that federal support for education was targeted on the neediest students and used on targeted purposes.

There is an appropriate role for greater flexibility—with accountability—and we recognized that in the 1994 reauthorization of the Elementary and Secondary Education Act. The ED-Flex Partnership Act is a worthwhile step towards improving public schools. By giving states the authority to waive certain statutory and regulatory requirements that apply to federal education programs, we hope to support and enhance state and local education reforms that will help all children reach high standards of achievement.

Families across the nation want Uncle Sam to be a partner in improving education. Parents are impatient about results. They want their communities, states, and the federal government to work together to improve public schools. In fulfilling our federal responsibility, we must continue to ensure that greater flexibility is matched with strong accountability for results, so that every parent knows their children are getting the education they deserve.

The ED-Flex conference report meets that goal by including strong accountability measures. Flexibility and accountability must go hand-in-hand in order to ensure that we get better results for all students.

If states are going to accept federal resources paid for by public tax dollars, we must ensure strong accountability. In the ED-Flex Conference Report, the House and the Senate maintained our commitment to serving the neediest and poorest children to help improve their academic achievement. Senator WELLSTONE worked hard to ensure that we retained these targeting provisions.

We have retained the amendment of my friend and colleague from Rhode Island, Senator REED, that insisted that we ensure that parents have a strong role in the waiver process and that they are going to be a strong partner in the educational decisions that affect their children. I commend Senator REED.

The conference report also helps see that increased flexibility leads to improved student achievement. Accountability in this context means that states must evaluate how waivers actually improve student achievement. Open-ended waivers make no sense. Results are what count. The Secretary of Education has the power to terminate a state's waiver authority if student achievement is not improving. States must be able to terminate any waivers granted to a school district or participating schools if student achievement is not improving. If the waivers are not leading to satisfactory progress, it makes no sense to continue them.

I also commend Senator MURRAY for her work to ensure that our downpayment on hiring 100,000 new teachers to reduce class sizes in the early grades I retained. We will have an opportunity in this session to come back to the broader issue about whether it is going to be a matter of national priority that we continue our commitment to reducing class size. This commitment is one of President Clinton's most important initiatives on education. The Senate-passed bill would have undermined it, and the decision by the conferees to retain it is a significant victory for the nation's schools and students.

But, these accomplishments are not enough. More—much more—needs to be done to make sure that every community has the support it needs to implement what works to improve their public schools. We must do more to meet the needs of schools, families, and children, so that all children can attend good schools and meet high standards of achievement.

We should do more to help communities address the real problems of rising student enrollments, overcrowded classrooms, dilapidated schools, teacher shortages, underqualified teachers, high new teacher turnover rates, and lack of after-school programs. These are real problems that deserve real solutions.

We should meet our commitment to reducing class size over seven years. We should help recruit more teachers. We should improve and expand professional development of teachers. We should expand after-school programs. We should help ensure all children have access to technology in the classroom. And we should rebuild and modernize school buildings.

ED-Flex is a good bipartisan start by Congress to meeting all of these challenges. My hope is that these other proposals to address critical issues will also receive the bipartisan support they deserve, so they can be in place for the beginning of the next academic year this fall. Improving education is clearly one of our highest national priorities. Investing in education is investing in a stronger America here at home and around the world, and I look forward to working with my colleagues on both sides to address the critical education issues facing communities across the country.

Finally, Mr. President, I was visiting today with the leader in the House of Representatives, Congressman GEPHARDT, and we talked about education. He spoke very knowledgeably about a school he visited in Harlem, NY, that has had significant success in improving academic achievement of students. He pointed out that this school had been a school with 2,000 students. Overcrowding and discipline were a problem

that was impeding the academic success of its students. They decided to divide it into 10 schools of 200 students each.

The point is that the head mistress at that particular school was asked—as everyone asks—What is really the secret? Of course, we all know that there is no one answer to improving education. But this one course of action was one that both Leader GEPHARDT and I found very persuasive. By reducing the size of the school and classrooms, every teacher in that school knew the name of every student in that school; and every student in that school knew the name of every teacher. And every teacher in every class knew the parents by name of every one of their students and had a relationship with every one of those parents. They were then able to effectively reach students and academic achievement and discipline improved. They were able to develop a spirit and a sense of family in an area where students feel many kinds of pressures. Students were given the support, love, attention, discipline, and firmness, they needed to get results.

So, Mr. President, if we, as a society generally and as a people individually, offer our prayers for those families who have been affected and as a country begin to try to look at some of the issues that are presented by these tragedies in an important way, then perhaps even the extraordinary clouds that are over this, and particularly in Colorado, might part just briefly so some sunshine might come in and we may do better for our children in the future.

I commend and thank all the staff members for their skillful assistance on this ED-Flex legislation: Susan Hattan, Sherry Kaiman, and Jenny Smulson of Senator JEFFORDS' staff; Townsend Lange and Denzel McGuire of Senator GREGG's staff; Lori Meyer and Meredith Medley of Senator FRIST's staff; Suzanne Day of Senator DODD's staff; Elyse Wasch of Senator REED's staff; Greg Williamson of Senator MURRAY's staff; Bev Schroeder and Sharon Masling of Senator HARKIN's staff; Lindsay Rosenberg of Senator WYDEN's staff; and Connie Garner, Jane Oates, Dana Fiordaliso, and Danica Petroshius of my own staff.

I also commend the skillful work of the House staff on the conference committee, including Vic Klatt, Sally Lovejoy, Christy Wolfe, and Kent Talbert of the House Committee's Republican staff; Melanie Merola of Representative CASTLE's staff; Mark Zuckerman, Sedric Hendricks, and Alex Nock of the House Committee's Democratic staff; Charlie Barone of Representative MILLER's staff; and Page Tomlin of Representative PAYNE's staff.

I reserve the remainder of my time.

Mr. WELLSTONE. Mr. President, parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. I have been down here for about an hour and a half. I was under the impression that I would follow Senator KENNEDY. I am in opposition to this bill. I was supposed to have an hour to speak. This is the only time, actually, I have.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. WELLSTONE. Thank you.

I say to my colleague from Vermont, I will not take up all that time, but my colleague from Virginia asked to speak briefly. So I ask unanimous consent that he be allowed to speak for several minutes, and then I follow him.

Mr. DODD. Reserving the right to object, I would just like to have a few short minutes to speak on the bill, on the Ed-Flex bill.

Mr. WELLSTONE. These are good friends, but I know Senators' ''short minutes.'' I also have to leave to meet with a lot of students from Minnesota. I ask unanimous consent that my colleague from Virginia be allowed to speak for a few short minutes and then my colleague from Connecticut, who asked to speak, be allowed to speak for a few ''short minutes,'' after which I will be able to speak.

The PRESIDING OFFICER. Is there objection?

Mr. WELLSTONE. I amend my unanimous consent request. I ask unanimous consent that Senator KENNEDY not be allowed to speak, as he can't speak for a few ''short minutes.''

Mr. KENNEDY. I object. (Laughter.)

The PRESIDING OFFICER. Without objection, it is so ordered, the unanimous consent request by the Senator from Minnesota is agreed to.

The Senator from Virginia is recognized.

Mr. ROBB. Thank you, Mr. President.

I thank my colleague from Minnesota for his courtesy.

Mr. President, I want to, first of all, say that I support the Ed-Flex bill, so I particularly appreciate my friend and colleague from Minnesota yielding just a couple minutes to me.

But like so many of our other colleagues today, I want to express my condolences to all of those in Littleton who have suffered such a tragic loss in such a traumatic event to the community. I think it was obvious last night when the President was asked after his statement if there was anything we could do to prevent tragic incidents like this from happening, he acknowledged that there aren't any easy answers. But we all know that recognizing the warning signs of stress and depression and substance abuse and violent behavior starts at home and extends well into our communities. Littleton, as other communities, is suffering in ways we can only imagine. My three daughters are now grown, but I cannot imagine the agony of waiting to find out what fate might have befallen them under similar circumstances.

I grieve with the families, as all others do. I note to my colleagues that I had introduced legislation in 1993 which I believed would make a contribution to the effort to reduce and prevent school violence. I plan to reintroduce similar legislation sometime in the next week or two. I welcome the work of any colleagues who desire to help.

I appreciate the fact that in 1997 we were able to divert money from the Community Oriented Policing Services funds to fund school safety initiatives, and we were able to increase those funds by tenfold in 1998. We can do more, and I hope the legislation I plan to offer will advance that cause.

But for right now, I simply join with all of our colleagues here in the Senate in expressing to those families grieving in Littleton, CO, and all over the country, that we understand the agony through which they are hopefully passing at this moment, and we will do our best to work with them.

With that, I thank the Chair and particularly thank my colleague from Minnesota for yielding to me.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, I join with my colleague from Virginia and others who I know have spoken this morning in the Chamber about the tragic and unbelievable events in Littleton, CO. I can't help but observe that the Presiding Officer has more than just a passing familiarity with this kind of tragedy, in that in his own State we saw a similar situation. It has occurred in other States around the country as well.

Crime rates are coming down all across the Nation. So many positive things seem to be happening with new policing, community policing, efforts being made all across the board. That we still find what appears to be an increase in this kind of crime is confounding and sort of cries out for us to be thinking harder about how we can deal with these situations.

I, too, want to add my voice in expression of sorrow to the families in the community of Littleton, CO. We have to do more than just grieve and talk about our kids, their education, the day after these tragedies. That is certainly appropriate. But we must talk about them and try to come up with some answers the day before and the day before that so that we minimize these kinds of incredible circumstances from occurring.

If we are going to be responsive to the needs of our young people and the educational needs of Americans, then we have to invest our time and energy in healing whatever has gone so terribly wrong in the lives of these youth who allegedly were responsible for these events, even though we don't know in total what has occurred there, or we are going to be revisiting these kinds of stories all too frequently.

With that, Mr. President, I am pleased to stand in the Chamber today and add my voice of support to this conference report on the Ed-Flex bill. The concerns of children and education are not going to be entirely solved by

this legislation, but I think it is a positive step forward.

I am pleased to support the legislation, the education flexibility partnership bill, as it is called. I compliment Senators FRIST of Tennessee and WYDEN of Oregon who sponsored the legislation and have been involved as forceful advocates for it. I also thank the chairman of the committee, Senator JEFFORDS, and the ranking Democrat, Senator KENNEDY, who played a very important role in trying to strengthen the legislation and have worked hard to improve the bill in this bipartisan effort.

The conference report before us reauthorizes and expands the existing education flexibility demonstration program to all eligible States. We first enacted Ed-Flex in 1994 as part of the Goals 2000 legislation. Since that time, 12 States have been selected to participate. With the Ed-Flex authority, States can waive Federal statutory and regulatory requirements in several key elementary and secondary education programs where those requirements impede local efforts to improve schools. That was the idea, test this out.

Although few States have used this authority broadly and results are still being compiled, reports from the States suggest that this authority is making a difference. State officials report Ed-Flex has changed the climate of school reform in their States. It has led to far more innovation. Texas, which has been the only State to use this authority broadly—and I commend them for it—and to gather achievement data has shown impressive student achievement increases among all groups of students.

While each State is different, and certainly Texas would be the first to tell you how different they are, when it comes to education, particularly elementary and secondary education, the lessons learned in Texas, I think, could be very helpful to all of us regardless of which section of the country we are from.

Clearly there is potential in Ed-Flex, and I am hopeful that the expansion we are enacting today will lead to more and better innovations in our States to improve schools. I am very pleased that the final legislation before us today includes several provisions which I believe will lead the States to use this authority more and to use it appropriately to improve the performance of our schools.

I am particularly pleased that language Senator KENNEDY and I offered, improving the link between flexibility and accountability for student performance, is retained. Senator REED of Rhode Island's language on community and parental involvement in the process of applying for these waivers will, I believe, result in much stronger applications.

In addition, I believe the provisions protecting the targeting Federal dollars to the neediest students, offered by our colleague from Minnesota, Senator WELLSTONE, who fought tirelessly on behalf of that provision to see to it that the neediest of our students would certainly be the principal beneficiaries of his program. He worked, I know, with Congressman GEORGE MILLER of California on this, who has a deep interest in this subject matter and is very knowledgeable about these issues as well. I commend them for their efforts. This will ensure that States and local communities continue to serve, as I said, the neediest of our population.

Finally, and most importantly, I am pleased that the conference committee preserved our commitment to lowering class size by removing the divisive language that pitted class size reduction against funding for special education. However, even with these changes, I believe the measure before us is a modest one—a good one but a modest one. I view it as a first step, if only a modest one, in the direction of stronger education policy.

I am very hopeful that we can now move onto bigger education issues. Not to belittle the importance some have placed on education flexibility, but I have never had one parent, one teacher, or one student raise this issue with me. But I have had many, many parents, students, and teachers concerned about class size. I have had school districts looking for reassurance that the full promise of 100,000 teachers will reach them. I have had many parents and teachers and students concerned about the overcrowding and the overall condition of schools in my State and across the country.

I have had numerous inquiries about the safety of children in school, and obviously the events in Littleton, CO, punctuate that concern, but it is one that all of us hear every day, regardless of what State we are from.

As well, Mr. President, parents and teachers and students raise concerns about how many children start school not ready to learn. Many students go home to empty houses without supervision or the enrichment of afterschool programs. That issue is raised by parents who have young children all the time. Lastly, they raise concerns that the needs in our schools outpace the Federal funding in this crucial area. We must move to these pressing issues as well.

Ed-Flex can make a difference in some States, but it cannot substitute for real education policy, broad policy. I look forward to building on the success of this bill and looking for the kinds of bipartisanship that created this legislation, and to assist in coming up with some answers that will make a difference on class size, school safety, afterschool programs, and condition of school buildings, which also must be a critical part—each one—of improving the quality of education and preparing this new generation of Americans to be the kind of leaders we all want them to be in the coming century. I thank my colleague from Minnesota for allowing me to express my views.

I yield the floor.

Mr. WELLSTONE. Mr. President, I don't know that I have anything to add to what other Senators have said about the awfulness and terror of what happened in Colorado. I really don't know—as Senator DODD and Senator HUTCHINSON have said—what this means in personal terms. I simply say to Senators NIGHTHORSE CAMPBELL and ALLARD and the people of Colorado, as the Senator from Minnesota, I send my prayers, my love and support. I wish to God that it was within my ability to snap my fingers, or to be able do something to have prevented this from ever happening. I wish I could understand how kids—children—could ever do this. I actually don't know the answer.

I certainly agree with colleagues who have talked about measures that try to make it as difficult as possible for kids to get ahold of guns. I do a lot of work in the mental health area. I know it can't do any harm—it can only do good—to see whether we can do better by way of working with kids at a young age, and maybe we can head off kids that are heading in this direction. When such a God-awful act of violence is committed, it is very difficult to understand why. It is very difficult to understand why. I suppose that anything and everything that can be better in a family, should be better in families and better in communities and better in churches and synagogues and mosques, and in legislation that would pass. But for today, I just want to, as a Senator from Minnesota, express my sorrow. I wish yesterday had never happened.

Mr. President, I find myself in the position of speaking against this conference report. My colleagues have talked about some things that happened in conference committee that they felt were positive, and I agree with them. I am going to divide my argument up into two parts. Part 1 is sort of to say, I think there is a distinction between flexibility, and I think—having been a community organizer for several decades, I think that the more people are able to make positive things happen at the local and community level, including the school district level, the better. So I think when it comes to the title I program, you really do want decisions about whether or not you put more of the money into teaching assistants, or into community outreach, or into other things—many of those decisions to be made at the local level.

I will tell you why I think this Ed-Flex bill legislation is a profound mistake—however well-intentioned those who are proposing it and who have fought for it are, like Senator WYDEN here on the floor; it is just an honest difference of opinion. If I am wrong, I will be glad to be wrong. My own feeling is that this piece of legislation will actually be a step backward. The reason I say that is that when we passed

the Elementary and Secondary Education Act back in 1965, a lot of sweat and tears went into that.

Part of the idea then and over the years—we are talking about a 30-year history here, 30 years plus—is that you wanted to have certain core requirements, certain core standards that had to be met. And in particular, we wanted to make sure that, as a national community, we made a commitment to poor children and that there were certain kinds of core standards that every school district in the land had to meet in this title I program.

So I introduced an amendment to the Ed-Flex bill in which I took the basic core requirements and I said, look, under no circumstances are we going to enable a State to allow a school district to be exempt from the following requirements. Let me just read these. This is incredible, what happened on the floor of the Senate. That is why I am going to be the only vote against it, though I wish others would vote against it. What were these core standards that would not be waivable? They are: Provide opportunities for all children to meet changing achievement levels—I will list a few. Provide instruction by highly qualified professional staff. Provide professional development for teachers and aides to enable all children in the school to meet the State student performance standards. Review on an ongoing basis the progress of participating children, and revise the program, if necessary, to provide more assistance to children, to enable them to meet the State student performance standards.

This amendment just said, when it comes to the basic core requirements and core protection of title I for all children in America, the heart and soul of what we did with title I, going back to 1965, we weren't going to waive these. No, we weren't, because we were going to make sure that these title I children—even if they are low-income children, we were going to make sure they were going to get good instruction and make sure that every title I program in every school district at least lived up to these standards. Now we have a piece of legislation, with all due respect to all of my colleagues, that allows a State to allow its school district to exempt itself from these requirements.

I introduced this amendment which would have straightened out this legislation. It was basically a party vote; it was a straight party vote, really. I am sorry I didn't get more support from Republicans. I am really sorry more Democrats aren't voting against this bill. That is just my own honestly held view.

Here is what is so troubling about this. I will try not to be technical. What would have been the harm in keeping these core requirements? Surely, I can tell you the school districts in Minnesota would say, fine, keep that core requirement because this is what we want to do and this is what we do.

Why would this core requirement be considered overly bureaucratic or cumbersome or regulatory for any school district in America? The idea that you have highly qualified instruction and you hold children to high standards and you do everything you can to make sure children meet these standards, why would any school district want to be exempt from the core requirements of the title I program? My argument would be that they would not. This would not be a problem—unless you have the potential for abuse. And you do. That is what is going to happen. We have moved away from a kind of value which says that we, as a Nation, have certain kinds of core commitments and beliefs, and one of them is that we are going to make sure there is protection and some commitment to poor children in America when it comes to education.

This piece of legislation called Ed-Flex does away with that basic commitment. That is why I will vote against this. That is why I will be proud to be one to vote against this.

Mr. President, my second point is a little different. I am going to say this with not bitterness but with some anger. I just want people in the country to know as I get a chance to speak before the Senate, every time I get a chance to speak, I think I am really lucky. I am one of 100 people who gets a chance to speak on the floor of the U.S. Senate. I get to say what I believe is right. I try to marshal evidence from my point of view.

I want people in our country to know that not only is this piece of legislation, I think, not a step forward but a great leap backward; it also is a great leap sideways.

When I am in schools and I meet with students and I meet with parents—I have been in a school about every 2 weeks for the last 8 years since I was elected to the Senate. I have been in inner-city schools. I have been in rural schools. I have been in suburban schools. I don't meet parents and children or students who talk to me about Ed-Flex. They do not even know what it is. They don't even know what it is. They talk about, ''Senator, this school is crumbling. This school is not an inviting place for us to be. Can't there be some Federal dollars that will enable us to rebuild our crumbling schools?'' Or, ''Senator, you had better believe that with smaller classes teachers could spend more time with us. And the best teachers are teachers who spend time with us.''

Where is the commitment to smaller classes?

Or, ''Senator, you want to know the best single thing you could do. You could make sure that somehow we would address this learning gap,'' where so many kids come to school already way behind having never really had the opportunity to have been read to widely, to have really received that kind of intellectual stimulation with the absence of affordable child care, or so little of it is available and they come to school behind. Then they fall further behind. Then they drop out. And then they wind up in prison.

Again, I hope I am right about this. I am trying to oversimplify it. But I believe—I read it, I think, in the New York Times, or somewhere—that in the State of California, I think between the ages of 18 to 26, there are five times as many African American young men in prison than in college. That is stunning.

Let's not hype this legislation. Let's not pretend like we have done something great which will lead to the dramatic or positive improvement in the lives of children.

There is not one cent more for title I. Let me just tell you. In my State of Minnesota, we have schools there where 65 percent of the kids are low income, free or reduced lunch program participants. And they don't get any title I money. They have run out of the money.

All over the country there are schools with a huge percentage of kids who could use the additional reading instruction, who could use the additional encouragement.

The title I program does great things. There is a lot of good work being done.

I assume my other colleagues did this. I met with title I teachers and title I parents. I met with kids around the State of Minnesota. There is a lot of good work being done.

Does Ed-Flex add $1 to a program that is severely underfunded? No. Do you want to know what is worse? We are not going to, not with this budget that we have.

Let's be clear about this. This program, according to Rand Corporation, is funded at about the 50-percent level. I think the Congressional Research Service said it is at about the 33-percent level.

Given the budget resolution that we have and 10 years of tax cuts, we will see who gets the major benefit. And with the money put aside for Social Security and reducing the debt, do you think there is going to be any money that is going to go into increased funds for title I? No. Does this piece of legislation do anything by way of making child care more affordable? No. Does it do anything about the Head Start program? No. The Head Start Program has served—I can't even remember now. I had the figure. I spoke to a national gathering in Minnesota, a great group of people. I think the Head Start Program has served maybe 17 million children since 1965.

Do you know that the Head Start Program, the goal of which is to give a head start to kids who come from impoverished backgrounds, isn't even funded at a 50-percent level? Do you know that with Early Head Start, Mr. President, which is ages under 3, 3 and under, the most important years for development, do you know how many of the 3 million children who are eligible for some Head Start help so they

get a head start and do better, do you know how much funding we have for them? One percent.

I would love it if somebody would come out here on the floor of the Senate—I would actually give up the rest of my time—and say, ''You are wrong, PAUL. Given the budget resolution that we passed, we are going to be committing more money to Early Head Start. We are going to be committing huge amounts of money to making sure there is good child care for children before kindergarten.''

We are not going to do it at all. In fact, with this budget, we will probably end up cutting it before it is all over.

Mr. President, here is where we can be a player. We can have Ed-Flex. I think it is a big step backward. I have explained why. I don't know why colleagues are not willing to make this standard. We shouldn't allow a State to allow a school district to waive it.

There is a real danger here. We are taking away some protection for poor children. We are doing that. That is not a step forward.

Frankly, if we want to be a player, when you talk to your people back in your States, especially when you are talking to the people who are involved in public education, they say you can be a player in prekindergarten. You, the Federal Government, could, out of your huge Government budget, be allocating some resources back to our communities for affordable child care, to fully fund Head Start. You could make a huge difference so that children come to kindergarten ready to learn and do better. We are not going to do it. We are going to pass something called Ed-Flex and pretend like this is some great step forward.

This applies perhaps more to my colleagues on the other side of the aisle than my colleague from Oregon, who is constantly committed to more funding. He has a strong commitment to more funding for these programs.

I want to be real clear about what we are doing and not doing today. I don't want us to get away with a piece of legislation that we pass that is heralded as some great step forward when we don't really do what we should be doing.

Mr. President, we talk about law enforcement. Talk to the community people, and they tell you everywhere that there are too many kids who come from families where both parents are working, or where a single parent is working. There are no after-school programs with positive things for them to do. There are not the community programs, the community-based programs. I hear it everywhere.

In this budget, which is going to lead to these appropriations bills, are we going to make any kind of major investment of resources so we are going to have some of these afterschool programs, some of this afterschool care for kids for children? No. Are there first and second and third graders who go home and there is no one there after school, sometimes in very dangerous neighborhoods? Yes, there are. I have met with them. Are there kids who go home and don't play outside even when it is a beautiful day because their parents tell them, ''Go home, lock the door, don't take any phone calls?'' Yes. Are we doing anything in the Senate about making any kind of investment of resources? Is the majority party doing that? No.

There was a woman named Fannie Lou Hamer. I wished I could have met her. She was a great civil rights activist from Mississippi. Fannie Lou Hamer said once, ''I am so sick and tired of being sick and tired.'' I am sick and tired of photo opportunity politics. I am sick and tired of the breed of political person who wants to have their picture taken next to children, and how we all say we are for education. We all say we are for children. I look at the White House budget. They are pathetic. I look at our budget; the majority party's is even worse. I, frankly, see very little commitment to making sure that we have equal opportunity for every child in America.

This Ed-Flex bill doesn't do one thing to provide equal opportunity for every child in America. Worse, and let me repeat it, we could have had all the flexibility in the world, but for some reason when it came to the basic core protections and core requirements of the title I program—making sure there are highly qualified instructional staff, making sure kids are held to high standards, making sure we help the kids who are falling behind—my colleagues on the other side of the aisle didn't want to have this basic core requirement. Without that core requirement, we don't have that core protection.

I will finish my remarks in both a positive way and in a not-so-positive way. I want to again say to the title I teachers and the title I education people in Minnesota—I spent more time with them—I deeply appreciate the work being done and I do not want a misinterpretation of my vote against this bill as not being in support of your work.

Let me read some wonderful testimonials from students, parents and teachers at the Garfield Elementary School in Brainerd, MN.

> I love reading really much. When I grow up I'm gonna be a teacher. When I'm a teacher, I'm gonna read a lot of books to my children. When in college, I'm gonna read tons of books and books. Right now I'm in second grade.
>
> This class has helped me with reading and writing. I like this class because it's fun and I'm 10 going on 11.

Some of the spelling is not perfect but the sentiment is wonderful.

> Reading and writing help you get a job. Make that a good job. My favorite thing that we've done is when we're drawing a picture and characters from our book. I like the 5 minute word tests. My highest score was 28 and I'm smart.

I love it when children believe they are something. That is good. That is the way it should be.

Here is a statement from an educational assistant at Garfield School:

> To whom it may concern: Every fall at the start of the new school year I get my list of title I children that need a little extra help in the classroom. I know I can help them. Every spring when the school year ends, I know I have helped these children. I know title I works when the light bulb goes on after that child gets that math problem we have been working on. I know that title I works when that child is reading and understands what he reads. They can write a story that makes sense.
>
> Please keep the money for title I just for title I. Title I money pays for my job, but it is also something very dear to my heart. When I see a child get it, I know it works.

Mr. President, all over the United States of America there are schools with 30, 40, 50, 60, 70 percent low-income children that don't get any title I money because we have so severely underfunded this program. This legislation does not increase one dime, and we are not going to increase one dime for title I—not given this budget that we have.

In addition, when it comes to how we as a nation can renew and live up to our vow that there will be equal opportunity for every child in America, it is not here in this legislation. It is not here to make sure that the children come to kindergarten ready to learn. It is not hear to rebuild crumbling schools. It is not here for smaller class sizes. It is not here to make sure we have better teachers. It is not here to make sure that we do better on after school programs. It is not here to make sure there is affordable housing. It is not here for child nutrition programs. It is not here at all. And I want to say on the floor of the Senate, I don't believe it will be here in this Senate. I don't think the majority party will move on this agenda. Sometimes I worry a little bit about my party, as well.

I will be the only vote against this legislation. If I am wrong, I am sure my colleagues—Senator WYDEN and Senator JEFFORDS, both good Senators, real good Senators—will tell me a few years from now, You were mistaken. By not keeping that language in on the core requirement—that is what I am focused on. We didn't create any loophole. We didn't take a step backwards. This legislation didn't fail poor children.

If they can tell me I'm wrong, I will be glad to be wrong. Today I shall vote no. Today I shall wonder why more colleagues aren't voting no. Today I sound the alarm that I believe this piece of legislation is profoundly mistaken.

That is my honest view. I am sorry to be so critical of my colleagues' proposal because I respect their work, but I cannot support this legislation.

How much time do I have remaining?

The PRESIDING OFFICER. The Senator has 28 minutes 45 seconds remaining.

PRIVILEGE OF THE FLOOR

Mr. WELLSTONE. Mr. President, I ask unanimous consent that Emilia

Beskind be allowed floor privileges during the duration of the debate.

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

Mr. WELLSTONE. Mr. President, I reserve the balance of my time.

Mr. WYDEN. Mr. President, I ask the Senator from Minnesota for 10 minutes to address some of the important issues the Senator raised.

Mr. WELLSTONE. I am pleased to yield 10 minutes to my colleague.

I have to meet with students from Minnesota. I will try to get a chance to respond, but I may have to respond at a later point.

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

Mr. WYDEN. Mr. President, I thank the Senator from Minnesota.

I think he has raised a number of important issues and several that I agree with. During my 3 years in the Senate, I have consistently stated, along with the Senator from Minnesota, that we must do more. It is a moral imperative that we do more in terms of the Head Start Program, child care programs, and the variety of domestic needs that the Senator from Minnesota is talking about. To build support in America for additional funding for those programs, we ought to go to taxpayers and show them that with programs such as Ed-Flex we are squeezing more value out of the existing $12 billion that we are spending.

There is no quarrel between the Senator from Minnesota and I about the need for additional funding for these programs. It is absolutely essential. We also happen to agree about eliminating some of the tax boondoggles and get the money. But, if we are going to get support from the American people for additional funding, it seems to me we ought to pass the bipartisan Ed-Flex bill and show that we are squeezing existing value out of the current spending, get dollars out of bureaucracy and get them into the classroom.

The one point I would differ with my friend from Minnesota on, and I am happy to discuss this with him, is that in the weeks and weeks that we have been debating on the floor of the Senate, there has not been one example given of how much this program has been abused in the past. This program is operating in 12 States in the country in countless communities, and we are told now we are taking a step backwards with respect to this program though there has not been one example put before the Senate of how this program is being abused.

We have plenty of examples of how it works. The fact is, there is one very close to this Capitol Building. Just a few miles from here in Howard County, for example, they have reduced class size by one half. They did not do that by spending extra dollars. You already heard the Senator from Minnesota and I agree on that point. We ought to spend additional funds to reduce class size. But a few miles from here they have reduced class size with existing funds.

So we have examples of how this program works. Yet we are told this is a big step backwards while there has not been one example, not one, of how this program has been abused though it has been in place since 1994 in 12 States. It does not change any of the core requirements of title I—civil rights laws, labor laws, safety laws; all the things that are important for vulnerable children, that the Senator from Minnesota and I agree on, are kept in place. What this is going to do, as it did in my home State of Oregon, is make it possible for poor kids, who could not get advanced computing because of Federal redtape, to use Ed-Flex so they can get those skills and get the high-wage, high-skilled jobs the Senator from Minnesota and I want to see poor kids get.

I am very hopeful we will see overwhelming support today for this legislation. I think by showing you can use existing dollars more effectively, this is going to lay the groundwork for the objective the Senator from Minnesota and I would like to see, which is additional support for Head Start, child care programs, domestic programs.

I look forward, after we pass Ed-Flex and after it works, not talking about who is wrong between the Senator from Minnesota and I, but talking about how we can join together and get additional support for Head Start, child care programs, and these domestic needs, because we can go to the American taxpayer and show that, with Ed-Flex, we use existing dollars in a more efficient way so we build more credibility with them for domestic services.

I look forward to working with my colleague towards those ends. I thank him for giving me the time. He feels strongly about it. I do as well.

I yield the floor.

The PRESIDING OFFICER (Mr. CRAPO). The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, I appreciate the comments of my colleague from Oregon. I just wanted for the record on this debate on examples—before, my colleague, Senator KENNEDY, was speaking about past abuses, abuses of title I money. As to what has happened with those States, part of the Ed-Flex States, he was talking just about the abuse of title I money in the past, not talking about abuse of Ed-Flex States.

What we are talking about now is, we do not know. When we look at what GAO has said, the results are inconclusive one way or the other, and for that reason we should have waited and done this during the Elementary and Secondary Education Act reauthorization. I will quote from the GAO report:

> While some States have put in specific goals (such as improving student achievement in math and science) and established clear and measurable objectives for evaluating the impact of waivers (such as improving average test scores by a certain number of points) many Ed-Flex states have not established any goals or have defined only vague objectives.

That is only one example. I can go on. This is a rather longer quote in this report as well.

Actually I think Senator WYDEN is probably the wrong Senator for me to be having this debate with. The point is, No. 1, GAO expresses some concern about what could happen. The results are not conclusive one way or the other. But more important, why not—you voted for the amendment. I would have voted for this bill if we had just erred on the side of these children. Why not keep in that core provision? If we do not have to worry about States abusing this, if we do not have to worry about States not having this commitment to children, then surely this language which talked about making sure they are good teachers, making sure kids are held to high standards, making sure if they are not, we are going to give them the instruction they need—why would any school district want to waive that? Why would we not have kept that?

I would be willing to say that Arkansas and Minnesota and Oregon and Vermont and the State of Washington school districts would say, ''Keep it in, that is what we are about.'' Why was it taken out? And why, when I introduced this amendment—this goes to the heart, the core, of the standards of the protection—was this taken out? That is the problem.

When we had the vote on this language, you voted for it, Senator WYDEN. I am sure Senator LINCOLN voted for it and Senator MURRAY voted for it. I don't know what Senator JEFFORDS did. But that is my point.

So, in all due respect, it is not true that we do not have evidence of some problems. We have plenty from the past. As to the Ed-Flex States, I just read from the GAO report. And then I had an amendment. I say to my colleague over there, Senator JEFFORDS from Vermont, that would have kept in the basic core protection. I do not think it would have been a problem for Vermont or any other State. It should not have been taken out, because just by chance, Senator WYDEN, just by chance, what if someplace, somewhere in the country, some of these kids fell between the cracks? Their parents did not have the most clout and there was some investment of title I money in areas where it did not really make a difference in these kids' lives. It should not have happened. We would not have the protection. Why would we not want to err on the side of these children? Why would we not want to err on the side of core requirements? That is my point.

I reserve the remainder of my time and I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. JEFFORDS. Mr. President, I ask unanimous consent that 20 minutes be added to the time, divided equally, 10 minutes a side, between Senator KENNEDY and myself.

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

Mr. JEFFORDS. Mr. President, on that time, no one could talk about education today without thinking of the tragedy yesterday in Colorado. As Members have expressed their sorrow over yesterday's events and the five earlier school tragedies, the same question comes to everyone's lips: What can we do to prevent this from happening again?

The contribution of the Federal Government towards State schools has been defined in the Safe and Drug-Free Schools Act. It has always been my intention, as a part of the hearings being held by the Health and Education Committee toward reauthorizing the Elementary and Secondary Education Act, that I would hold hearings especially examining the Safe and Drug-Free Schools Act.

So, to those who have asked me today what is the Federal Government doing, or what can we do, I want to inform my colleagues that the Health and Education Committee will have hearings addressing the problem of drugs and violence in schools and I will hold the first hearing early next month.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

The Senator from Washington.

Mrs. MURRAY. Mr. President, I yield myself 15 minutes from the Democratic side.

The PRESIDING OFFICER. The Senator from Washington is recognized for 15 minutes.

Mrs. MURRAY. Mr. President, today we have an opportunity to discuss passage of the first education legislation of the 106th Congress. My sincere hope is that this is only the first step in bipartisan agreement about the path we are traveling toward improving America's schools.

The Education Flexibility Partnership Act itself is not an earth-shaking proposal. Essentially, for a set of provisions under a list of Federal programs, school districts will be able to get waivers from their States instead of having to ask Secretary Riley. Since Secretary Riley grants these waivers fairly routinely, some might ask why we need this bill. There has been so much talk about the great things this bill contains that I just want to clarify what we are talking about.

Within the bill, we are not reducing paperwork or bureaucracy or cost or time spent away from the classroom. You will hear from some of my colleagues that this bill does all those things and probably many other claims. To some people, Ed-Flex has become the great tonic that will fix all the ailments of our schools.

I want you to notice something that Senator FRIST has mentioned that I agree with. Ed-Flex is not a silver bullet or a panacea. It will not solve all the challenges our schools face.

The important part of the message that does not always get through is that no effort in the Congress or in your local school is that silver bullet or that panacea. The problems that affect today's schools, as we saw yesterday in Colorado, are never easy to solve. They are always more complex than a sound bite. Always.

Each part of the American school community, from classroom to committee room, must do its part. Every student, every family, every educator, every community leader, every local school board, every State government, and every national policymaker—all of us must do what we can.

The language of the Ed-Flex bill does not really provide any direct relief to any of these problems. All it really does is say that in addition to asking Secretary Riley for a waiver from a provision of a Federal program, you can now ask your State officials.

So why would someone like me, someone who is a parent, a preschool teacher, a former school board member, why would I come to the Senate Chamber and proclaim that we should pass the Ed-Flex bill? Because it can help change thinking, and that is a vital and important goal.

Education flexibility is an important idea and concept. If, by passing this expansion of the education flexibility program, we can change the thinking in just one community about what steps they can take to improve their local public school, then that is a major victory.

Too many local decisions, things that would directly improve the learning of hundreds of children, are stopped before they get started. The message this Congress needs to say to local communities is, if you have a proven, effective way to improve learning for your students and you have your community behind you and you are willing to be held accountable for the results, we should be doing everything we can to get the obstacles out of your way.

Sometimes the obstacle is a Federal law or regulation. Sometimes the obstacle is a State law or a State regulation. Sometimes the obstacle is a local school board policy that needs to be changed. Sometimes the obstacle is the bus schedule or the school lunch schedule or the sports schedule. Sometimes, believe it or not, the obstacle to improvement does not have anything to do with education law or with government at all.

Whatever the obstacles are, we all have a responsibility to do what is best for the students by holding the school accountable and helping them get the obstacles out of the way.

My belief is that we should all be thanking Senator WYDEN and Senator FRIST, Senator KENNEDY and Senator JEFFORDS for giving us an opportunity with this bill to help change thinking across this Nation, to remind communities that they have more power than they know to make improvements in their schools, and to say in a meaningful way that their Federal Government is their partner in making their best schools better or in helping their struggling schools to thrive.

There are plenty of great schools and plenty of great thinking out there right now without any further action on our part. But this bill will encourage the discussion that is happening at every local school about how to improve student learning and how to get even our best schools performing at higher levels. Great thinking alone will not do it.

That brings me back to my statement that although the Ed-Flex bill is the first education bill in this Congress, it cannot be the last, because what local school communities need more than flexibility are the resources and support to do something positive with it.

The Ed-Flex bill alone will not give your students more individual attention in the classroom. The Ed-Flex bill alone will not stop up a leak in your school's roof, unless it is a very small one. The Ed-Flex bill alone will not improve teacher training or any number of other important issues that real people across this Nation have to deal with every day, which is why it is important for me and many of my colleagues to start the larger debate about education with this bill.

We know we will not have many opportunities this year. This Congress must continue to address the very real needs of school communities. The public school is a powerful engine for social improvement and equity of opportunity. Millions of Americans have created lives that were measurably better in all ways than that of their parents because of something they learned in a public school.

As communities continue to update and improve and redesign their own public schools to meet the changing needs of our economy and society, they will need a very real, measurable investment from the other members of this great community we call our Nation.

We must continue our important national investment in reducing class size by helping communities to hire 100,000 well-trained, high-quality teachers. We must do everything we can to improve the professional development and ongoing education of our teachers to make sure they are ready for each challenge they face with each student each day they enter the classroom.

We must use every tax bill this year as a vehicle to help school communities modernize their school buildings and technology capabilities.

None of these, nor the many other important investments we should make, should be seen as a silver bullet or a panacea. But when you give local communities the freedom from regulation that we continue by expanding the education flexibility program today, and then combine that flexibility with the very real investment in the communities' ability to hire good people, to improve school buildings, to pay for improvements to the teaching process, and to choose the very best educational tools possible, then you are doing

something really big, then we are talking about a major investment in our Nation's future which will pay off for us in many ways—reduced crime, more economic opportunity for people, the improved well-being of our neediest citizens, better citizenship, stronger communities with an improved quality of life for all of us.

That is why I and my colleagues have come to the debate on the Ed-Flex bill and also talked about the other important national investments we must make and continue to make in our schools.

In the process, there have arisen some threats to that overall, more important national effort. There was an amendment to this bill that would have undone the very important, vital, bipartisan agreement we all came to last year in helping communities reduce class size. If that amendment had prevailed, we would have seen communities—communities that are now struggling to put together their budgets for next year—we would have seen them forced to make some very ugly choices in school board meetings that already have enough disagreement and contention.

The good news is, that amendment which would have forced school districts to pit special education and regular education students against each other has been dropped. In its place, we have bipartisan language which will allow more flexibility to the very small school districts who have already reduced class size. That is progress.

This year, we can have the opportunity to debate class size reduction and many other efforts to improve communities' abilities to improve their schools. My hope is that we take that opportunity. My hope is that we have a full discussion and make some compromises and get to further progress.

Passing the Ed-Flex bill is a good first step. Continuing with our effort to leverage class size reduction across the Nation will be a good next step because school boards are making those decisions now. Moving forward on school construction this year will be another good move.

Increasing funding for special education by at least $500 million will be another step towards progress. Improving the resources communities have to improve teacher training will be progress. We should reauthorize the elementary and secondary school bill this year, just as we are scheduled to do.

We must continue talking and working. It is what the American people expect of us. It is our responsibility.

We must increase flexibility and resources at the same time. People want their schools to have the freedom to act and the funds to pay for it. Most people are, frankly, shocked by the fact that less than 2 percent of our overall national spending goes to education. We must make that a higher priority. We have started our work. Now let's continue and do our part in the great partnership we call America's public schools.

Thank you, Mr. President.

I reserve the remainder of our time.

The PRESIDING OFFICER. Who yields time?

Mrs. MURRAY addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. I yield 5 minutes to the Senator from Arkansas.

The PRESIDING OFFICER. The Senator from Arkansas is recognized for 5 minutes.

Mrs. LINCOLN. Thank you, Mr. President. And I thank my colleague for yielding.

It certainly is ironic that we should be scheduled to vote on education legislation today in the wake of last night's tragedy in Colorado. All of the Nation is wondering how we can help our children.

Since a school shooting a year ago in my home State of Arkansas, I have been grappling with ideas to ensure that this type of tragedy never happens again. Unfortunately, it did happen again yesterday when the peacefulness of a Denver, CO, suburb was shattered by the sounds of explosions and gunfire.

The first line of defense against the terrible television images that we have seen over and over during the last 24 hours, and all too often during the last year, is guidance and love in the home. Parents must take responsibility for their children. And we, as a society, must do all that we can to provide the support our children need.

Our children are truly our greatest national resource. We must make their education a national priority. In order to do this, our teachers need help, too.

Each year our Nation's educators are asked to wear more than one hat, to take on more roles—all the while teaching our most precious resource. They make sacrifices every day, and quite literally in some instances have put their lives on the line for the safety of our children.

I do not claim to have all of the answers, but I do think we should provide more assistance to our teachers in identifying troubled children and giving them skills to deal with these students. One of the single common denominators I get from school principals in K through 3 elementary grades is that they must have more resources in their schools, more medical professionals to deal with the severity of problems that our young children are coming to school with today.

We have to give the teachers and the administrators the support and trust necessary to guide our children when we cannot be there. And finally, we must put more counselors and qualified medical health professionals in our schools as resources for teachers and administrators.

Yes, we can install more metal detectors and surveillance cameras in schools, but we will not get to the root of the problem. The youth of America are suffering, and all of the increased security in the world may ease our minds but it will not ease their pain.

I plan to work with the Senate Education Committee on school counseling and mental health legislation so that we can take proactive, commonsense steps toward seeing that tragedies such as those in Colorado and Jonesboro, AR, become only a distant, painful memory.

But we are here today to move forward in the field of education. I am proud to be an original cosponsor of the Ed-Flex bill. I am pleased that both sides could reach an agreement in conference so we can proceed to final passage of S. 280.

Although this process has taken longer than most of us wanted, there is a silver lining in this cloud. The Ed-Flex bill has given the Senate the opportunity to talk seriously and comprehensively about education—one of the most important issues facing our country.

It is absolutely essential that we continue that debate in the Senate. I have a county in southwest Arkansas where our superintendent made it an obligation to his school district that within 3 years he would minimize the size of K through 3 grades to well below 18 students per teacher. This school year they achieved that goal and have seen remarkable differences in their students.

Once the Ed-Flex bill passes, and States have greater flexibility with Federal funds, we hope to see so much more of that. We still have lots of work to do to ensure that our children get a good education and the best possible start in life.

Why? Because education is a national investment, with the highest possible return for which we could ask. The knowledge and training that we provide our children are the tools that they will carry with them for the rest of their lives. When we give them these tools, we have successfully invested in the success of our workforce and the future of our country.

How do we accomplish this? First, let's talk about school construction and renovation.

As a product of Arkansas's public schools, I know they are not just buildings where students and teachers spend their time; they are the cornerstones of our communities. And when a community works together to improve its schools, everyone benefits.

We have to physically fix our schools that are crumbling. What kind of a message does it send to our children when we send them to a school that has been allowed to literally fall apart? We have to devote the resources necessary to improving these situations.

School buildings also need to be adapted and equipped for computers that are wired to the Internet. All of our Nation's children should be able to take advantage of technology and a ride on the information superhighway.

In Arkansas, a recent survey of school facilities conducted by the Arkansas Department of Education reports that facility maintenance is one of the largest expenses for schools. The need for maintenance is often forgotten or overlooked, but in fact, the cost of roof repair or replacement is one of the largest expenses that schools incur.

The study also indicates that 364 buildings are occupied beyond their capacity. Some areas of the state are struggling to provide adequate facilities to accommodate the student population growth. No one wants our children to study in make-shift classrooms. Portable buildings and mobile trailers don't serve children or teachers well.

As a Senator who represents a predominantly rural state, let me point out that we can't ignore our rural schools when we talk about school construction and renovation. I raised the needs of rural schools last week on the Senate floor and will continue to do so as long as the education debate continues. I look forward to working with Senator KENNEDY on the needs of rural schools as well as other Senators on both sides of the aisle who share my concern.

In addition to building new schools and renovating older ones, we must reduce class size by hiring new teachers. Studies show that children learn better in smaller classrooms and teachers are able to do a better job teaching children when they can devote more time to fewer children.

I have spent a lot of time talking with teachers in Arkansas. They are desperate for Federal assistance to help them reduce class size because a crisis is looming. Only 15 percent of the teachers in Arkansas are under the age of 40.

This summer, Arkansas will receive $11.6 million as its first installment of funds to hire teachers to reduce class size in early grades. Clearly, State educators are excited about this new pool of funding to hire more teachers, but they are quick to point out that they need commitments from Congress for additional funding to maintain the new teachers in years 2 through 7. They simply don't have the funds to pay for these new teachers in years 2 through 7. What an important field. But we also must encourage young adults to go into education.

Schools are now in the process of making hiring decisions for the fall. Let's make a commitment to this funding soon so school boards and principals can hire new teachers and promise them jobs for more than just one year.

I believe that as Senators, we can come together and do the right thing by our Nation's children, parents and educators. Let's take steps to end violence, reduce class size and rebuild our schools so America's children can thrive. Let us, in the Senate, not end our discussion on education—our greatest national investment with this Ed-Flex bill, but let us continue this discussion and truly make our children's education a national priority.

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

Mrs. LINCOLN. I appreciate and certainly add my support to the Ed-Flex bill. I encourage the rest of the Members of this body to continue this debate on education throughout the next 2 years of this Congress.

I thank the Chair.

The PRESIDING OFFICER. Who yields time?

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

The PRESIDING OFFICER. The Senator from Arkansas is recognized for 5 minutes.

Mr. HUTCHINSON. Thank you, Mr. President. And I thank the chairman for yielding.

I am glad to join my colleague from Arkansas in supporting the Ed-Flex bill, also in joining all of my colleagues in our expressions of grief for the families who are suffering such a loss in Colorado today. I have been struck, as I have listened to my colleagues on the Senate floor. Time and time again words fail me to express the grief, the sorrow, that we all feel and really the lack of answers that we have.

As I presided a few moments ago, Mr. President, and listened to Senator WELLSTONE, he made the statement that if he could snap his fingers and somehow make yesterday not happen, he would do that. I think all of us feel that way.

I would add that if we could somehow pass a law today, if we knew the silver bullet, if we knew what it is that we could pass legislatively from Washington, DC, and put it in statutes, and that it would prevent these kinds of tragedies from occurring, I think we would have a 100–0 vote this evening in the Senate.

Unfortunately, the solutions are not so simple. The answers are not so obvious. Perhaps it goes to the cheapening of life in our society. Perhaps it goes to the culture of violence that permeates so much of the popular media today. I do not know all the answers, and perhaps today isn't the day to even talk about what the answers are or whether we can do something from Washington, but certainly there is agreement that it is a deep and shocking problem in our society. What is it in America that allows this to happen?

I will join my colleagues in seeking to find answers and trying to make this the kind of society where these tragedies are fewer and fewer.

I am glad to rise in support of the Ed-Flex bill. Certainly this is a step in the right direction in education reform in our country.

The Ed-Flex program is about cutting the unnecessary strings attached to Federal education funds. It does not cede accountability. In fact, the States must use the funds for the purpose intended; the money must remain targeted to the population it is designated to serve.

This bill, though, is recognition that when limited Federal funding is spread so thinly over such a wide area, the result is ineffective programs that fail to provide students with the basic skills they need to succeed.

If we are to expect schools to increase their performance and provide a better education for our children, then we must allow them to coordinate school reform plans and to implement plans that coordinate program funds. We do not need to compartmentalize education, and this bill makes that coordination between programs easier.

In States such as Arkansas, where there are many small school districts, rural school districts that receive only small grants through various Federal programs, flexibility is the key. We must allow local school districts to decide how to spend Federal dollars in the way that will work for them, not the way that Washington tells them to do it.

That is why, in addition to supporting this bill, I have introduced the Dollars to the Classroom Act, which also gives more flexibility to local school districts. It would eliminate the bureaucracy and allow schools to continue the reform efforts that they have already started to implement.

Why do we think that Washington bureaucrats, who are over 1,100 miles from Arkansas school districts, can decide how to improve our children's education better than the parents, the teachers, the principals who live there?

We must give schools the tools that are necessary to let them address the needs they are facing.

It is time to stop the one-size-fits-all approach to education, and allow those at the State and local level to decide what is best for their children. The problems facing Arkansas schools are not necessarily the same as those facing schools in other parts of the Nation. Ed-Flex allows States and local school districts to address these problems without restrictions that can inhibit school reform.

If Congress expects improvement in our Nation's schools, then we must not add any additional regulatory burdens that only create more paperwork for our teachers and principals. If we really want teachers to spend more time with their students, then we must cut the red tape that occupies so much of their time.

In his testimony before the Senate Health and Education Committee on February 23, as we well remember, Michigan Governor John Engler stated:

> Many governors feel so strongly that the bureaucracy is the problem that we cannot imagine being unable to improve education with greater funding flexibility.

In fact, he and the 49 other Governors support this legislation, along with the President and, most importantly, the teachers, the principals, the school boards and the administrators of this country.

The U.S. Department of Education's 1998 report to Congress on waivers states:

Waiver authorities can be useful tools for promoting improved student achievement and for promoting flexibility to support local efforts to improve teaching and learning for students.

Finally, I am disappointed that the Lott amendment regarding IDEA was removed during conference.

The main objective of the Ed-Flex legislation is to give schools more flexibility. Allowing school districts more options in how to spend their federal dollars can only benefit those districts by giving them control at the local level.

After talking with an administrator for the Class Size Reduction program in Arkansas, there are still several school districts who will choose not to participate in this program because of excessive regulations. Many of the small- to medium-sized school districts in Arkansas who have not yet reduced class size to 18 students per class will choose not to go through the burdensome steps to form a consortia with several other school districts for the hiring of only one teacher that they must then share.

While this is an issue that we must continue to resolve, I am proud to have supported this legislation, and I hope that the education debate that we have had in Congress will not end with the passage of this piece of legislation. A significant amount of work remains in improving our schools, and I look forward to further consideration of this issue.

That is what this bill is about. That is why it has such broad support. Though we need to go much further, this is an important first step in providing greater local flexibility.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. GRAMS). Who yields time?

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I will just take a moment and then I am prepared to yield back my time. I guess the Senator from Minnesota still wants to address the Senate. I yield myself a moment.

In my absence, our chairman has indicated that we will move forward and have some hearings about violence in schools for our Committee on Education and Human Resources. I commend him for being willing to undertake that. I think that could be enormously important.

I do not think at the outset we are expecting the magical solution, but I do think that we probably will get some very constructive ideas.

I can remember it wasn't long ago that several Members of the Senate got together with the Attorney General and some of the parents from schools that had seen this kind of violence in the recent past. The parents had a number of ideas and recommendations and suggestions. I think doing this in the formal setting of a committee hearing so that we will have the record and have it kept and make it available to our colleagues perhaps will be one of the most important things that we undertake in our committee—and we have many important things to undertake.

I thank the chairman of the committee for his willingness on that and indicate that we are all looking forward to cooperating and working very closely with the Chair in every way that we possibly can to hold meaningful hearings and perhaps to help not just the families, but to help our country come to grips with at least the role of the school in this whole process of young people's development and what we might be able to suggest that might be a constructive and useful idea.

We will not have all the answers, but maybe we will have some. I think with that kind of commitment today, many of us feel at least the Senate is attempting to deal with this in an important way.

I thank the Chair.

Mr. JEFFORDS. Mr. President, I thank the Senator for his thoughts.

Mr. BROWNBACK. Mr. President, I rise today to once again voice my support for the Education Flexibility Partnership Act or Ed-Flex. With the passage of this important legislation, we are taking an important first step towards reducing the intrusive regulations and bureaucratic red tape the federal government imposes on local schools in Kansas and around the nation.

First, I would like to note that Ed-Flex legislation did not make it to this point without the combined efforts of a great many talented people. I would like to commend and thank my colleagues Senators JEFFORDS and FRIST for their dedication to this legislation. I would also like to thank our colleagues in the House and all of the staff that have dedicated their time and ability to increasing flexibility for school districts.

Mr. President, Ed-Flex is a truly significant piece of legislation. For too long, the Federal Government, through the Department of Education, has prevented local schools and school districts from creating and implementing original programs custom designed to help their students learn. Ed-Flex provides local schools a chance to waive Federal regulations and statutes which prevent them from implementing these innovative programs. We are sending an important message to teachers, parents and local school boards that we recognize that they know best how to educate their students.

My home State of Kansas is one of the 12 States already covered under Ed-Flex, and which have benefited from the waivers. Schools from across Kansas have submitted 43 waiver requests, none of which have yet been rejected. To hear from the folks back home with whom I visited, students are much better served by flexibility than they are by rigid Federal mandates.

And Kansans aren't the only people who have supported our efforts to provide more flexibility. Both the Senate and House versions of this bill passed with broad bi-partisan support. All fifty governors have endorsed Ed-Flex. In fact, even President Clinton agrees that Ed-Flex will help to improve education in this country.

However, while Ed-Flex is an important first step towards relieving the pressure of Federal mandates on local schools, it is still just the first step. Recognizing that the Federal Government is not best suited to set the rules under which we educate our students, we must continue to reduce the role of the Federal mandates in local education. The demands on a school district in urban California are quite different from those on districts in rural Kansas—no less daunting—simply different. We, as a body, must continue to move legislation which will allow those two districts to decide for themselves how best to educate their children.

Mr. REED. Mr. President, I rise in support of the Conference Report on the Education Flexibility Partnership Act.

I am particularly pleased that the Conference Report contains my amendment to ensure that parents have a strong voice in the Ed-Flex waiver process. My amendment requires states and school districts to provide public notice and comment opportunities to parents and other interested members of the community before requesting waiver authority or waivers.

As an added accountability measure to ensure that parents and communities across the nation have confidence in the waiver process, my amendment also requires states and school districts to submit these comments along with their application to the Secretary or the state as appropriate.

Such requirements provide parents an opportunity to play an active role in the waiver process, and, by doing so, empower them to help their children succeed in school.

I believe that it is extremely important for parents to be involved in their child's education. As the Center for Law and Education has noted, ''when parents are involved at school, their children not only go further, the schools become better for all children.''

Moreover, the implications of waiver requests are broad. Input and participation by parents and other interested members of our communities can only lead to more effective use of any waivers. Indeed, parents are more likely to be receptive to the waivers and work to see that the goals intended by the waivers are achieved if they actually know about the waivers; are involved in shaping the waivers; and have a real stake in the waiver process.

With Ed-Flex, we have an opportunity to provide more flexibility to

enhance state and local education reform efforts. I am pleased that the Conference Report recognizes the need to balance that flexibility with accountability by containing provisions that I worked on closely with Senators KENNEDY and DODD to ensure that the increased flexibility provided to states and school districts is tied to strong accountability.

When we send scarce federal dollars to states and school districts, we need to hold them accountable for results. Indeed, too many of our children do not get the education they deserve. Without accountability, we will never reverse this situation.

Mr. President, I am also pleased that the bipartisan commitment we made last year to fund the class size reduction initiative is maintained in the Conference Report. Indeed, the Republican attempt to pit the needs of children with disabilities against the general student population is both counterproductive and destructive.

Lastly, I want to note that Ed-Flex alone is not going to turn around the education of our children. Ed-Flex is one of the easier and less complex education issues we may consider this year. Now it is time to begin the hard work of truly improving teacher quality, strengthening parental involvement, equipping our school libraries with up-to-date books, repairing and modernizing our schools, and reducing class size. These initiatives are the hallmarks of real education reform—not slogans about block grants and vouchers.

Mr. President, the issue of education is one of the greatest challenges facing our nation. There are no quick fixes. It is only through hard work and sensible reauthorization of the Elementary and Secondary Education Act that we can begin to truly improve education.

Ms. COLLINS. Mr. President, I rise as an original cosponsor of the Education Flexibility Partnership Act to speak in support of the conference report on this important legislation designed to improve the quality of our children's education.

This is a straightforward, bipartisan proposal with no budgetary impact. It is endorsed by the governors of all fifty states. It will give to every state the flexibility that twelve states have had for the last five years—flexibility that will allow states and communities to pursue innovative efforts for the improvement of K–12 education. We should approve the conference report and take an important first step toward returning the control of education to our states and local communities.

Opponents of education flexibility claim that it reduces the accountability of the states and will divert federal funds away from programs that support low-income children. These arguments simply have no validity because of the safeguards we have written into the act. To be eligible to participate in Ed-Flex, a state must have made significant progress toward developing and implementing challenging standards for education content and performance for all of its students. Moreover, an Ed-Flex waiver can not exceed five years unless the Secretary of Education determines the waiver has been effective in assisting schools in implementing education reforms.

It is not accountability that Ed-Flex eliminates; what Ed-Flex does away with is the direct federal control of local decisionmaking. The objectives of federal education funding remain the same—improve the performance of all students and all schools. Ed-Flex encourages and supports the states and local school districts in developing innovative new approaches to education reform and improvement. The intent of existing education programs is preserved while the administrative burden on the states and local communities is lessened. States and communities will be allowed to tailor these programs to fit local needs and conditions. In short, the legislation we are now considering recognizes that the people closest to our schools—our school board members, teachers, principals, and parents—are the best able to craft reforms that respond to local needs.

As pleased as I am to support this conference report, I am very disappointed that it has eliminated the Senate's provision that would have afforded local schools the choice of using the funds appropriated for class-size reduction to pay for special education. Contrast the progressive objectives of the Ed-Flex bill with this decision. Some members insisted on placing new federal requirements on local schools through a new categorical program at the same time we are moving toward more local control through this bill. We need to move away from this ''Washington knows best'' approach.

I am a strong supporter of public education and believe that the federal government should increase its support for our schools. It should realize this goal first by meeting its commitment to pay the federal share of special education, not by creating new Washington-driven programs. If we meet our obligation to pay forty percent of the cost of special education, millions of dollars of local education dollars will become available for the needs of education in every state and in every school district. These are dollars that can be spent on more teachers—or on school construction, drop-out prevention, after school programs, or on any other need a local school establishes as its priorities.

Clearly, the Education Flexibility Partnership Act is only the starting point. We need to go much further in cutting the federal red tape that binds our local schools and hinders their ability to respond to the needs of their students. Giving schools greater flexibility must be a major priority as we proceed with the reauthorization of the Elementary and Secondary Education Act. I plan to take another step in the direction of less federal control by introducing a bill to give small, rural schools greater flexibility in the way they use federal education funding.

The federal government must help our local schools to improve their performance. But control and management from Washington are not what is needed. Extending the option of Ed-Flex to every state eases the federal hold on our local schools. I urge my colleagues to approve the conference report that is before us today and to move forward in supporting more local decision-making as we reauthorize the Elementary and Secondary Education Act later in this Congress.

Mr. KOHL. Mr. President, I am pleased to express my support for the Education Flexibility Partnership Act conference report. I commend the conferees for working so hard to remove the provisions of the bill that would have been harmful to our schools, and for keeping the elements that really will provide much-needed flexibility to States and local school boards to try new, innovative approaches to improving public education.

I support this conference report for several reasons. First, it removes the provisions in the Senate bill that would have forced school districts to choose between hiring teachers or serving students with special needs. I strongly support putting more money into IDEA. The Federal government is required to pay for up to 40 percent of special education costs; yet, we are currently only contributing about 10 percent. This is unacceptable and I am committed to increasing the Federal contribution to IDEA. But taking the money away from teachers is not the way to do it. We must find the will and the resources to meet all of our educational needs and responsibilities—we should fund teachers, and special education, and technology, and school construction. We should not force school districts to choose between these important priorities, and I am pleased that the conference report no longer does so.

Second, I strongly support the provision in the conference report that allows schools to place disabled children who carry or possess a weapon at school in an alternative education setting. Unfortunately, during consideration of the Senate Ed-flex bill, the amendment that contained this important provision also contained other harmful provisions that would have diverted funding away from teacher. Although I voted against the amendment because of the funding piece, I support this provision to appropriately discipline and remove any student who brings a weapon to school. I am pleased that the harmful pieces of that amendment were dropped in conference, and that this provision to keep guns out of our schools was retained.

It seems particularly appropriate, yet tragic, that this requirement should be passed on the day after the school shooting that occurred in

Littleton, Colorado. Although authorities are still sorting through the facts and details of that horrifying incident, one thing is clear: we must aggressively take every step possible to keep guns out of the hands of children and out of our schools. Enactment of my Gun Free School Zones Act was a good start, and this provision continues to move us in the right direction, but I believe we must go further and make the safety of our school children a national, state and local priority.

Finally, the Ed-Flex conference takes a small but important first step in correcting a glitch in last year's Class Size Reduction Act. Current law requires that if a school district receives less money than is necessary to hire a teacher, that district must form a consortium with other districts, pool their money together, and share a teacher. This simply won't work in many places in Wisconsin; the teacher would spend more time traveling between school districts than teaching. Yet, under current law, unless the district formed the consortium, they would not have access to the class size money at all.

The Conference report partially fixes this problem by allowing those school districts that have already reduced class size in the early grades to access this money without forming a consortium. They are free to use this money for professional development to improve teacher quality. I am pleased by this change, but this does not address the problem for those districts that have not yet reached the target class size reduction goals. These districts want and need this money, and I will continue to work with my colleagues and with the Department of Education to make sure they get it.

Mr. President, the Ed-Flex bill does not solve every problem in public education. We still have many issues to address when we reauthorize the Elementary and Secondary Education Act. But I support the principle of providing more flexibility to States and local school districts, who have the ultimate responsibility of educating our Nation's children. Although it is a modest step forward, I am pleased to support the Ed-Flex conference report.

Mr. BIDEN. Mr. President, I rise in support of this conference report on the Education Flexibility Partnership Act of 1999. When this so-called ''Ed-Flex'' bill was last before this body, it contained a plan to cut back on the commitment this Congress made last year to help put 100,000 new teachers in our schools. Now that this contentious provision has been removed, I'm pleased this afternoon to support the final passage of this bill and to clear this measure for the President's signature.

There's little doubt that education is something that can help set an individual free or consign him or her to a lifetime of uphill battles. And as a Nation, the quality of our educational system can make us a world leader or relegate us to a second-class status.

While most education decisions are—and should continue to be—made at the state and local level, the Federal Government has a crucial role to play in helping schools to educate all our children for the high-tech world of the 21st Century. I believe this bill will help us to better reach our goals.

All across America, parents, teachers, school boards, students, and policy makers are looking to improve their schools, and the Federal Government has offered help to schools in developing and instituting innovative reforms. In 1994, we took the important step of setting up a demonstration program in six states to allow certain regulations in Federal education programs to be waived if those regulations impede progress on school improvement efforts. We later expanded that demonstration program to twelve states.

This legislation we are passing today will allow all states, including Delaware, the same flexibility that was afforded the states in the demonstration program. The Federal dollars will still be spent for the purposes intended, but states will be freed to use the money in the most efficient and creative ways, most responsive to local needs. Importantly, this bill also includes strong provisions to ensure that schools will be held accountable to meet educational goals.

In the struggle to improve our education system, this is an important step in promoting new ideas and solutions to better our schools and make the most of our education dollars.

Mr. GRAMS. Mr. President, I take this opportunity to again express my strong support for the education proposals currently before the Senate, which would direct more dollars and decision-making authority to states, teachers, and parents.

Today the Senate considers an important bill designed to facilitate education administration and free more resources for our students. The ''Education Flexibility Partnership Act of 1999'' would extend the ''Education Flexibility Partnership Demonstration Program,'' otherwise known as ''Ed-Flex.''

Ed-Flex allows eligible local school districts to forgo federal red tape that consumes precious education resources. In return, states must have sufficient accountability measures in place and continue to make progress toward improving student education. States must also comply with certain core federal principles, such as civil rights. The concept of Ed-Flex is simple, yet the benefits would be significant. In other words, let's put more money into educating our kids in the classroom rather than lining the pockets of bureaucrats.

The Ed-Flex demonstration program is currently in place in 12 states. The ''Ed-Flex Act of 1999'' would allow all 50 states the option to participate in the program. With good reason, the program has been very popular. Unnecessary, time-and-money-consuming federal regulations are rightly despised by school administrators. Did you know that the federal government provides only seven percent of local school funding, but requires 50 percent of all school paperwork? That's ridiculous. We need to put education dollars into the classroom instead of bureaucracy.

Ed-Flex takes a critical step in allowing more localized decision-making authority—the power to decide when the federal regulations are more troublesome and expensive than they're worth. Today, there are simply too many regulations which are despised by school administrators.

Giving more decision-making authority to states and local school districts is good common sense. Naturally, those who are closest to our students are in the best position to make the most appropriate and effective decisions concerning their education. One-size-fits-all legislation may work well in other areas, but not in education. Some of the most successful classrooms across our nation vary tremendously in their structure, functioning, and appearance.

In my home state of Minnesota, for instance, we have very rural communities, urban communities, and everything in between. We've got farm kids, suburban kids, and city kids. All of these kids are students. And I know this sort of rural-to-urban community-mix is typical for most states. How much sense does it make then, to require local school districts and classrooms—all with their own particular strengths and weaknesses—to follow, in lock-step, the homogenized, uniform routine of federal bureaucracy? Not much.

This week in Minnesota, the focus in the State Legislature is on education, and those involved in the debate over spending priorities and education initiatives will be Minnesota state officials, teachers, and parents: people much better suited to be making decisions for our students than Washington bureaucrats.

We have opportunities before us to do something meaningful for our children's education. A complementary bill to Ed-Flex which promotes local decision-making power is Senator HUTCHINSON's Dollars to the Classroom Act. Under this proposal, many federally funded K–12 programs would be consolidated and the dollars sent directly to states or local school districts—free from the usual Washington red tape. The bill would require that at least 95 cents out of every dollar spent on 31 primary and secondary federal education programs go to the classroom, allowing teachers and parents to support local education priorities.

It would take money from competitive federal grant programs, which rarely reach the local classrooms that need them, and send this money directly to local schools and districts for their spending needs.

Mr. President, in a more general sense, we need to address the reasons why our students aren't achieving the levels of academic excellence they

should. Of course we all want the best education available for our children, and to improve the state of American education and schools for all children.

It's in the best interest of our kids and of our country. It would be nice to think that we could solve the problems of education by spending more and more money. Unfortunately, that doesn't work. The United States is the world leader in national spending per student. Yet our test scores show that our system is failing our children.

Test results released last year show that American high school seniors score far below their peers from other countries in math and science. We're at rock bottom. It's going to take more time and effort to solve these problems—and the most important work will be done by those in the best position to do so: parents, teachers, and local administrators. We must give them the freedom they need to accomplish the job. This freedom comes with the authority to make decisions based on a variety of specific needs. I will continue to support measures like the Ed-Flex legislation and the Dollars to the Classroom Act, that return money and control—from Washington—to parents, teachers, and local school districts. After all, they know best how to spend education dollars.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. JEFFORDS. Mr. President, I know that education has a lot to do with what happens in these cases, and the failure of our educational system in some regards is certainly a contributing factor. As we get into the dropout protection aspects of the bill and also the Safe and Drug Free Schools Act, I think you will learn some startling things.

I remember not long ago here we had a speaker who told about the amoral generation we are raising in gangs across the country leading to these kind of problems. I think it is incredibly important that when we do take up, which only occurs once every 5 years, the Elementary and Secondary Education Act, we have to examine what happens and why we have these problems. I look forward to working with my friend to design hearings which should be productive to our society.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. JEFFORDS. Mr. President, I ask for the yeas and nays on the conference report on H.R. 800.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. JEFFORDS. Mr. President, we cannot yield the remainder of the time until we have the Senator from Minnesota.

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

The PRESIDING OFFICER. Without objection, the clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. JEFFORDS. Mr. President, I have checked with the minority, and I yield back all remaining time.

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

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from New York (Mr. MOYNIHAN) is absent due to surgery.

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

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

[Rollcall Vote No. 89 Leg.]

YEAS—98

| | | |
|---|---|---|
| Abraham | Enzi | Lott |
| Akaka | Feingold | Lugar |
| Allard | Feinstein | Mack |
| Ashcroft | Fitzgerald | McCain |
| Baucus | Frist | McConnell |
| Bayh | Gorton | Mikulski |
| Bennett | Graham | Murkowski |
| Biden | Gramm | Murray |
| Bingaman | Grams | Nickles |
| Bond | Grassley | Reed |
| Boxer | Gregg | Reid |
| Breaux | Hagel | Robb |
| Brownback | Harkin | Roberts |
| Bryan | Hatch | Rockefeller |
| Bunning | Helms | Roth |
| Burns | Hollings | Santorum |
| Byrd | Hutchinson | Sarbanes |
| Campbell | Hutchison | Schumer |
| Chafee | Inhofe | Sessions |
| Cleland | Inouye | Shelby |
| Cochran | Jeffords | Smith (NH) |
| Collins | Johnson | Smith (OR) |
| Conrad | Kennedy | Snowe |
| Coverdell | Kerrey | Specter |
| Craig | Kerry | Stevens |
| Crapo | Kohl | Thomas |
| Daschle | Kyl | Thompson |
| DeWine | Landrieu | Thurmond |
| Dodd | Lautenberg | Torricelli |
| Domenici | Leahy | Voinovich |
| Dorgan | Levin | Warner |
| Durbin | Lieberman | Wyden |
| Edwards | Lincoln | |

NAYS—1

Wellstone

NOT VOTING—1

Moynihan

The conference report was agreed to.

Mr. JEFFORDS. Mr. President, I move to reconsider the vote and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Several Senators addressed the Chair.

Mr. JEFFORDS. Mr. President, I will briefly speak to thank the staffs on both sides. They worked so hard on this bill. When we went to the conference with the House, there were many things that had to be worked out and they worked extremely fast and very competently to allow us to have this bill passed and on to the President as soon as possible.

I especially thank all of the staff who worked on this bill: Meredith Medley and Lori Meyer with Senator FRIST, Danica Petroshius with Senator KENNEDY, Suzanne Day with Senator DODD, Denzel McGuire and Townsend Lange with Senator GREGG, and Lindsay Rosenberg with Senator WYDEN. I also thank Susan Hattan and Sherry Kaiman with my staff.

I thank all the Members for their excellent cooperation on this bill, which will do a lot to help our local schools in particular to be able to better face the problems they encounter.

Mr. President, I yield the floor.

## RECESS

Mr. CRAIG. Mr. President, I ask the Senate recess for no longer than 10 minutes and at the end of that recess period the senior Senator from West Virginia be recognized.

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

Thereupon, at 4:16 p.m., the Senate recessed until 4:25 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. SESSIONS).

The PRESIDING OFFICER. Under the previous order, the Senator from West Virginia is to be recognized.

Mr. BYRD. Mr. President, I ask unanimous consent that I may yield to the distinguished senior Senator from North Carolina for such time as he may require to introduce some guests.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from North Carolina is recognized.

Mr. HELMS. I thank the Chair and certainly thank the distinguished Senator from West Virginia for whom I have the greatest admiration.

## VISIT TO THE SENATE BY PARLIAMENTARIANS OF THE REPUBLIC OF CHINA ON TAIWAN

Mr. HELMS. Mr. President, today we have in this Chamber a distinguished group of parliamentarians from the Republic of China on Taiwan. I invite Senators who have not already done so to come over and say a quick hello to our visitors.

## RECESS

Mr. HELMS. Mr. President, I ask unanimous consent that the Senate stand in recess for 3 minutes.

There being no objection, the Senate, at 4:26 p.m., recessed until 4:30 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. SESSIONS).

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

Mr. BYRD. Thank you, Mr. President.

## NATO: THE NEXT GENERATION

Mr. BYRD. Mr. President, this weekend, the 19 member nations of the North Atlantic Treaty Organization

will gather in Washington to commemorate the 50th anniversary of the establishment of NATO. Some may see the juxtaposition of this summit against the images of NATO airstrikes over Yugoslavia as being ironic. I see it differently. I see it as prophetic.

The world has changed in the past 50 years, but as the events in Kosovo so graphically illustrate, the world has grown no less dangerous. NATO, likewise, has undergone significant changes over the years but remains no less important to the security of Europe. The key challenge facing NATO today is the dramatic change in the nature of the threat. The cold war is history; the Soviet Union is defunct; the Berlin Wall is just a pile of rubble. Forces massed along the borders have given way to flash points dotted around the globe. The tense but symmetrical standoff in Europe between the East and the West has been exchanged for the capriciousness of terrorists and tyrants.

Just as the nature of the threat has evolved, so must the structure and mission of NATO metamorphose if it is to remain relevant into the 21st century.

In 1949, when the alliance was formed, the Soviet Union and its satellites posed the only credible threat to Western security. It was the chilly dawn of the cold war era, and NATO was precision-tuned to meet the cold war challenge. In the ensuing decades, as NATO expanded from the original 12 to 16 member nations, the alliance grew in strength and stature to guard Western Europe against the formidable forces of the Warsaw Pact nations.

Conflict in Korea and Vietnam, turbulence in the Middle East, the growing influence of China—none of the cataclysmic events of the second half of the 20th century deterred NATO from its focus on the Soviet Union and Eastern Europe. And, in the end, NATO's intensity and single-mindedness paid off handsomely, with the fall of the Berlin Wall and the subsequent collapse of the Soviet Union and the Warsaw Pact.

Through the years, NATO has adjusted its strategy and its mission to meet changing circumstances, but never has the challenge been as great or as far reaching as it is today. Where once NATO contended with the shifting fortunes of a cold war enemy massed along a single front, today the alliance is confronted with brush fires in its backyard, the threat of terrorism from geographically remote nations and organizations, and the proliferation of nuclear weapons in virtually every direction.

To meet this shifting political and military landscape, NATO has expanded on its primary focus of defending its members against the threat of attack by reaching out to its former foes to promote European stability and security. Only last month, Poland, Hungary, and the Czech Republic were welcomed into the alliance. And nine other nations are clamoring for membership.

It is in this context that the 19 members of the alliance will gather in Washington to mark the anniversary of NATO and to discuss the future of the alliance. And it is in this context that the conflict in Kosovo can serve as a useful template for many of the challenges that the alliance is likely to face in the early years of the 21st century.

The lessons learned in Kosovo, preliminary though they may be at this point, should be brought to the summit table. The lessons that are still to come, as NATO prosecutes the attack on Yugoslavia, must be accommodated in any future strategy.

Several specific issues arising from the Kosovo conflict deserve careful consideration by the members of the alliance. And these include the following:

First, NATO should discuss the wisdom of establishing a more robust forward operating presence in Europe beyond alliance headquarters. Given their history, the Balkans are a logical choice. The time and logistical constraints built into ferrying people and equipment from the United States, Britain, France and elsewhere to the front are formidable. The result is a potentially serious disconnect in the ability of commanders in the field to respond rapidly and effectively to changing circumstances. One example of the problems this remote staging has caused is the agonizing wait for the U.S. Apache helicopters to arrive in theater—a delay that has cost NATO in terms of tactical flexibility and has given the Serbs in Kosovo a lethal window of opportunity to carry forward their ethnic cleansing activities.

Second, and in conjunction with a more aggressive NATO forward operating presence, the allies must accelerate their efforts to field common systems and increase interoperability. This does not mean that the United States should become an open-ended pipeline for the transfer of technology to our NATO allies, but there are basic military tools that should be available to, and designated for, NATO operations.

Third, the Kosovo operation should be the genesis for a top-to-bottom review of the NATO decisionmaking process. While the system seems to be working reasonably well considering that it is a conflict being fought by committee, there is no doubt in my mind that decisionmaking must be streamlined. It is, for example, far too cumbersome to give each of the member nations veto power over the list of military targets. It may be well for NATO to consider establishing subgroups of responsibility defined operationally and perhaps even geographically. At all costs, NATO should not blunder into the decisionmaking no-man's-land that has paralyzed the effectiveness of the United Nations.

And finally, NATO should continue to engage Russia as a vital partner in its quest for stability and security, and redouble it efforts to bring other former Soviet bloc nations into the alliance once they have met NATO membership criteria. This is the time to reach out, not to pull back. NATO's sphere of interest and influence no longer spans just the Atlantic Ocean; it spans a vast and complex territory never contemplated in 1949. In this new operating arena, a broader but still solid base will mean a stronger, more vigorous alliance.

We would be foolhardy to believe that Kosovo is an anomaly, just as we would be foolhardy to believe that Kosovo will be the only model of future conflict. The threats that face the NATO alliance at the beginning of the 21st century are many and varied, and they will doubtless proliferate in the coming years. The threat of nuclear attack from rogue nations, the possibility of so-called ''loose nukes'' falling into the hands of terrorists, the danger of chemical or biological warfare, the prospect of cyber-attack, the reality of increasing ethnic tensions amid shifting resources and contested borders—these are some of the threats that the United States and its NATO allies face in the coming years. And these are just the threats we can predict today. Who knows, ten years or twenty years from now, what perils the world will face and what shape our defenses will have to take. But as the conflict in Kosovo so sharply indicates, we must be prepared for the unexpected, even the unimaginable. If NATO has the staying power to celebrate its centennial fifty years from now, it will be in a world that few of us can image today.

NATO has served a worthy purpose since its inception in 1949. Its role in the future security and stability, not only of Europe, but also of the United States as well as far-flung corners of the world, is equally essential. And so I salute NATO on its 50th anniversary, and I urge its representatives to weigh carefully the future goals and mission of the alliance. NATO is at a crossroads: it can remain a force for security and stability in the world, or it can become just another relic of the cold war. For the sake of us all, I hope that NATO charts a course of action that will steer it safely through the turbulence of today and into the 21st century.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative assistant proceeded to call the roll.

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

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

## GUIDANCE FOR THE DESIGNATION OF EMERGENCIES AS A PART OF THE BUDGET PROCESS

The PRESIDING OFFICER. The clerk will report the pending business.

The legislative assistant read as follows:

A bill (S. 557) to provide guidance for the designation of emergencies as a part of the budget process.

The Senate resumed consideration of the bill.

Pending:

LOTT (for Abraham) amendment No. 254, to preserve and protect the surpluses of the Social Security trust funds by reaffirming the exclusion of receipts and disbursements from the budget, by setting a limit on the debt held by the public, and by amending the Congressional Budget Act of 1974 to provide a process to reduce the limit on the debt held by the public.

Abraham amendment No. 255 (to amendment No. 254), in the nature of a substitute.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. ABRAHAM. Mr. President, I was about to ask what business we were on, and the Chair has answered the question.

What I will do now is talk for a few minutes about the reasoning behind the amendment I brought on behalf of myself and Senators DOMENICI, ASHCROFT, LOTT, NICKLES and several others, the so-called Social Security lockbox.

First, I think it is important for our constituents to understand exactly what process happens now and what has been happening to their Social Security payroll taxes.

If you are a working American, Social Security payroll taxes are taken out of your paycheck. Most Americans rue that little FICA box, as they know it means a reduction in the amount of take-home pay they have. The money that falls under the Social Security component of the FICA tax goes into the Social Security trust fund. From there it is used to pay Social Security benefits to retirees.

Right now, however, the Social Security trust fund is taking in more money in taxes than it is paying out in benefits. We are doing that because in 1982 and 1983, as a result of the Bipartisan Commission's recommendations, we came up with an increase in the payroll taxes, the goal of which was to begin to build a surplus that could be used to meet the retirement demands, in terms of the system, of baby boomers.

As a result, over the next 10 years, starting this year, Social Security will build up a surplus of $1.8 trillion. That means 1.8 trillion more payroll tax dollars are going to go into the Social Security trust fund than will be needed to meet the retirement benefit paychecks that will be paid during that timeframe.

As I think most Americans know, and it seems at least virtually every senior or person nearing senior citizen age in my State that I meet with knows, Social Security surpluses have, in recent years, been used to mask the size of the Federal deficit and basically to finance other Government spending—everything from foreign aid to funding for the bureaucracy in the Internal Revenue Service.

Now, however, Mr. President, as a result of the hard work this Congress and previous Congresses have done in the last several years, we are on the verge of balancing the budget without using the Social Security surplus. In fact, over the next 10 years, the Federal Government will accumulate a total budget surplus of $2.7 trillion—$1.8 trillion, as I mentioned, in the Social Security trust fund and $900 billion in non-Social Security surpluses.

The question, then, is what should we do with the Social Security surpluses that we are contemplating generating over the next 10 years? Should we continue spending those surpluses on other Government programs, on new spending programs, or on increases in existing programs? Or should we save those dollars for Social Security? Remember, that was the intent of developing the surplus, to set aside additional surplus Social Security dollars for the day when Social Security income is no longer meeting its outflow in terms of paychecks.

Well, those of us bringing this amendment today say, very simply, let's save it all. We want to save every penny of every dollar to fix the Social Security program, to modernize the program, so that it is ready to meet the demands of the 21st century. If we don't pass a Social Security modernization plan, then it is our belief that that money should be used to reduce the public debt and not used for new spending programs, for tax cuts, or for anything else.

That is the purpose of the legislation we are offering in the form of this amendment—to set up, in effect, a safe-deposit box into which we would put Social Security surpluses to guarantee that they are used solely to modernize Social Security or to pay down the debt.

Mr. President, this protection is needed. It is needed because, without it, the Social Security surplus will be spent. President Clinton said in a press statement of November 15, 1995, that he wanted "to assure the American people that the Social Security trust fund will not be used for any purpose other than to pay benefits to recipients."

"Under current law," he went on to say, "the Secretary of the Treasury is not authorized to use the fund for any purpose other than to pay benefits to recipients. There will be no exceptions under my watch. None. Not ever."

That is pretty unequivocal language: The Social Security trust fund will not be used for any purpose other than to pay benefits to recipients. Unfortunately, in 1998, as you will recall, the President threatened to shut down the Government if we didn't appropriate $21 billion in new Federal spending, to be funded, in effect, from the Social Security surplus. And now the Congressional Budget Office reports and has estimated that the President's latest budget, the one he submitted in February, spends $158 billion of the Social Security surplus—20 percent of the surplus that will be generated over the next 5 years on non-Social Security programs.

If we have learned anything else over the last several years, we should have learned beyond a shadow of a doubt that money left in Washington will be spent in Washington. That includes money in the Social Security trust fund.

I have singled out the President in my comments here because of this year's budget submission, as well as last year's spending bills; but it is not one side of the aisle alone that has a tendency to spend dollars. We have all voted for spending bills here that have taken the Social Security trust fund money and spent it elsewhere. In my judgment, the failure of the current budget process to provide safeguards against such spending demands that we put in place the kind of safe-deposit lockbox we are discussing here today in order to make sure that in the future the Social Security surplus dollars are protected, because unless we protect that surplus, in my judgment, it will be spent and we will not have adequate money to make sure that Social Security is not only available to today's seniors but tomorrow's seniors as well.

The purpose of our Social Security lockbox is to make Social Security funds unavailable to those who want to spend them. First, it reaffirms that Social Security is off budget. Second, it establishes a 60-vote Senate point of order against any resolution or legislation that spends the Social Security surplus. Third, it establishes in law a declining limit on the amount of debt to be held by the public, which keeps Social Security moneys from being spent on Washington programs.

In other words, Mr. President, initially on an annual basis, and then on a biannual basis, this legislation would mandate that the publicly held debt be decreased by the amount of money in the Social Security trust fund surplus until such time as we pass Social Security modernization legislation that would use those surpluses. In other words, if Congress does not pass a Social Security modernization plan, we will reduce the public debt, and the total amount over that 10-year period would be over $1.2 trillion—well over $1 trillion that would otherwise have been simply spent would, under this proposal, be used to pay down our debt. That, in turn, would lower interest rates, strengthen our economy, and strengthen the Social Security system accordingly. By strengthening our economy, this debt reduction will directly impact, in my judgment, not only economic growth but the strength of Social Security.

Mr. President, in light of the time, I want to turn at this point to some of the comments that have been made on the Senate floor with regard to this amendment. Perhaps the most serious we have heard are serious charges that this amendment would prevent the Federal Government from meeting its

obligation to pay Social Security benefits themselves. This is premised on a letter that was sent by Secretary of the Treasury Rubin some time ago—before this legislation was even drafted, I might add—criticizing the as-yet-to-be-drafted legislation on a number of counts. Some have referred to the letter from Secretary Rubin in expressing his concern about a bill not yet introduced.

I urge my colleagues who have raised these concerns to please read the text of the amendment before us today. Let me point out in this regard that no fewer than three provisions in this amendment guarantee that there will be absolutely no disruption of any kind in the payment of Social Security benefits. We attempted—even though we had not yet drafted the legislation—in drafting the initial bill itself, which is offered in this amendment, to make sure that the concerns raised by the Secretary of the Treasury were, in fact, addressed. First, we included a recession trigger, which would suspend these public debt limits in times of recession and reinstate them only after we had recovered from a recession at a newly adjusted public debt level. Second, we included a provision seeing to it that no short-term task management problems would endanger Social Security payments. We have done that very specifically. Finally, we provided for a 7-month delay in implementing the lower debt limit figures—a delay that would make sure that when the publicly held debt limit was reduced, that event would occur at a time when the Treasury was at its maximum annual cash flow position, so that any type of management of money challenges the Secretary of the Treasury might have that might precipitate a short-term cash flow problem would not be encountered.

In our judgment, this will provide the Secretary with a buffer that will be more than adequate, in terms of cash flow, to meet all Social Security obligations. In addition, the amendment contains a legal declaration that Social Security benefit payments required by law have priority claim on the U.S. Treasury. Such provision should not be necessary because in the highly unlikely and, indeed, unprecedented case of a default, I would be shocked to find that Secretary Rubin, or any of his successors, would give greater priority to spending dollars on foreign aid, corporate welfare, or the IRS bureaucracy than paying benefits to seniors. Nonetheless, to ensure that does not happen, we have included in this amendment a guarantee that, in the highly unlikely event of a default, Social Security benefits will be paid first.

Finally, I must add one other guarantee of Social Security payments. I must mention one, and that is the Members of Congress themselves. I cannot conceive, and I am sure the Presiding Officer cannot conceive, that there is any Member of this body who would not vote to suspend these debt limits immediately if there was any risk of failing to meet our Social Security obligations. That would not happen. I don't think there is a Member in the House or the Senate who would vote to make sure those payments were met, and that is what we have—a point of order that can be overturned by a 60-vote Senate vote on the legislation.

Social Security benefits are not endangered by this amendment. They are, in fact, made much safer by its provisions for saving Social Security, as well as the clear priority the amendment gives to all Social Security payments.

The bottom line, Mr. President, is that we believe this amendment would make Social Security safer, and that is why 99 Senators recently voted for a sense-of-the-Senate resolution declaring that every nickel of the Social Security surplus should be saved in this way to fix Social Security, or to reduce the public debt.

I urge those same 99 Senators to vote for cloture so that we can have an up-or-down vote on this amendment.

I also say this. I know there are other Members who have other ways in mind as to how, perhaps, to address the challenge of protecting the Social Security surplus. In fact, I suspect the Senator from South Carolina, who spoke about this yesterday, will perhaps offer an amendment that he offered in committee. That is fine. I think we should offer different proposals. Let's vote them up or down. Let's not prevent votes from taking place. I would like a vote on this amendment, and I would certainly be happy to have a vote on amendments offered from other Members on either side of the aisle. But let's move the process forward.

I think most people would like to see us addressing this issue head on and not deferring it and not refusing to take votes on it. I think what we should do is try to offer those various approaches and have the chance to have them debated in the context of the bill on the floor, and then vote on the amendment we are proposing, and on others as well, and we will see where the Senate judgment ultimately lies.

In any event, Mr. President, I appreciate the opportunity to speak here today, and that I will now replace the Presiding Officer. I notice that the time for that, too, has arrived.

Mr. HOLLINGS. Mr. President, will the distinguished Senator yield for a question?

Mr. ABRAHAM. I will yield for one. I have to relieve the Presiding Officer.

Mr. HOLLINGS. He doesn't mind. He loves it.

I just heard coming on the floor the expression that ''every nickel'' is expended for Social Security. Is that correct, under this amendment?

Mr. ABRAHAM. Our proposal, as the Senator knows, is to make sure that every Social Security surplus dollar is either spent in conjunction with legislation to modernize and guarantee the long-term solvency of Social Security, or used, as I said, to pay down the publicly held debt.

Mr. HOLLINGS. That isn't what it says. ''Every nickel,'' the Senator said, could be used for Social Security. What I am trying to distinguish here, and asking the question, is the doubletalk, which obviously when you say ''every nickel'' used to reform or pay for Social Security or pay down the debt, now when you use moneys to pay down the debt, that is not for Social Security.

Mr. ABRAHAM. As I think I laid out very clearly what the amendment does, I think the Senator from South Carolina would agree with me that when we take the Social Security surplus dollars and spend them on new spending programs or tax cuts or the expansion of existing programs—that is what has been going on—I don't think that is what we want to see done with those dollars.

Mr. HOLLINGS. Right.

Mr. ABRAHAM. The issue is what do we do with them, if we don't spend them or use them for more spending programs?

The legislation we are proposing says we either use those dollars to fix Social Security to deal with this long-term insolvency, or until we pass such legislation that we would use it to pay down the national debt.

In my State, at least, I find an overwhelming number of people who feel that paying down the national debt is the one and only alternative for using these dollars. That makes sense to them because they know that will help us in the long term to address Social Security and solvency and a variety of other challenges that we face as a country.

Mr. HOLLINGS. How do you pay down the debt with Social Security money, thereby causing a debt in Social Security? Social Security, I ask the distinguished Senator, is not responsible for the debt. In fact, Social Security is running a surplus, a surplus which was created intentionally to help fund the retirement of the Baby Boom generation.

So let's both agree that Social Security hasn't caused the debt.

Mr. ABRAHAM. That is right. I agree.

Mr. HOLLINGS. When you use the expression ''to pay down the national debt,'' or the ''public debt,'' or whatever debt, it is debt caused by spending, or by tax cuts, or both. So you are not using every nickel for Social Security. On the contrary, what you are using is Social Security moneys to pay other debts for any and every purpose but Social Security.

I don't understand the distinguished Senator coming along and supporting this. I don't want to see him get in trouble, because I am going to ask the majority leader to pull this amendment down. They don't want a vote on this. What he is saying is that he wants to save Social Security. I have the quotations in the file of everyone.

Senator DOMENICI says ''every nickel'' to be spent on Social Security. Senator GRAMM says ''every nickel'' to be spent on Social Security. I come in on the floor, and Senator ABRAHAM says ''every nickel'' to be spent on Social Security. Then when you use the expression ''pay down the debt,'' which everybody wants, I agree with that. But when you use that expression and use that legislation, the amendment, to pay down the debt, in essence what you are saying is you are going to use Social Security, not for ''every nickel'' on Social Security, but for every nickel on any and everything other than Social Security.

Mr. ABRAHAM. As the Senator from South Carolina knows, Mr. President, right now we are spending as much money as the current benefit system requires. We are fulfilling every single benefit which Social Security on an annual basis requires. The question is, If you have additional money, what do the American people want done with it? I think the American people do not want it spent for and don't want to see that additional surplus used for tax cuts. I think the American people are fed up with that.

In my judgment, if the amendment were offered and passed, then that money will be spent, or it will be used in one of the fashions you have just described, the very way it has been used since 1983.

So the question is which option do we prefer? I would like to see the money used to modernize Social Security. I hope we can on a bipartisan basis come forward with a plan that, in fact, modernizes Social Security for the 21st century. Until we do that, of the three choices left to us, it seems to me that at least the constituents in my State want to make sure that money doesn't get spent. I don't want to see it used for tax cuts. We want to see it used either to fix Social Security, or to bring down the national debt, because by bringing down the national debt we will, in effect, strengthen our position as we attempt to solve Social Security in the long term.

Mr. HOLLINGS. I will get into the point about the national debt. I wish, as the Senator just outlined, ''pay down the national debt''—the truth of the matter is paying down the public debt has caused the national debt to continue to rise. We are not paying down the national debt.

I wish Mr. Greenspan and Chairman DOMENICI, and all the rest who are talking about paying down the debt, would say, just as the Senator from Michigan has said, pay down the national debt, but the assumption is you have money left over. The truth of the matter is having used Social Security over the last several years, since 1983, to pay down the public debt, we now owe. We don't have a surplus in Social Security. This year the Social Security surplus is estimated to be $127 billion, but by the end of the year we actually will owe $857 billion to Social Security. Why? Because we loot money from the trust fund and use it for other things.

That is my problem. And it was intended for the surplus money to stay there and to earn under section 201, in regular Treasury bills, government securities. And this year, if left untouched, it would earn almost $50 billion in interest for the Social Security trust fund.

Incidentally, I know the Senator is a good businessman. That is the policy for corporate America. We make it a felony to pay down the company debt with the pension fund. Here we are paying down the government debt, whether it is public or the national debt, we are paying down the debt with Social Security, or the pension money, where it is a felony in private practice. We think that is a wonderful policy.

Mr. ABRAHAM. We are sort of moving a little beyond the question here, I say to the Senator, in that I have to relieve the Presiding Officer.

Here is what I say to the Senator from South Carolina. We have a lot of ideas. Senator HOLLINGS has offered in the committee his alternative as to how we should deploy these resources, these surplus dollars. Others have talked about an even bigger lockbox than the one we are proposing that might encompass other areas of Federal spending. That is fine. I am more than happy to debate each of these options. I would just like to see us vote on this option.

I would like to see the Members of the Senate have a chance to vote yes or no on the question of whether or not we create as an option to using these dollars for spending or tax cuts the option that would have to be followed of using it to pay down the debt.

In my judgment, Mr. President, that is an option that seniors, and people who will soon be seniors, would prefer to see these dollars used for as opposed to the way they have been spent in recent years.

But if a majority of the Senate thinks that they prefer to see these dollars spent, whether on tax cuts or new spending programs, they can vote on it. And they should have a chance to vote on it. In fact, tomorrow they will have their first chance to vote on it. I say let's give the various plans their day in court here and let's see if the majority of the Senate supports one over the others.

Mr. President, I yield the floor to the Senator from South Carolina.

Mr. HOLLINGS. Mr. President, I appreciate the distinguished Senator from Michigan yielding and engaging in a colloquy with me.

Moving right to the point, it is not a question of this particular approach or that particular approach. It is this particular amendment by the distinguished Senator from Michigan. I think it ought to be withdrawn.

What has been prompting this maneuver? They have been planning to see how in the world they could kill the President's program in one instrument while ensuring a tax cut on the other hand. In order to do that, they brought out the budget resolution with all that language I pointed out earlier yesterday repealing the pay-go rule. After repealing that pay-go rule, they can come in later with tax cuts.

Incidentally, the tax cut is going to be scheduled so that it brings in, over the first 5 years, only a tax cut of about $142 billion; but over the next 5 years, $736 billion. That is how they get by the pay-go rule with that language in the concurrent resolution.

Reading from the handout from the distinguished majority leader, and the author, the distinguished Senator from Michigan, it ''uses Social Security surplus to reduce debt held by public.'' What they are saying is they are using Social Security money to pay a debt.

Now, if it was to pay the debt owed Social Security, the $857 billion which we will owe at the end of this year. Why is that? Because we have been paying down the public debt with Social Security trust funds. That is exactly why there is a debt in Social Security. Under the policy set by this particular amendment, you say that is exactly what we love to do, we are going to use the Social Security surplus to reduce the debt held by the public.

This activity is illegal, in the sense that section 13301 of the Budget Act says you cannot use the particular moneys of Social Security in the general budget. There should never be a budget reported using Social Security moneys by the Congress, by the President, or in the budget resolution. That law, the Budget Act of 1990, was signed by President Bush. I heard a Member mention 99 Senators; 98 Senators, bipartisan, voted for section 13301, but that has been violated ever since its enactment, and that is why the debt continues to grow.

Now, I would shut up, sit down, and take my seat if this amendment said ''use Social Security surplus to pay down the Social Security debt,'' but you are going to use the Social Security surplus to pay down any and every debt but the debt in Social Security and in the same breath say we want to save Social Security and this is how—put it in a lockbox. You say we will put it in a lockbox, and every nickel will be used for Social Security, yet this amendment actually guarantees that every nickel of that surplus will be used for any and every thing but Social Security.

I am sure the Senator from Michigan wants to look at that closely with the Senator from Mississippi, the majority leader, because I had this particular debate last year in the election. My poor Republican opponent came with the same kind of language, and we put him right. We have different organizations to save Social Security. Max Richmond and the rest came down and gave me an award. This is a fact.

And we wonder why there is no confidence in the Congress and why our

Republicans get in trouble on Social Security. They get in trouble on Social Security because they tried to take it away in 1986. That is when they lost the U.S. Senate. Then they fought me. I finally embarrassed them into voting in 1990 to save it. I thought they would obey their own law. They didn't.

Now, in an effort to get on top of the Social Security, they put out the rhetoric that every nickel is going to be saved for Social Security. I can state in this submission exactly what was said. Senator DOMENICI, the chairman, when asked, ''Why is that the case?'' ''Because we say put 100 percent of the accumulated surplus that belongs in the trust fund in the trust fund.''

That isn't what the amendment says. It doesn't say, ''keep it in the trust fund.'' It says, ''use the money to reduce the debt''—any and every debt.

How is the debt caused? Kosovo spending. How is the debt caused? Military pay. How is the debt caused? Foreign aid. Any and every program.

The distinguished Senator from Michigan said that the Commerce Department was running up a debt unnecessary to the Department—abolish the Department. We are going to use Social Security money to pay for the Commerce Department—the very Department that the distinguished Senator said we ought to abolish.

Let me read further. Here is the chairman of the Budget Committee:

> In addition, for those who are wondering what we are doing about Social Security and what the President does about it, let me remind you, we do not spend one nickel of Social Security, of their money, for any new program. When the President of the United States spent $158 billion in the first 5 years out of Social Security trust fund without any apologies, just said spend it, we say ''Don't spend it, keep it in the trust fund and put it in a statutorily created lockbox that would be tied to debt so it never can be spent.''

Further down:

> You do not have to be worried whether that Social Security trust fund is going to be used for tax cuts because we cannot direct that any of that money be used for tax cuts. It can be used for the debt caused by tax cuts.

They are running around wanting to reduce the debt. How can you reduce the debt by giving an across-the-board tax cut? That reduces your revenues and causes the debt to increase.

Senator GRAMM says:

> What this budget does on Social Security is very, very simple. It says every penny [not just every nickel; the Senator from Texas is a real conservative] every penny that we collect in Social Security taxes that we don't have to pay Social Security benefits should be dedicated to Social Security, not to any debt caused by other programs in the government.
>
> We should not spend it on any other Government programs, nor should we use it for tax cuts. Senator DOMENICI, in a proposal that is enshrined in this budget that we will have to vote on, sets up a lockbox. We will not be able to spend one penny of the Social Security surplus. This is vitally important because, as everybody in the Senate knows [I am quoting Senator GRAMM] and I wish every American knew, our Government has been using every penny of money coming into the Social Security trust fund for other programs. We currently have IOUs for this money.

Mr. President, $857 billion, those are the IOUs. So the Senator from Texas and I agree that we have been stealing it. And how do we steal it? We use it to pay down the public debt. How is the debt caused? By tax cuts.

So, what goes around comes around. I know the distinguished Senator does not want to join in that because he wants to save every nickel, he says. I will get the Congressional RECORD tomorrow and I hope they do not change it. But the quotation is there: ''Every nickel to be spent for Social Security.'' That is what Senator GRAMM, the chairman of the Budget Committee, Senator DOMENICI, and the majority leader said. If you really want to save Social Security rather than spend it, you are going to, by gosh, vote against cloture, continue this debate so people can come to their senses. I can tell you that right now, I do not mind voting against it. You can tell my opposition to it.

I will ask the distinguished Senator from Idaho, what about Social Security? I am trying to get sense out of this language here. Fortunately, the 19-page amendment is reduced. As it is described in the handout by the distinguished majority leader, it ''uses the Social Security surplus to reduce the debt.''

How do you use the Social Security moneys to reduce the debt and yet spend every nickel—or every penny, as Senator GRAMM says—for Social Security? The debt is not caused by Social Security. The debt is caused by anything and everything but Social Security. So, once you use Social Security moneys to pay the debt—I will be glad if somebody will just explain that to me and I will be glad to stop. But I just do not understand how we save Social Security by spending its money on any and every other program—the debt of every other program but Social Security.

Would the distinguished Senator want to respond?

Mr. CRAIG addressed the Chair.

The PRESIDING OFFICER (Mr. ABRAHAM). The Senator from Idaho.

Mr. CRAIG. Mr. President, I will certainly be happy to try to respond to the Senator. The Senator has been here a good deal longer than I, has spent a good deal more time on this issue than I, but he also understands the term ''the debt held by the public.'' Any time you decrease the debt held by the public, you increase the ability of Government to pay their obligations to Social Security. Because those obligations will not be ingrained in new spending—be it discretionary or entitlement spending—we set it aside and we do not obligate it except for, as you would have in this instance, a reduction of debt and a decline, therefore, of interest paid on debt.

That specifically is what the language does. I think it is quite clear and it is quite obvious that we are not obligating Social Security trust funds anymore to entitlement spending or to discretionary spending. And, therefore, when the obligations of the trust fund come due, you have money available because you did not obligate it. Therefore, this Senator and I do not have to go to the public to raise taxes to pay for a system for which the public had already been taxed.

I am not a budgeter, nor am I on the Finance Committee, but I have worked with the chairman of the Budget Committee in the crafting of the language. I find it quite clear, not very confusing at all.

Mr. HOLLINGS. Does the distinguished Senator find that Social Security has caused the debt that we are talking about paying, whether it be public, private or otherwise?

Mr. CRAIG. The Federal Government has borrowed money from the trust funds, as the Senator knows. That is the law that was created.

Mr. HOLLINGS. But I am asking does it cause any debt? Did Social Security overspend?

Mr. CRAIG. It creates an obligation to repay because it is taken out in the form of Treasury notes and interest paid, and certainly there is an obligation to pay back. Whether it is an obligation to pay back or a debt, then that is a game of semantics, but it is an obligation. If I had an obligation to pay, as the Government does, to the trust funds of Social Security, I would consider that a debt burden and something I would have to pay. And I am quite sure my accountant would want me to put that in the ''debt'' column of ''bills outstanding'' or ''money to be paid'' or ''owed to'' a particular payment scheme. I call that debt.

Mr. HOLLINGS. That is because the Government has taken the money from Social Security?

Mr. CRAIG. They have borrowed it by law, as was prescribed in 1935, from the trust funds. That is the only way the money can be held in the trust funds to generate interest on the account. That is correct.

Mr. HOLLINGS. Held in the trust fund? Let's you and me stop there. Why not hold it in the trust funds? Why spend it?

Mr. CRAIG. No, no. Because you would have to use it. If it sat idle, it would lose anywhere from 8 to 10 percent a year on interest it could be earning.

Mr. HOLLINGS. It could be held in trust over in the Treasury. We have a measure to do that.

Mr. CRAIG. And done what with it, invested in the stock market to gain money?

Mr. HOLLINGS. No, invested under section 201. Under section 201 it must be invested.

Mr. CRAIG. Loaned to the Government.

Mr. HOLLINGS. Long-term securities. It takes securities but you can

take that money and put it back into the trust funds so it can earn the interest.

Mr. CRAIG. The Senator from South Carolina and I both know exactly what we are talking about. We are talking about the same thing. The law is very specific.

Mr. HOLLINGS. Right.

Mr. CRAIG. You don't loan it out to a bank. You don't play it in the stock market. You loan it back to the Government and the Government uses the money that they borrowed.

Mr. HOLLINGS. That is where we differ. Why would they loan the money? Why not put it back in trust when we make that profit, the maximum amount allowable under law.

Mr. CRAIG. If the Senator will yield just briefly, and I will let him have the floor for the remainder of his time, the Government is not going to pay interest on money they can do nothing with.

Mr. HOLLINGS. We can buy those—you said the Government needs to do it?

Mr. CRAIG. No, the law requires it.

Mr. HOLLINGS. It is not a question of need, it is a question of law.

Mr. CRAIG. The Government doesn't need to do it, the law requires it to do it. I did not write the law; it was written in 1935 before the Senator from South Carolina and I ever got here.

Mr. HOLLINGS. That is what I want to say, exactly. And I think it is a very sound law and I am not trying to repeal it. I am trying to carry out its intent. That is, we reap those benefits like any other Treasury security. Mr. President, there is not any question we are in a dickens of a fix. The CBO predicts that at the end of 1999 we will owe Social Security $857 billion; in the year 2000, it will be $994 billion that will be owed to Social Security. I want you to get the feel and the picture of exactly what is coming. They are talking like this is the only way to do it.

This is the only way to absolutely savage and destroy Social Security. They want to continue to do it formally with this particular amendment, because this amendment, by the year 2001, paying down the public debt with the Social Security surplus, we will owe Social Security $1.139 trillion. Extrapolating it on out, by the year 2007 we will owe Social Security, paying down the public debt, $2.205 trillion; and on the 10th year out, the year 2008, we will owe Social Security $2.417 trillion.

There is where we are going to be faced, before we get to the point of the year 2012–2013, where they said the interest costs then are going to have to be consumed and not earned in order to make the payments. And by 2022, we will be totally out of money. By that time it will be about $4 to $5 trillion. But just in the short period, by 2008, they are talking about all of this going up and how we are paying down the public debt over the years, we are increasing the Social Security debt, all under the auspices and policy of saving Social Security. That is what this Senator is trying to ram home.

This is not saving Social Security. This is spending Social Security, putting it in a deep hole, totally in the red, and there is nobody in his right mind going to come and start trying to raise taxes for $2.417 trillion. That is the course we are on with this particular amendment. That is why the Senator from South Carolina is exercised.

We have several problems. One, of course, is to save Social Security. The way they do it is to continue to pay down the public debt with this particular amendment. It uses the Social Security surplus to reduce the debt held by the public. That is exactly what we have been doing, and now we want to formalize it. In essence, in paragraph 1 of the amendment, they reaffirm section 13301 saying that you cannot do that, and then in a further paragraph on page 10, they say that is what we can do.

I remember, Mr. President, when I was the Governor of South Carolina, we had a contest. We were cleaning up the insurance industry. We had the Capital Life Insurance Company. They were looking for a slogan. We came up with the winning slogan: ''Capital Life will surely pay if the small print on the back don't take it away.''

That is exactly what we have in this amendment. They are trying to say, ''Oh, no, we're not changing the law at all. We have the very same thing. We are doing it exactly the way it has been done over the years.''

This is a long amendment:

> This title may be cited as the ''Social Security Surplus Preservation and Debt Reduction Act.''

Then, it cites a finding. In the finding, Mr. President, right in the very beginning, page 3, section 1, it says:

> (1) REAFFIRMATION OF SUPPORT.—Congress reaffirms its support for the provisions of section 13301 of the Budget Enforcement Act of 1990 that provides that receipts and disbursements of the social security trust funds shall not be counted for the purposes of the budget submitted by the President, the congressional budget, or the Balanced Budget and Emergency Deficit Control Act of 1985.

That is to keep the money in Social Security.

But if you turn to page 10, it has a very tricky clause in here. It is called ''calculation.'' They were calculating when they wrote this one:

> After the Secretary determines the actual level for the social security surplus for the current year, the Secretary shall take the estimated level of the social security surplus for that year specified . . . and subtract that actual level.

When you subtract that actual level, you pay down the public debt. That is where they satisfy we are going to use Social Security trust moneys to pay down or reduce the debt. Fine business. It is reducing the debt for any and every program in Government, whether it is entitlement, discretionary, defense spending, or whatever, for any and every debt caused by every and any program other—other—except for Social Security. That is what gets me.

Then they say every nickel is going to be spent, every penny is going to be spent, lockbox, nobody can touch it, you can't get to this money for any tax cut or for any spending programs or anything else, but you can get it for the debt caused by tax cuts, for the debt caused by spending programs.

That is exactly what this amendment does. I think it ought to be withdrawn, because Members should not want to be in a subterfuge situation of this kind trying to save Social Security and actually savaging the program.

Mr. President, I got into this debate with the Office of Management and Budget when they used the word ''surplus.'' There is no surplus.

We can see from another chart that as of the year 1998, the expected deficit, according to the Congressional Budget Office—and this is the most recent April 15 figure—is $109 billion. Then 1999, $105.2 billion. They expect on the current policy—current policy is not $17 billion to $18 billion for military pay; it is not $6 billion more for Kosovo; it is not the caps being busted; it is really, since we already spent $12 billion last year and already busted the caps in this year's budget, $21 billion.

We are looking for $32 billion there. We ought to pocket right this minute over $50 billion. The task of the Congress to keep current policy to only get to a deficit—again, next year on the 2000 budget of $91.8 billion, Mr. President, we have to start cutting programs some 50 billion bucks.

That is not in the cards at all. My friends on the other side of the aisle who came and said, ''Look, what we want to do is get rid of the Department of Education,'' now say, ''What we want to do is increase spending for education,'' because education, we found out in the political polls, is a very important issue in the Governors' races.

All over America, everybody is interested in education. So now we want to increase spending for education, and instead of abolishing the Department, they are looking at election 2000. So they say, ''What we are going to do is actually increase money.'' You can see at a glance that we are in trouble there.

The deficit, under current policy, continues to go up, as you can well see by the gross Federal debt on page 38 of the most recent economic and budget outlook fiscal years of the Congressional Budget Office. They see that the debt continues to go up in the years 2000, 2001, 2002, 2003, 2004, 2005. And then by the year 2006, the actual debt will start coming down. We will actually get in more money. We will spend less, for the first time, than what we take in.

Right now, our dilemma is that just with current policy and not cutting $51 billion, we are going to have a $91 billion deficit. And if we do not cut some $50 billion from the spending programs to take care of the military, Kosovo,

and the particular targets set, then we are going to be back to about $140 billion.

We had a good record in 1993, and it was not Greenspan. I keep hearing how the people out there did it. No; we sweat blood and tears. We voted to increase taxes on Social Security. I hear about all the tax cuts. Where is the tax cut to reestablish the moneys back to Social Security? They have given that up. The Senator from Texas said they were going to hunt us down in the streets and shoot us like dogs with that thing. Senator Packwood stood on the floor and said he would give you his house if the program worked. Congressman KASICH, chairman of the Budget Committee on the other side, said he would change parties.

The stock market has gone over 10,000. Still we have the lowest inflation, lowest unemployment rate, business confidence, what have you, and the program is still working. Greenspan has not had anything to do since 1993. He just sits there as a sage and talks about some kind of increased excitement or whatever else, however he phrases it. Actually, he just lets our particular program work, and we are proud of it. The deficit has been coming down each year.

Now under this amendment, you can bet your boots that you are spending Social Security to pay down the public debt. While saying you are trying to save it, you actually are going to increase the debt.

That is how the CBO figures show it. That is what has been done over the years. That is the current policy. And this particular amendment does not change it. It is just fancy language to come about and try to get credit for ''100 percent.'' The rhetoric is correct: ''100 percent, every penny, every nickel, lockbox, lockbox,'' everything else. But the actual instrument itself—''Watch what we do, not what we say,'' as the former Attorney General, Mr. Mitchell, said.

So what we do have is fiscal cancer. I say that advisedly, Mr. President, because everybody in America should understand that this year we are going to waste $356 billion in interest costs on the national debt. That is money spent for nothing productive. And when you do that, you really are taxing the people.

If you could start paying down that debt—not the public debt, because when you pay down the public debt it increases the Social Security debt. It is like two credit cards, of course, having a MasterCard and Visa card, and you want to pay down the MasterCard, the public debt, with your Visa card, the Social Security card. So as you pay down what they can see, and what the stock market loves—because they do not want the Government, with its sharp elbows, coming into the market running up interest rates, crowding out corporate capital, maybe causing inflation, and otherwise, slowing the economy, actually paying its bills.

There is no free lunch. What happens is, your interest costs go up, up and away, as this particular chart shows.

Back when we last balanced the budget, Mr. President, under President Lyndon Baines Johnson, the debt was less than $1 trillion. And the interest cost for 200 years of history and the cost of all the wars—the Revolution, the Civil War, World War I, II, Korea, Vietnam—the interest cost of 200 years of history and all the wars, the interest cost was only $16 billion. And since that time, without the cost of a war, it has gone up to $356 billion—think of that—$340 billion more that we have taxed the American people that we have to spend.

''Government's too big,'' is the charge about tax cuts. ''The Government is way too big.'' What is too big is the waste that has been caused by this political rhetoric and litany going on about ''the Government's too big; therefore, we need a tax cut.''

What we need is a tax increase. Can you imagine a Senator saying that on the floor? I am like the Senator from Michigan. I do not think too much spending cuts are going to occur to take care of this particular problem for the simple reason we had 8 years of President Reagan cutting spending, we had 4 years of President Bush cutting spending, we have had now another 6 years of President Clinton cutting spending—that 1993 Act cut spending $250 billion, and in fact it was way more than what we thought.

As we went into the different programs, we increased taxes $250 billion, which really amounts to about $310 billion. And we taxed the upper brackets, we taxed Social Security, as I have just described, but we got the economy going, and we started bringing the deficits down; but the debt kept going up because we kept spending Social Security on the public debt.

That is how the debt has continued to go up, up and away on the Social Security. And the national debt has gone up. And it is fiscal cancer. You cannot give a tax cut if you are not paying your bills. You do not want to cut your revenue. You do not want to increase spending. Everybody agrees with that.

But one way to make sure your debt continues to increase, which means the waste of interest costs continues, is a tax cut. But that is political jargon. We had that debate last year. And the distinguished colleague that I had opposing me, he wanted to have a tax cut. I said, let's pay down the debt. And we had put in a plan—I think the distinguished Presiding Officer should remember this because it was bipartisan.

We had a conscience back 10 years ago. In 1988, we met in the Budget Committee, and you could see this so-called supply side—I wish my friend, Jack Kemp, was here because we would have a good debate. I will not describe that bus wreck that Senator Dole would always talk about, the bus going over the side—a bunch of supply-siders. He said that was the good news. He said what was the bad news was one empty seat.

We were just causing the debt to go up, up. By the way, that is in the CONGRESSIONAL RECORD. That is not off-color by the Senator from South Carolina. I will get it out of the CONGRESSIONAL RECORD and show it to you. That is one reason I think Senator Dole lost. Because he and I worked on cutting down the debt, cutting down the spending, and then he went for a 15-percent across-the-board tax cut knowing that it was not any way to pay the bills and cut down the debt.

But in any event, we realized, Mr. President, that we had to do something. So in the Budget Committee, in 1988, I presented a value-added tax, a value-added tax of 5 percent, each percent raising about $35 billion, for about $185 billion.

The distinguished Senator on the floor just momentarily asked, What are you going to do with the money? I say, put it in trust to not be expended except on reducing the deficit and debt. ''Reducing the deficit and debt,'' that was the language.

I had Senator Armstrong from Colorado. I had Senator Boschwitz from Minnesota. I had six other Democratic Senators. We had eight Senators vote for that, and I appeared before the Finance Committee, and they quietly told me—they said, If we could have a secret ballot, we would pass it in a minute because we have to start doing it. I even wrote my friend, President Bush, and told him I would be glad to head up the Budget Committee effort and everything like that if he was really doing it. He said now is not the time. I will show you the letter.

But we have been trying our best. If we had a VAT here, a tax increase allocated to the deficit and the debt, it would not only start paying it down, it would immediately remove about a 15- to 17-percent disadvantage of producing in the United States of America.

Now we have all of these different commissions on competitiveness and productivity. Every industrialized country has a value-added tax. Canada has one. Japan has one. In Europe the average is about 17 percent. And what we did is we brought the expert, Van Canosom was his name, from Holland, who had worked on both the Canadian and the Japanese, as well as the United Kingdom VAT. And he helped in an appearance before the Finance Committee.

What we pointed out, in addition to paying down the debt, if everybody really wants to pay down the debt, we could also reconcile what you saw in the morning paper—$310 billion this year in deficit in the balance of trade. It went on to say that the economic experts were worried because we were consuming more than we are producing.

The policy is not to produce in the United States. We are not competing really with the Japanese, really with the Mexicans. We are competing with

ourselves. If you have a manufacturing plant, and 30 percent of your volume is your labor cost, you can save as much as 20 percent of the volume by moving your manufacturing to a lower-wage, offshore country. So if you have $500 million in sales, you can move to that low-wage, offshore country your manufacturing—just keep your executive office and your sales force in the United States—and immediately, before taxes, you make $100 million; or you continue to work your own people and go broke, because your competition is moving like gangbusters just over and fast.

The only industries—as a former Governor I was in that game of industry attraction— we are getting in South Carolina and in the South are foreign manufacturers who are trying to get into the American market, the richest market in the world.

That is what is really happening. We are not getting any expansions. On the contrary, the already instituted manufacturer is moving, like textiles, with NAFTA. We have lost 30,000 jobs since NAFTA in the little State of South Carolina. We have Ambassador Barshefsky. She is worrying about bananas. And then I hear about the WTO with China, the People's Republic of China. I notice my friend, Tom Friedman, wrote an article that we had everything to win and nothing to lose.

He doesn't understand there is a nonmarket economy in the People's Republic of China. Whereas, yes, we can bring a steel dumping case in here and have legislation already passed overwhelmingly in the House of Representatives, now before the Senate. The bill is at the desk, and we are ready to pass it. We could do that on our own. Join the WTO and you are bogged down in bureaucracy. You won a little vote. Cuba will cancel you out in the WTO. But he doesn't see anything wrong.

We are trying to maintain our economic strength. The security of the United States of America is like a three-legged stool. The one leg is your values as a nation. We dedicate ourselves, again, in Kosovo and Bosnia, Somalia, feed the hungry and everything. America is the envy of the world for its values, individual rights, equal rights, freedom of all mankind. The second leg is the military, unquestioned, the superpower. The third leg economically has been fractured over the last 50 years intentionally. We did it with the Marshall Plan. We sent over the expertise. We sent over the best machinery, and we won. Capitalism has generally prevailed in Europe and in the Pacific rim over communism. So we are proud of that.

But now, as we try to build back our economic strength, we are spending like gangbusters. Our job policy program in this country is to get rid of all the jobs, send them all overseas. We are talking about the rich getting richer on the stock market, but we are actually eliminating the middle class in this country.

So, yes, if you want to pay down the debt, I will be glad to work with someone on the other side, because that is the only way to get any legislation passed. It has to be bipartisan. If I can find somebody on the other side who is willing to take the risk, we can debate it. It might not pass this year, but then we have next year and maybe we can pass it next year. But somehow, somewhere we have to start paying the bill and quit running up deficits, politically describing them as surpluses in order to reelect ourselves. That is the biggest phony activity that is going on, the worst political charade. And then we wonder why, for example, we don't have the public's confidence.

Mr. President, I got with Ken Apfel out at the Social Security Administration, because I was encouraged at the beginning of the year. I heard the President say he was going to save Social Security. And then, of course, he was only going to save 62 percent. He was going to spend 38 percent. And to be candid with you, the 38 percent was what he had been spending all along. The 38 percent now amounts to the $50 billion that he was spending when he first took office in 1993. So he was getting the same amount of money. The Social Security moneys went up, up and away, as you well know.

I heard my Republican friends say, in a 99–0 vote, that we were going to save Social Security, every nickel of it, the distinguished gentleman said.

So I introduced S. 605 after the advice of the counsel of the Social Security Administration itself. I can read paragraph 5 to you:

> Notwithstanding any other provision of law throughout each month that begins after October 1st, 1999, the Secretary of the Treasury shall maintain in a secure repository or repositories cash in a total amount equal to the total redemption value of all obligations issued to the Federal Old Age and Survivors Insurance trust funds—

The Senator asked me on the floor a little while ago what we are going to do with it. You are going to comply with the law—

> pursuant to section 201(d) of the Social Security Act that are outstanding on the first day of the month.

So, yes, complying with the act back in 1935 that we invest the moneys of Social Security in Treasury bills, Government securities and immediately at the first of each month put that money back in trust in Social Security thereby earning its interest, very easily done and absolutely required to the point that if it is not done, it constitutes a felony in corporate America.

I guess the McLain family is going to write me and say, please, don't quote my situation anymore. There was one gentleman up there in Detroit, where the distinguished Presiding Officer is familiar with, became the head of the corporation and paid down the company debt with a pension fund and was sentenced to jail. Now, you could find that gentleman, where he is serving, and say, next time run for the Senate; instead of a jail term, you get the ''good government award.''

We put in here, with all dignity, we are going to save Social Security. We are going to have every nickel, every penny spent on Social Security, not on anything else. Here it is. Here is the handout. Using Social Security to reduce the debt. And it is to reduce the debt for any and every other program that you can think of other than Social Security.

Social Security hasn't caused the debt. There is a debt; it doesn't pay the Social Security debt of $857 billion. It just allows that to continue to increase the next year to 900 some. If I could get that chart, I would like for them to see that.

It goes up, then, to 994, almost $1 trillion, and then at the end of the 5-year period you owe $1.6 trillion and at the end of the 10-year period, you owe some $2.400 trillion. That is paying down the public debt. That is what my colleagues do not want to vote for.

Let's keep the conversation and let's keep the debate going so that they all understand. I do not mind voting to kill it, but being in the minority—and I happen to be a minority of a minority, and I know how minorities feel and have to act; they do the best they can. Some would say I am taking an inordinate amount of time. Well, I have been trying to get time on the budget, but every time they get the budget, they control the time. I was going to have 20 minutes when we passed the budget resolution. They got me down to 15 minutes. They got me down to 10. Then when they said I could have 5 and got up to talk, they said, no, you only have 3. So how can you explain the facts of life?

We do have fiscal cancer, and this amendment continues to spread the cancer. You pay down the debt with Social Security moneys so that not every penny goes to Social Security, not every nickel goes to Social Security, but every penny and every nickel goes to any and other programs that have caused debt.

Now, that is running the debt up in Social Security, all trying to save Social Security, trying to pay a worthy cause, trying to pay down the debt, another particular worthy cause.

Let me make a proposition to the distinguished Presiding Officer. I know he is conscientious about this particular initiative, so if you really want to pay down the debt, we can go in with a VAT. I know he is for tax cuts. Maybe we can put in a 5-percent value-added tax and cut the payroll tax.

It is very, very interesting, because all of these tax cuts, we need. The Government is too big. The Government is too big, so let's cut our revenues, but do not cut the working man's payroll tax, the fellow who is keeping the country together by the sweat of his brow. No, take the super rich where they have $10,000 in the stock market and give them a capital gains tax cut. Take the other rich who have money so they can get a write-off to go to college. Take another group and say, what

you need is not to inherit these millions so you can sail around and join all the country clubs and drink up all the liquor and just have a happy time; let's have a reduction in the estate tax, all of these things, never saying cut the payroll tax.

What is causing the surplus? What is causing the surplus they never get to. They do not have a conscience. I know that the distinguished Presiding Officer has a conscience, and maybe he will join me. If we can, you have to give a little in order to get a little, I understand, in this political game.

I am ready to put a value-added tax out right and allocate it in Treasury like we tried to do back in 1988, but I will try it again here in 1999. But in order to get some votes, since they are interested in giving tax relief, we can get an offset, a certain amount of the payroll tax, a 5-percent cut in the payroll tax, 5-percent value-added tax.

Once we put that in, then we will really do away with consuming America; we will really start paying down the bills and you will increase the strength of the economy and you will, in essence, be giving a double tax cut to that poor fellow in the middle on the payroll tax. Those are the men and women who really need consideration.

If we can do that and stop spreading this fiscal cancer, Mr. President, we can really get this country continuing to move into the next century. But what we are doing now, as we are looking at November 2000—the election—and we have to cut the revenues to increase the debt, all the time talking about we want to pay it down, we want to spend Social Security in order to save Social Security, increasing its debt going into the red, and its instability, and otherwise in trade continue not enforcing our dumping laws, but rather going along with bananas and citrus—they think they have something.

I don't know how many banana growers we have and how many citrus growers. I think the citrus comes in a big tanker down in Florida from Brazil. They send a big concentrate tanker in, and I would be willing to wager that the majority of citrus consumed in the United States is coming out of South America, or maybe Mexico. I remember Castro was sending his citrus to Mexico, and Mexico was sending its up here. So it was a foreign aid program for Castro and Cuba all the time with the so-called embargo.

What we need is to continue to have a dynamic manufacturing economic strength program where, like Henry Ford said, ''I want to pay my workers enough money so they can buy what they produce.'' That produced and developed the strength of democracy in America, the middle class. What we are doing with this gamesmanship is saying we are going to pay down debt while we increase the debt, and saying we are going to save Social Security while we savage it, and saying we are looking out for the economy, and the Government is too big, while increasing its size and spending for nothing, and increasing the waste, as we give these so-called tax cuts.

Mr. President, we are on the wrong road. The state of the Union is not all that good. The country is in good shape, but the Government—if we had a board of directors or stockholders to vote on it, and they knew exactly what was going on with corporate USA, they would run us all off, because it is one grand fraud, a fraud that is intent to deceive.

I know the people backing this particular amendment know better. They understand that when they say they pay down the debt, it sounds pretty, but the truth of the matter is that they take Social Security, increasing its debt, taking its money to pay down the debt, but all the time increasing the national debt and increasing the interest costs and increasing the fiscal cancer.

I yield the floor.

Mr. LAUTENBERG. Mr. President, as we continue to debate the so-called Social Security lock box legislation, let me again emphasize that we Democrats strongly support the purported goal of protecting Social Security surpluses. But many of us also feel that this legislation would be a serious mistake, for three reasons.

First, it does nothing to protect Medicare. Instead, it allows Congress to squander funds needed for Medicare on tax breaks for the wealthy.

Second, it threatens Social Security. Under the amendment, an unexpected economic downturn could block the issuance of Social Security checks.

Also, the amendment contains a loophole that would allow Social Security contributions to be diverted for purposes other than Social Security benefits, such as risky new privatization schemes or tax breaks.

And, third, the amendment threatens a government default. This could undermine our nation's credit standing, increase interest costs, block benefit and other payments, and ultimately lead to a world-wide economic crisis.

For all these reasons, as I explained in more depth yesterday, I believe the pending amendment is seriously flawed.

Today I want to talk a little more about some of the practical problems involved with the amendment, and why the last minute changes proposed by its sponsors fail to adequately address these problems.

Mr. President, the amendment before us would establish limits on public debt that were constructed based on the Congressional Budget Office's projections for the next ten years. Under the proposal, those limits would be locked into law, and could be changed only for a few very narrow reasons, such as wars or emergencies.

But it's important for our colleagues to understand that CBO's projections are highly uncertain. And it doesn't make sense to create inflexible and legally-binding debt limits based on those projections.

Consider what happened to CBO's budget estimates last year. On March 6, CBO revised its earlier estimate and said that we would have a fiscal year 1998 surplus of $8 billion. That was March 6. Two months later, on May 6, that $8 billion estimate mushroomed to a new estimate of $43 to $63 billion.

So, in just two months, CBO's surplus projection changed by up to $55 billion. And, I would note, even the upper range of the May estimate turned out to be too low. The actual surplus was about $70 billion.

Keep in mind that these projections were for a figure five to seven months in the future. Now we're being asked to rely on projections of up to ten years. And if we're wrong, what's the result? A government default and a world wide economic crisis.

Mr. President, you don't have to be a critic of CBO to question the accuracy of their estimates. CBO itself devoted an entire chapter of its Economic and Budget Outlook to uncertainties in budget projections.

CBO compared the actual surpluses for 1988 through 1998 with the first projection of the surplus it produced five years before the start of the fiscal year. Excluding the effects of legislation, the remaining errors averaged about 13 percent of actual outlays.

According to CBO, a deviation of 13 percent of projected outlays in 2004 would produce an increase or decrease in the surplus of about $250 billion. In 2009, a 13 percent error would produce a swing of about $300 billion, In fact, since the errors made ten years in advance are probably larger than the errors in estimates made five years ahead—which, again, is where the 13 percent figure came from—the deviation in 2009 is likely to produce an even larger swing.

It is simply dangerous to establish a rigid 10-year plan based on such speculative projections. The whole approach is fundamentally flawed.

Our Republican colleagues have added two provisions to their legislation that they argue would provide a sufficient cushion to prevent an unintended default. But these provisions won't solve the problem.

The new proposal would delay the implementation of each year's new debt limit by seven months, to kick in on May 1 of each one- or two-year period rather than on October 1. The sponsors argue that this would make the new limit effective at a time when the Treasury tends to be flush with cash. This, they say, would ensure that the new, lower limit would not immediately trigger a default.

Unfortunately, this change is like plugging a small hole on the *Titanic*. And it won't prevent disaster.

First, it can only work if the CBO projections on which the debt limits are based prove accurate. And, as I've already discussed, we know they won't be.

But even if by some miracle the estimates are right, that still may not take care of the problem.

Let's take, for example, a year in which there is a recession. Now, my friends on the other side of the aisle will point out that they have provided an exception for recessions. But that exception won't work very well.

Mr. President, we're not very good at predicting recessions. And, typically, by the time we know we're in one, we've actually been in it for a while.

The recession exception in the amendment only kicks in after we have two quarters of low economic growth. But a slowdown could easily begin in one quarter, but late enough to keep growth for that quarter above the threshold for the exception. We then might have two quarters of low growth followed a few weeks later by the release of the official data triggering the exception.

By that time, we would be eight or nine months into a recession. We would have had months of lower tax revenues and higher outlays for unemployment compensation and other programs. And, together, those changes already could have pushed us over the new debt limit and into default.

Mr. President, a recession exception does no good if it is declared a few months after we've gone into default. We cannot take default back and say an exception should have been in place.

It already would have happened. And Americans would have to pay for it through higher interest rates on their mortgages, car loans, and credit cards. Businesses would have to pay for it through higher borrowing costs. And taxpayers would have to pay for it because investors will demand higher interest rates on Treasury bonds.

This would be an economic disaster for our country. And it would create an international economic crisis of unknown dimensions.

Mr. President, under the Republican lock box, I'm afraid the question is not ''will this happen?'' The question is ''when will it happen?''

That more than anything is why this proposal is so irresponsible. It's why Secretary Rubin is recommending a veto. And it's why it's so important that senators be allowed to offer amendments to improve it.

Mr. President, this proposal was finalized only yesterday afternoon. And when they presented it, the sponsors themselves expressed openness to further tinkering. Unfortunately, there will be no opportunity to make any improvements unless we reject cloture tomorrow.

So I would urge all my colleagues to oppose cloture. This proposal is seriously flawed. If we're serious about protecting Social Security, let's take the time to do it right.

Mr. CRAIG addressed the Chair.

The PRESIDING OFFICER (Mr. SMITH of Oregon). The Senator from Idaho is recognized.

Mr. CRAIG. Mr. President, the debate today on the floor on S. 557 is not a fraud; it is a real shakeup with reality that a lot of our Senators and some Members of this Congress don't want to face, because for years we have had the tremendous flexibility in this country of borrowing money from the Social Security trust fund and spending, and spending, and spending.

I think the American public is suggesting to us that that time ought to come to an end. There is no question that, in 1994, it began to come to an end. Some Senators can't face the reality of the changes that occurred then. But the American economy did, and it responded robustly when Government curbed its appetite to progressively spend a greater amount of the gross domestic product of this country. And it is now with a balanced budget and a surplus, generated by Social Security payroll taxes, that we have an opportunity to turn to the American people and, for the first time in a long while, say to the American people that we can not only ensure your Social Security without a new tax increase, but we can modernize it for future generations so that it will be a reliable and an earning annuity of the kind that most people would like their retirement account to be.

At the end of this fiscal year, the Social Security trust fund will hold an estimated $853 billion. This year alone, it is projected to run a $127 billion surplus. The Social Security trust fund's $853 billion balance equals roughly half of the total Federal budget for this year. It equals America's total income tax payment for this year. Every cent of every dollar that every American pays in income tax will just equal the Social Security trust fund balance. Yet, how much actual money has been set aside for Social Security's $853 billion balance? Not one cent. Not one cent.

Why are we, then, arguing about the concept, if not the reality, of an idea that begins to set it aside? Now we are starting to split the hairs on how it is set aside. I don't think it is time for that anymore, because I believe the American people no longer trust us. You cannot argue Social Security from 1935 to today and say, ''Trust us,'' because the American people have said, ''You spent the money, you indebted the country.'' We are saying that time should stop.

Of course, the White House is playing one of the most phenomenal double standards that I have ever seen a White House play, because, as we know, President Clinton proposes quite the opposite today from what he proposed a year ago. I have not seen the Senator from South Carolina, in any way, try to defend what his President is talking about—and I am glad he isn't—because what the President talked about is raiding Social Security this year, when last year he said that every penny of it ought not to be spent, except for Social Security.

What we are suggesting to the President is that he honor his first commitment instead of his latter commitment. What was it called? Save Social Security first. This year, he wants to spend $158 billion of the surplus, and he just sent up a bill for $6 billion more. Perhaps the time has come when defending the definition of ''is'' really isn't worth defending because what was last year isn't this year.

The American people are very wise to the man in the White House who says one thing one day and contradicts himself the next day with a straight face. President Clinton's proposal reminds me of St. Augustine's confession on having prayed for chastity— ''but not just yet.''

Over the last holiday, I traveled home to my State of Idaho. I spoke to hundreds of people across my State about Social Security. I called it ''seniors to seniors'' town meetings. I asked the high school teachers to send their seniors from high school, and I asked the AARP and the senior centers to ask if their seniors would attend. We had the charts and we had the graphs of Social Security, and where it is, and where it is from the 1983 act, and how it will be solvent to 2014 or 2015, and then by 2034 it is in trouble. Everybody sat and listened and anticipated.

Then we talked about the surplus and the opportunity to modernize, as a result of that, to transition ourselves generationally into the 21st century with the true annuity program that not in any way blights the American economy but probably creates the kind of energy and driving force it deserves. It was not where we just played the old pyramid, Bismarckian game of Social Security where you had 1 retiree versus 8 or 10 at the base paying.

The Senator from South Carolina is right when he talks about the working person today and that response, because in 2034—I think I might be around then—I am going to be a Social Security recipient. I am going to be getting more than $1,000 a month in Social Security. There are going to be two people out there working, each one of them paying $500 out of their hard-earned money so I can live well. That is a travesty.

I have a feeling that my grandkids are going to turn and say, ''Grandpa, we can't afford you anymore. You are a liability to us because we can't afford to put our kids in college because your Social Security is costing us too much.''

So what does that have to do with the debate this evening? It has a great deal to do with this debate, because what we are talking about is a generational opportunity. I am not going to debate Reagan economics. That would be like debating FDR and blaming him for the big Government we have today, and forgetting Congresses from FDR to today that could have made those changes.

We have changed a lot since Ronald Reagan and George Bush. My guess is, decades from now we will change a lot more from what the Senator from

South Carolina or the Senator from Idaho will do or would be about to do. That is the way our Government should work. It is not stagnant. It is not static. It is dynamic, sometimes for positive and sometimes for negative.

But today and tomorrow, a balanced budget and a true surplus on the operating accounts means we have a generational opportunity to make a change like none I have seen in the years I have had a chance to serve Idaho in the Congress.

Idahoans find it hard to believe that the President and future Congresses can resist the temptation to raid future surpluses and spend them. Why should they trust us? That is what we have done in the past. Sure enough, we have a balanced budget, and now we are at war in Kosovo, and here comes a new bill for $6 billion. What are we going to do? My guess is we could tighten our belt just a little bit, guarantee the stability of Social Security and the integrity of the trust fund, and recognize the priority of war, as past Americans did, over certain kinds of domestic spending, and spend accordingly.

That is going to be the test of this Congress in the coming days, and it is a legitimate test, it is a responsible test.

So I thank Senator ABRAHAM, Senator DOMENICI, Senator ASHCROFT, and others who, like many Americans, said, you know, we have an opportunity, and let's build a lockbox safeguard to assure that we can make this generational shift to modernize Social Security for the 21st century, to guarantee it to those who are receiving today and those who will receive from this system in the near future, but possibly—just possibly—create an environment where we can make some changes for the future.

I say it is nothing short of historical. I believe it to be true. For the first time since Social Security began over 60 years ago, we would set aside all its moneys for all its intended purposes. This would amount to about $1.8 trillion over the next 10 years.

The Abraham-Domenici-Ashcroft proposal would require 60 votes for the Senate to dip into the Social Security surplus. And it would require the money be set aside by instituting and then lowering a limit on the public debt. It is a legislative money belt for Social Security. It is not a straitjacket for government. We recognize there are true emergencies. While as much as 29 days ago we would not have recognized ourselves in war, we now must recognize that we are at war. So we have shown the flexibility for that concern.

It would allow an exemption for real Social Security reform. It would save not only Social Security money but Federal money too.

Setting aside Social Security surpluses also means retiring Federal debt. I don't care how the debt was generated. The public holds the debt in a general sense. It may have been generated by defense spending or social spending. Government borrowed the money and spent it. The debt is not categorical to each area of government. We all know that.

So I think it reasonably unfair to debate it in that manner. That is why we focus on the debt as debt held by the public.

According to the Congressional Budget Office, compared to spending that $1.8 trillion, as has been done until now, setting it aside would reduce Federal interest payments $468 billion over the next 10 years.

Some Senators want to talk about a tax increase to fund the largess of Government. How about running the system right so we save that kind of obligation and outlay? $468 billion worth of savings in 10 years is pretty darned good. It can be done, and we should do it now with a balanced budget and a surplus.

We save Social Security's $1.8 trillion surplus for its modernization of the system, and we save $468 billion in interest payments as a result.

Guaranteeing Social Security and guaranteeing savings—who wants to be against that?

Now there are going to be some who will find rather unique arguments to say we have to vote ''no'' against this. It is a political trap for the year 2000. How about a political reality for the 21st century? That is what this legislation is all about—guaranteeing Social Security and guaranteeing savings.

Who wants to be against that? The same people who wanted to raid it for $158 billion this year. I would expect the American people do not find that too surprising.

John Dillinger hated bank vaults. It made his job harder.

Big spenders in Washington will hate this lockbox because it leaves their appetite for spending without food.

In last year's State of the Union Address on the other side of this very Capitol, President Clinton said:

> I propose that we reserve 100 percent of the surplus—that's every penny of any surplus—until we have taken all the necessary measures to strengthen the Social Security system for the 21st century.

What a difference a year makes, or a word, or the opportunity to focus the American public in a different direction. Now he proposes not to keep his promise. But, rather than admitting he opposes it because of his desire to keep his hand in the Social Security cookie jar, he uses the same old scare tactics to which he has always resorted when cornered.

The administration has sent us a veto threat on the Social Security lockbox. That has been about the 40th or 50th veto threat we have had from this administration in a reasonably short period of time.

It is also out of date—remarking on a proposal that is far different from what we debate here today, because that veto threat had the question of money management in it. And that was taken care of by the authors of this bill.

Why did President Clinton claim to oppose the security lockbox?

First, he claimed that it would hurt in times of recession.

If we are in a recession, we can declare that to be an emergency and we all know that. However, the proposal before the Senate would not even apply in a time of recession. We have taken that safeguard.

Second, President Clinton claims it would limit the Treasury's ability to manage the Government's normal cash flow. This, however, has been addressed in the legislation now before the Senate. In addition, limits already exist on Treasury's ability to borrow and have since 1917. Listen to your Secretary of the Treasury, Mr. President. Does President Clinton want us to abandon the statutory debt limit that now exists? I presume, under his Treasury's twisted logic, that he would oppose the existing legal limits if it were now being offered for the first time.

It is ironic that he uses his Treasury Secretary to make his opposition for him. This is the same Treasury Secretary that just 3 years ago circumvented the existing statutory debt limit by raiding Social Security trust funds for billions of dollars. Let me repeat that: The President who appoints a Secretary of the Treasury and says leave every dime in the trust funds is the same President whose Secretary of the Treasury just 3 years ago moved the law around existing statutory debt limits by raiding Social Security trust funds for billions of dollars.

They called that disinvestment. ''Scheme'' is a better word. I call their opposition now disingenuous, because if that was disinvestment, what they say today is truly disingenuous to what this Congress wants to do and what the American people have demanded and are now asking for.

Other than these, President Clinton offers no reason with any justification to argue opposing the lockbox. He claims it will not help the Social Security trust fund, and others are now claiming that, too. Yet saving the surplus is what he proposed just a year ago. I guess now that we are proposing it, it is not a good idea; when he proposes it, it is a good idea.

Does he claim that his spending of $158 billion of the Social Security trust fund over the next 5 years will help Social Security? President Clinton also claims, again, that his phony transfer scheme would help Social Security. I could go on in those details, but other Senators are waiting to speak on this issue.

There ought to be no schemes or gimmicks this time. This is a very straightforward proposal. I guess it is honesty that frustrates the other side. It is clarity, it is easy to understand by the American people. The idea that you just cannot spend at will anymore, you have to balance your budget and you have to face the hard truth of spending,

and maybe the honest truth that if you are going to spend more, you have to tax more. Then you give the Congress a choice: Should we cut spending to balance the budget, or should we shift our priorities in a time of war, while assuring to the American people that their pensions, their retirement, their security will remain stable and that the Congress will not raid it. That is what the issue is here.

It is not a matter of quoting history anymore. It is a matter of looking into the future. It is a matter of taking the unique opportunities today that we have to move forward.

In those town meetings that I held across Idaho less than 3 weeks ago, I think senior citizens left feeling that Social Security for themselves was intact; they also left recognizing that probably their grandchildren did not expect it to be there for them, that they would pay three or four times more money into it and get three or four times less out of it. I think it is time that we think about all generations of Americans, young and old alike.

I voted for the 1983 Social Security Reform Act. I am proud that we built that strength and that stability into the system, but I am not at all proud of the way this Congress spent the reserves in those trust accounts and built the debt that it built. While there is a lot of fingerpointing as to how that debt got there, there is one easy way to solve it; that is, to vote no.

Finally, we have a Congress that is willing to face up to it. Out of that Congress comes a balanced budget. Out of that balanced budget comes a surplus. Out of that surplus comes the unique opportunity to strengthen and modernize Social Security. We do that by assuring to the American people that we will no longer borrow it off into all branches of government, but that we will lock it up, we will pay down debt, we will increase the strength and the financial stability of our government and we will honor the trust funds' commitments to recipients of Social Security. That is what the debate is about today. That is what we have created with S. 557. No more, no less.

We don't need to quote a lot of history. The American people know what we have done. Most importantly, they are extremely excited about what we are proposing to do. For the first time, there is a strength of honesty and stability to their government with balanced budgets and surpluses that they have not seen for a long while. They are not fearful of debt anymore because debt begins to decline. More importantly, we begin to pay it down so that we have the strength to honor our commitments in the future.

That is what S. 557 is all about. I am amazed it finds opposition. I think it ought to be bipartisan. It is, without question, the way to save Social Security: Honor its commitments and project its strength and its modernization into the 21st century.

I yield the floor.

Mr. VOINOVICH addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. VOINOVICH. Mr. President, I am proud to be a cosponsor of the Lott-Domenici Social Security lockbox amendment. This is the first real step in the effort to save Social Security. I thank the Senator from New Mexico, Senator DOMENICI, and Senator ABRAHAM for their hard work in drafting this legislation and ensuring it comes to this Senate floor.

During my campaign last year for the Senate, I visited almost every region of the State of Ohio. During those visits, I asked the question of those in attendance, How many in this room pay a payroll tax? Every hand went up. Then I asked, How many of you expect to receive Social Security? Only those close to retirement raised their hands.

It was perplexing to me because it verified something my son George said to me—George, the summa cum laude graduate, undergraduate law school, CFE of a corporation—''Dad, I'm not going to see a dime of Social Security.''

What a terrible thing, in a country like ours, where about two-thirds of the people who pay more into the Social Security funds than they do in taxes don't believe when the time comes for them to retire there is going to be anything there for them. I said during those visits that I was going to do everything I could to put a firewall between the Social Security trust fund and the general fund of the United States of America.

I think we all recognize that part of the problem that we have had in this country since the Vietnam war is that after that war we didn't have the money to pay for it, nor did we have the money to pay for the great society. So we took the trust funds and placed them into the general fund, using them to mask a deficit. In other words, we weren't willing to pay for those things that we were spending our money on.

Today, we have a chance to pass some legislation which gives honor to the sacred trust between the Federal Government and every American. I believe we need to get away from treating the Social Security trust fund as a part of the budget and wall it off from any temptation to use it for tax cuts or for new spending. We have been playing games with Social Security for too long. It is time to stop.

The Senator from Idaho in his remarks today mentioned the fact that the President will be sending up a request for some $6 billion to pay for the war in Kosovo. The American people should know that that money is going to come from Social Security.

Because the Social Security surplus is all there is. That is the surplus that we have today. There is not any onbudget surplus. There will not be any onbudget surplus until the year 2001, if we are lucky.

So it seems to me that one way we can guarantee to my son and to all those other people I visited during that campaign, and to the American people, that one way we can at least begin to guarantee there will be something there when they retire is to put that money away so it cannot be touched.

I wish there was a way you could put it into Fort Knox, so it could not be touched. But the fact of the matter is, the way this Government works today is that money in the Social Security trust fund is used to buy Treasury bills that are then used to pay for a lot of things that we do not have money to pay for. The thing about this lockbox proposal is that it takes all the Social Security trust fund and uses it to pay down the public debt, which means instead of it being used for spending programs, at least we are going to get the benefit for a period of time of paying down that public debt.

I think it is real important that we are candid with the American people and tell them this is not the end of the solution, we have to tackle reform of Social Security. But one step, one gigantic step is for the first time saying we are no longer going to use it to pay for spending programs.

In all due respect to the President of the United States, when this debate started several months ago, he said: I want to protect Social Security and I am going to use 62 percent of the unified budget, as Senator HOLLINGS just said here this afternoon, to protect Social Security. The fact of the matter is the only surplus we have is Social Security, so he is going to take 62 percent of the Social Security surplus to protect it and use the other 38 percent of it for spending programs or whatever. On my side of the aisle, they talked about using the 38 percent to reduce taxes. On the other side of the aisle, we are going to use it for a little tax reduction, we are going to use it for spending programs, protect this and protect that. But it was a fraud. The only surplus we have is Social Security.

So I am really quite concerned that today we hear the President saying: I am going to veto this legislation. Either you are for taking the first step to protect Social Security or you are not. You also ought to be in favor of putting all of this in the lockbox because you know what it is going to do? It is going to force us, if we want to keep the budget agreement, or if we want to maintain the budget caps, to find some other money; either reprioritize the dollars that are being spent on other programs or perhaps raise the dollars, raise more money to pay for these programs on which people want to spend money.

I repeat, all of this started back after the Vietnam war. We will have a big decision here one of these days to decide whether or not we are going to get involved in an all-out war with Serbia. That is going to cost a whole lot of money and the American people ought to know that one of the considerations is how are we going to pay for it? Are

we going to pay for it with the Social Security surplus? Are we going to borrow the money? Think about it.

I have a great deal of respect for Senator HOLLINGS. I think he and I are the only ones who had amendments to use the onbudget surplus to reduce the debt. I concur in that. I think that is what we ought to do.

I just had my second grandchild and my grandchildren's gift from the Federal Government was a bill for $187,000 to pay interest on a debt they had nothing to do with. I think it is horrible that this debt keeps going up. Senator HOLLINGS is right; the debt is going to continue to go up.

Mr. HOLLINGS. Will the distinguished Senator yield?

Mr. VOINOVICH. Certainly.

Mr. HOLLINGS. Mr. President, I congratulate the distinguished Senator from Ohio. He got a lot of heat. But what he was trying to do, like we both did as Governors, is just hold the line and make certain that we can save something. On the figures of the Congressional Budget Office, he said 2001, they said 2006, that there would be an actual surplus and we could then pay down the debt. So I voted for the VOINOVICH amendment, and the distinguished Senator helped me on our amendment. We got 24 and he got even more votes, if I remember.

So I congratulate the Senator's sincerity in his endeavor. Let me ask the distinguished Senator the question, when he says the only surplus we have is that of Social Security, that is true, although we have some other surpluses in the military retirement, civil service retirement, and other matters here. But isn't it the fact that the only debt we have is other than Social Security? In other words, Social Security has not caused the Government debt, be it public debt, private debt, or any other kind of debt, because we have been paying off Social Security and enjoying the surplus each year since 1983. Is that not the case? I mean, when you say pay off the debt——

Mr. VOINOVICH. If the Senator will yield?

Mr. HOLLINGS. Yes.

Mr. VOINOVICH. It is my understanding what we would do with this lockbox money is to use it to pay down the public debt, which would lower the interest costs to our Federal budget every year. But at the same time it would mean that money ultimately would have to be paid back to the Social Security trust fund.

Mr. HOLLINGS. Right. But when you say ''pay it back,'' you will use Social Security moneys to pay down debt that is caused by any and every other Government program, be it entitlements or defense or foreign aid or Kosovo or military pay that we voted for—whatever it is—but it is not a debt that was caused by Social Security. Is that correct?

Mr. VOINOVICH. If the Senator will yield, that is correct. But the alternative to that, from my perspective, is that the money, the Social Security money, would then be used for spending programs that could be used to pay for the war or to pay for education or pay for a lot of other things.

Mr. HOLLINGS. And that is how you pay for it, by paying down their debt. You pay down the debt of the war, the debt of the spending program and everything else. That is what we have been doing. That is why on this chart, I showed it, under CBO we owe Social Security $857 billion. The particular amendment that has been introduced and is now subject to a vote tomorrow does not pay down Social Security's debt. It pays down the public debt, which is any and every other debt than Social Security.

Mr. VOINOVICH. I say to the Senator, in all due respect, that is a whole lot better than doing nothing at this time, when he knows and I know if it is there to be taken—let's just take what the President did. The President said, ''I want to protect Social Security,'' and said, ''but I want to use 38 percent of it for other spending programs.'' This would eliminate this money being used for those other spending programs. This would allow the money to be used to pay down the debt and give us a little time in the meantime to come up with a real reform of that Social Security program. We know that is something this Congress is going to have to do if we really want to guarantee to the next generation that there will be something there for them.

Mr. HOLLINGS. I know the Senator was not here with Senator John Heinz, a Republican Senator from Philadelphia. He and I worked together back in 1990 and we held the floor for quite some time. We thought at that time—that is why I am questioning and speaking advisedly—we thought at that time we had a lockbox. We put in section 13301.

Mr. President, I ask unanimous consent to have section 13301 printed in the RECORD.

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

**SEC. 13301. OFF-BUDGET STATUS OF OASDI TRUST FUNDS.**

(a) EXCLUSION OF SOCIAL SECURITY FROM ALL BUDGETS.—Notwithstanding any other provision of law, the receipts and disbursements of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund shall not be counted as new budget authority, outlays, receipts, or deficit or surplus for purposes of—

(1) the budget of the United States Government as submitted by the President,

(2) the congressional budget, or

(3) the Balanced Budget and Emergency Deficit Control Act of 1985.

(b) EXCLUSION OF SOCIAL SECURITY FROM CONGRESSIONAL BUDGET.—Section 301(a) of the Congressional Budget Act of 1974 is amended by adding at the end the following: ''The concurrent resolution shall not include the outlays and revenue totals of the old age, survivors, and disability insurance program established under title II of the Social Security Act or the related provisions of the Internal Revenue Code of 1986 in the surplus or deficit totals required by this subsection or in any other surplus or deficit totals required by this title.''.

Mr. HOLLINGS. That said, you could not use Social Security in a unified budget; namely, you could not use it for any spending programs, tax cuts, and everything else. But they ignored it, since it was only a budget law and we did not make it a criminal statute to lock up the Congress or lock up the President of the United States for doing it.

It has been totally honored in the disobedience thereof. We have not done it. Now I work with the administrator of Social Security. I want to show this to the distinguished Senator. It is S. 605, and it puts the money over in Treasury. You said you wish we could put it in Fort Knox. I can change that if the distinguished Senator would cosponsor it. We will say put it in Fort Knox, not to be spent for any purpose other than Social Security. It can be done.

The dilemma we are in is, section 201 of the original Social Security Act says to use those moneys to buy Treasury bills or Government securities. Don't leave the money, then, with the Government when you buy that security. Count that same amount of money to be transferred back into the Social Security trust fund. Thereby, you have the money and you have also earned the interest each month.

That is the way to do it, under the counsel of the Social Security Administration. I have checked it with other lawyers because I had been frustrated. I thought we had a lockbox. Oh, boy, Senator Heinz and I talked about the lockbox back in 1990, and President George Bush, on November 5, signed it into law. That is the law today. That is reiterated in this amendment to S. 557, on page 3:

Congress reaffirms its support of the provisions of section 13301.

But then on page 10, they spend it. What do they spend it for? For debt. Who caused that debt? All other programs, all programs other than Social Security. Social Security does not cause public debt, it is caused by other programs. That is how they get around the nuance of spending it.

What we have, I say to the Senator, is a lockbox that everybody has the key to except one group—the Social Security folks. When you pay down the public debt, you can spend it for everything because that is what causes the public debt. That is why I was a little taken aback—you try to talk politely on the floor, and my distinguished friend from Idaho said he was really worried about the honesty of this thing. You don't want me to get up and holler about the dishonesty, because I know the intent of the distinguished Senator from Michigan who offered it is good. I would not accuse him of being dishonest. But it is inaccurate, I can tell you that. It is totally, totally inaccurate to say that you have a lockbox. It is misleading when you use

the expression ''pay down the public debt.''

Mr. VOINOVICH. If the Senator will yield, one of the things I have learned, and this is my 33rd year in the business, is that you crawl and you walk and you run. You tried with Senator Heinz to come up with something you thought was going to lock it up.

Mr. HOLLINGS. Right.

Mr. VOINOVICH. I have been working with Senator DOMENICI since the day I came here to figure out something, and it is not easy to put that lockbox in place. Based on all of the information that I have, the best thing that we could do at this stage of the game, if we really want to block it off, is this legislation. It may not be perfect, but the fact of the matter is that it is much better than the current situation which allows the Social Security surplus to be used for spending programs.

Mr. HOLLINGS. In violation of section 13301.

Mr. VOINOVICH. If the Senator will yield, you know and I know, we have had all that language in there, and they keep doing it. They have used that money to pay for new programs.

Mr. HOLLINGS. You are right.

Mr. VOINOVICH. They have used that money to provide for tax reductions. Can you imagine that, tax reductions?

Mr. HOLLINGS. Exactly. I agree. You are exactly right on that score, and you and I have the same intent. But I am trying to explain the best I can. All you have to do is read the language.

I ask unanimous consent, Mr. President, that a document titled ''The Social Security Surplus Preservation and Debt Reduction Act, Summary of Amendment,'' dated April 20, 1999, by the majority staff be printed in the RECORD.

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

THE SOCIAL SECURITY SURPLUS PRESERVATION AND DEBT REDUCTION ACT

SUMMARY OF AMENDMENT, APRIL 20, 1999

The Act is effective for ten years and then sunsets. This is the same time period covered by the recently adopted Concurrent Resolution on the Budget for Fiscal Year 2000—H. Con. Res. 68. It is a period of time in which the Social Security Trust Fund balances are expected to grow by nearly $1.8 trillion. These balances would retire debt held by the public which would help prepare the country for the retirement of the baby boom generation early in the next century.

1. Reaffirms Off-Budget Treatment of Social Security Program.—The Act reaffirms current law that the receipts and disbursements of the Social Security trust funds shall not be counted for the purposes of the federal budget submitted to Congress by the President or any Congressional budget.

The Act creates a new budget act point of order against Congress adopting a budget that uses social security surpluses to achieve balance, and requires the President to submit a budget that does the same.

2. Uses the Social Security Surplus to Reduce the Debt Held by the Public.—The Act establishes a new enforceable limit on the amount of debt held by the public over the period from 2000 to 2010. These debt limits specified in the Act are current estimates of the level of borrowing from the public over this period that result from the social security surplus only being used to retire public debt. The surplus could not be used for non-social security spending or tax cuts. Legislation increasing these limits would require a super-majority vote in the Senate.

The Act establishes the first limit to become effective as of May 1, 2000, and effectively ratchets down this limit May 1 and periodically thereafter. The effective date accommodates Treasury Department's federal cash management responsibilities. The newly established debt held by the public limits would not disrupt the cash management operations of the Bureau of the Public Debt nor would it jeopardize Social Security benefit payments.

The limits follow:

May 1, 2000 through April 30, 2001—$3.628 trillion

May 1, 2001 through April 30, 2002—$3.512 trillion

May 1, 2002 through April 30, 2004—$3.383 trillion

May 1, 2004 through April 30, 2006—$3.100 trillion

May 1, 2006 through April 30, 2008—$2.775 trillion

May 1, 2008 through April 30, 2010—$2.404 trillion

3. Adjustments to Limits for: Social Security Reform, Recessions, Emergencies and War.—1. Social Security Reform. The Act authorizes adjustments to the limits established for legislation enacted that reforms social security during this time period. If Social Security reform legislation is enacted, and if that legislation has the effect of changing the debt held by the public specified in this Act, then the Secretary of the Treasury shall adjust the limits in this Act to reflect those changes.

2. Recessions. The provisions of this Act are suspended during a period of low economic growth. Two consecutive quarters of less than 1 percent real economic growth would automatically make the debt limits in this Act inoperative. After the recession has ended, the Act would reinstate new debt limit levels adjusted for the impact of the recession.

3. Emergencies. The Act also provides for an automatic adjustment to the debt limit levels specified if, after the adoption of this Act, the Congress enacts into law ''emergency'' spending defined under the Balanced Budget Act. If emergency spending uses a non-social security surplus, then no adjustment to the limits would be necessary. If, however, emergency spending requires the usage of social security surpluses, then the limits specified in the Act would be adjusted for that amount.

4. Declaration of War. The Act would be suspended upon Congress enacting a declaration of war.

PROJECTIONS OF FEDERAL DEBT ASSUMING THAT ON-BUDGET SURPLUSES ARE REDUCED TO ZERO AFTER 2000 USING CBO'S MARCH 1999 BASELINE

[By fiscal years, in billions of dollars]

| | 1998 | 1999 | 2000 | 2001 | 2002 | 2003 | 2004 | 2005 | 2006 | 2007 | 2008 | 2009 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Debt Held by the Public at the Beginning of the Year | 3,771 | 3,720 | 3,628 | 3,512 | 3,383 | 3,245 | 3,100 | 2,945 | 2,775 | 2,595 | 2,404 | 2,203 |
| Changes: | | | | | | | | | | | | |
| Surplus [1] | −69 | −111 | −133 | −145 | −153 | −162 | −171 | −184 | −193 | −204 | −212 | −218 |
| Other | 18 | 19 | 16 | 16 | 16 | 16 | 15 | 14 | 13 | 12 | 11 | 11 |
| Total | −51 | −92 | −117 | −129 | −137 | −145 | −156 | −169 | −180 | −191 | −201 | −206 |
| Debt Held by the Public at the End of the Year | 3,720 | 3,628 | 3,512 | 3,383 | 3,245 | 3,100 | 2,945 | 2,775 | 2,595 | 2,404 | 2,203 | 1,997 |
| Debt Held by Govt Accounts | 1,769 | 1,956 | 2,164 | 2,376 | 2,601 | 2,833 | 3,072 | 3,321 | 3,577 | 3,842 | 4,107 | 4,373 |
| Gross Federal Debt | 5,479 | 5,584 | 5,676 | 5,758 | 5,846 | 5,933 | 6,016 | 6,096 | 6,172 | 6,246 | 6,311 | 6,370 |
| Debt Subject to Limit | 5,439 | 5,545 | 5,838 | 5,721 | 5,809 | 5,897 | 5,981 | 6,062 | 6,139 | 6,214 | 6,279 | 6,339 |
| AS A PERCENTAGE OF GDP | | | | | | | | | | | | |
| Debt Held by the Public at the End of the Year | 44.3% | 41.4% | 38.6% | 35.7% | 32.8% | 29.9% | 27.2% | 24.5% | 21.9% | 19.4% | 17.0% | 14.8% |
| MEMORANDUM | | | | | | | | | | | | |
| Baseline Total Surplus | 69 | 111 | 133 | 156 | 212 | 213 | 239 | 263 | 309 | 338 | 358 | 383 |
| On-Budget Deficit (−) or Surplus | −30 | −16 | −5 | 11 | 59 | 61 | 68 | 79 | 116 | 134 | 146 | 165 |

[1] Surpluses are shown here as negative because they decrease the debt.

NOTES.—Projections of debt assume that discretionary spending will equal the statutory caps on such spending through 2002 and will grow at the rate of inflation thereafter. Reduction of the on-budget surpluses is assumed to have no effect on trust fund holdings.

Source: Congressional Budget Office.

Mr. HOLLINGS. The Senator has the floor. I apologize for interrupting. It says: ''Uses the Social Security Surplus to Reduce the Debt. . . .'' Then it goes on to say:

The surplus could not be used for non-social Security spending or tax cuts.

But when you say pay down the debt, that is actually what you are doing, is using the money for non-Social Security spending or maybe a tax cut, but it is not Social Security spending.

Mr. VOINOVICH. If the Senator will yield, the problem that we have is that currently under the law, my understanding is that you need to buy the special Social Security Treasury bills with this money, and when you do that, the Federal Government has those dollars. What they have been doing with those dollars is paying for programs that they would not be able to pay for if they had not been using those special bills.

This legislation at least stops that from occurring.

Mr. HOLLINGS. How?

Mr. VOINOVICH. It is going to take the money, and instead of spending it, at least we are going to get the benefit

of reducing the debt which brings down the interest rate. It is a worthy alternative to the current situation.

Mr. HOLLINGS. We have about $3.6 billion in public debt and about $1.8 billion or $1.9 billion in Government debt. Yes, you reduce the public debt, but you increase the Social Security or Government debt. What happens is the overall debt continues to go up.

It is like I explained a little bit earlier about having two credit cards. I have a Visa card and a MasterCard. I want to pay down the public debt with the MasterCard. I said what I will do is use my Visa. So I pay down the MasterCard with the Visa card, but my name is on the Visa card, and I owe just that same amount of money.

You can see by paying down the public debt, that is the unified deficit using the trust funds. It has been going down, and even the regular debt has been going down until now. It is going to start back up. The overall debt has been increasing up, up and away. It was less than $1 trillion.

This is the cancer you and I worry about, not just the Social Security recipient getting their money, but it was less than $1 trillion when President JOHNSON balanced the budget, and the interest cost was only 16. Now it is $5.7 trillion and interest costs of almost $1 billion a day. That is all for nothing. That is almost $340 billion in increased spending each and every year for absolutely nothing. That is the biggest waste. When you say Government is big, that is the big part.

Mr. VOINOVICH. We are spending $600 million a day on interest costs.

Mr. HOLLINGS. Actually almost a billion a day. Interest costs are over $363.8 billion a year. So the debt is going up.

That is a beautiful little description that Alan Greenspan and the rest give that when you pay down the public debt, the interest costs go down. That is not the fact at all. Interest costs continue to increase.

The Senator from Ohio has been very indulgent. He has the floor, and I apologize. I think he and I have the same frustration and the same intent. I advisedly and very seriously and very sincerely say look at this particular entry on page 3. That is exactly what they do, they reaffirm the lockbox, but on page 10 they transfer the money back to the debt, and it is every and any debt but Social Security. It can be spent for any and every amount, and it runs up Social Security and that goes into the national debt and that goes into the interest costs and that continues to increase. That is what has happened.

When I was Governor, we had an insurance scandal, and we began to clean up the industry. One of the companies reorganized and said, ''Now we need a new slogan.'' I said, ''Capital Life will surely pay if the small print on the back don't take it away.'' That is exactly what we have here in this amendment. You have it on page 3, the lockbox, and now on page 10, you take it away.

Mr. VOINOVICH. The Senator yields back his time. Thank you.

I have enjoyed the discussion we have had. Obviously, there is a difference of opinion between the Senator from South Carolina and the Senator from Ohio.

Based on all of the research work that I have done, and the options that are available to us, to me this is the most practical way, Mr. President, to deal with the problem that we have had for too long in this country. I believe that with the passage of this lockbox legislation, we are going to go a long way in making sure that this money is not being used for spending programs that we are unwilling to pay for and have not been willing to pay for in the past. The real beginning of the deficits that we have had began when we merged the Social Security surplus in with the unified budget and started to spend it.

In fact, in 1979 the national debt was something like $860 billion. Today it is $5.7 trillion. I believe that this is the first step that we need to take to restore trust in those people in this country who are worried about Social Security, understanding that it is not perfect—understanding that it is not perfect—and understanding that this Congress needs to come together, on a bipartisan basis, hopefully with the leadership of the President, and tackle the problems that we have with the Social Security system in terms of guaranteeing its viability for the future. And that is something that hopefully we will get to this year; and if not then, hopefully next year; and if we do not then, when we elect a new President.

Mr. President, I yield the floor.

Mr. HOLLINGS. Mr. President, I will yield the floor in just a few seconds here. The statement was made that it would not put Social Security in a straitjacket. But the amendment does.

I have the letter here from the distinguished Secretary of the Treasury. In yesterday's debate, we introduced the letter, substantially the same, dated March 17.

This is dated April 21. It explains the serious objections that the distinguished Secretary of the Treasury has to the particular amendment. I ask unanimous consent that the letter be printed in the RECORD.

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

DEPARTMENT OF THE TREASURY,
*Washington, DC, April 21, 1999.*

Hon. THOMAS DASCHLE,
*Minority Leader, U.S. Senate,*
*Washington, DC.*

DEAR TOM: This letter transmit an analysis of the Social Security Surplus Preservation and Debt Reduction Act, the amendment offered by Chairman Domenici and Senators Abraham and Ashcroft to S. 557, which is currently being debated on the Senate floor. This Act would create new statutory limits on debt held by the public in addition to the existing ceiling on the total debt held by the public and the Federal trust funds. Our analysis indicates that this provision could preclude the United States from meeting its financial obligations to repay maturing debt and to make benefit payments—including Social Security checks—and could also worsen a future economic downturn. Let me refer you to my earlier letter as I will not repeat here all of the concerns I have with this proposal. For all of the reasons I mention there, I would recommend to the President that he veto this Act if it were presented to him for his signature.

It is still my view and the view of the Administration that fiscal restraint is best exercised through the tools of the budget process. Debt limits should not be used as an additional means of imposing restraint. By the time a debt limit is reached the Government is already obligated to make payments and must have enough money to meet its obligations. These proposed new debt limits, despite the changes made, could run the risk of precipitating a debt crisis in the future.

The proposal makes only limited exceptions for unanticipated developments on the non-Social Security side of the budget. However, the potential for forecast error is great even for estimates made for one year in the future, let alone for ten years. Projections of future budget surpluses are made using hundreds of assumptions, any of which is subject to error. Indeed, the Congressional Budget Office (CBO) studied the errors in its own five-year estimates and concluded that, based on their average deviation, the annual surplus estimate for 2004 could vary by $250 billion. Much smaller forecast errors could cause these new debt limits to be reached.

The amendment's shift of the effective date from October 1 to May 1 may provide some degree of cushion but it does not eliminate the risk that the debt limit could be reached in the normal course of business. It reduces the debt limit just after the large revenue bulge in April. However, the size of the cushion and the impact of the timing shift can be far smaller than the deviations from surplus projections described above.

The amendment could run the risk of worsening an economic downturn. The debt limit would be suspended following two consecutive quarters of real GDP growth below one percent. However, an economic slowdown of any duration that did not result in real growth of less than one percent for two consecutive quarters could increase spending and reduce recipts—and both CBO and OMB estimates indicate that such a moderate slowdown could require the borrowing of hundreds of billions of dollars over a period of just a few years. Absent a super-majority vote to raise the debt limit, Congress would need to reduce other spending or raise taxes. Either cutting spending or raising taxes in a slowing economy could aggravate the economic slowdown and substantially raise the risk of a significant recession. In addition, there would be a lag of at least seven months from the onset of a recession to the time that the statistics were available to demonstrate two consecutive quarters of real growth of less than one percent. During these seven or more months, as in the first case, revenues would likely decline and outlays increase necessitating that Congress either reduce other spending or raise taxes. In both cases, the tax increases and spending cuts could turn out to be inadequate to satisfy all existing payment obligations and to keep the debt under the limit, and the debt-limit crisis could worsen.

In addition, the Act does not guarantee that Social Security benefits will be paid as scheduled in the event that the debt ceiling were reached. The Act requires the Treasury Secretary to give priority to the payment of Social Security benefits but, if the Treasury

could no longer borrow any money, there might not be enough cash to pay all Social Security benefits due on a given day. We believe that all obligations of the Federal government should be honored. We do not believe that prioritizing payments by program is a sound way to approach the government's affairs (*e.g.*, giving Social Security payments precedence over tax refunds or other benefits, such as those for veterans). In addition, this Act does not indicate how this complex prioritization process should be implemented, no system currently exists to do so, and any such system would be impractical.

Clearly, there could be very serious risks to Social Security and other benefits and to the credit worthiness of the United States if this Act were enacted into law. To ensure fiscal discipline, the Administration recommends instead that the pay-go rules and the discretionary spending caps in current law be extended beyond FY 2002. These tools of fiscal disciline—which do not rely on debt limits—have been highly effective since they were adopted in 1990 on a bipartisan basis. I urge the Congress to consider these provisions—rather than new debt ceilings—as the best choice for maintaining our hard-won fiscal discipline.

Sincerely,

ROBERT E. RUBIN,
*Secretary of the Treasury.*

Mr. HOLLINGS. I ask unanimous consent to have printed in the RECORD also section 21 of the Greenspan Commission report, Mr. President.

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

SOCIAL SECURITY AND THE UNITED BUDGET

(21) A majority of the members of the National Commission recommends that the operations of the OASI, DI, HI, and SMI Trust Funds should be removed from the unified budget. Some of those who do not support this recommendation believe that the situation would be adequately handled if the operations of the Social Security program were displayed within the present unified Federal budget as a separate budget function, apart from other income security programs.

Mr. HOLLINGS. The reason I do that is the distinguished Senator from Idaho said he was here and voted for the Greenspan Commission report. And the Greenspan Commission report said: Look, as sort of a lockbox, take the Social Security trust funds out of the unified budget.

A majority of the members of the National Commission recommends that the operations of the OASI, the DI, HI, and SMI Trust Funds should be removed from the unified budget.

You see we contemplated back in 1983 the baby boomer problem. And it is now determined to be not a baby boomer problem, but an adult problem on the floor of the National Government right here in the Congress.

I will ask consent also to have printed in the RECORD the surpluses so they will have the exact figure. But we have the surpluses go up each year. I ask unanimous consent to have printed in the RECORD the Social Security trust fund surpluses from the year 1999 through the year 2008, as computed by the Congressional Budget Office.

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

SOCIAL SECURITY TRUST FUND SURPLUS, CBO DECEMBER 1998 BASELINE

[By fiscal year, in billions of dollars]

| | 1999 | 2000 | 2001 | 2002 | 2003 | 2004 | 2005 | 2006 | 2007 | 2008 |
|---|---|---|---|---|---|---|---|---|---|---|
| Trust fund surplus | 126 | 137 | 144 | 153 | 161 | 171 | 183 | 193 | 204 | 212 |
| Interest received by fund | −52 | −58 | −64 | −71 | −79 | −87 | −96 | −105 | −115 | −126 |
| Non-interest surplus | 74 | 80 | 80 | 82 | 83 | 84 | 88 | 88 | 88 | 86 |
| Trust fund balance, end of fiscal year | 857 | 994 | 1,139 | 1,291 | 1,453 | 1,624 | 1,807 | 2,000 | 2,204 | 2,416 |

Source: Congressional Budget Office.

Mr. HOLLINGS. Mr. President, in 1999 we have a $126 billion surplus; in 2000, a $137 billion surplus; and then out into the year 2009, a $217 billion surplus. We contemplated that at the time of the enactment of the Greenspan Commission and said we are going to build up, like a good, responsible insurance company, a reserve so that we could take care of demands of the baby boomers in the next generation.

If we said, at that particular time, Mr. President, that the money is going do be spent for any and everything, as the Senator from Ohio and I have just been discussing, we would have never voted for the payroll tax. You could not have gotten a vote except to save Social Security at that particular time. And we contemplated a reserve fund. Instead, they got all of these super-duper plans to solve the baby boomer problem; when the truth of the matter is, the big thing to do—and it almost puts it back solvent—is quit looting the Social Security trust fund for debt caused by any and every other program but Social Security.

And one final point: The lockbox, in other words, with this particular measure, gives everybody the key but Social Security. When you say, pay down the public debt, you are paying down the debt caused by any and every other program, whether it is entitlement, discretionary or defense. That is the debt. Because it is not Social Security's debt. I wish they would pay down the $857 billion they owe Social Security.

But they said, pay down the public debt. That increases the Social Security debt. The debt increases, as shown for the next 5 years by the Congressional Budget Office. The debt increases, interest costs increase.

We are getting by now, but if we go back to the regular order of business economically in this country, we are really going to be savaged. And when they say honesty, what really frustrates the people who oppose this amendment is the honesty of it—I don't want to say the dishonesty, but the incorrectness of it.

This amendment ought to be withdrawn. It actually continues what we have been doing that got us into this particular fix in formalizing. And they know it is formalizing and dignifying the savaging of the Social Security trust fund.

I thank the distinguished Senator from Wisconsin for his indulgence. I yield the floor.

Mr. FEINGOLD addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Thank you, Mr. President. And let me especially thank the Senator from Ohio and the Senator from South Carolina for their courtesy in allowing me to speak at this time.

I want to simply acknowledge that the Senator from South Carolina is, in my mind, the leader in the entire Congress on trying to make sure that we actually protect the Social Security trust fund and that it not be subject to the kind of raids it has been subjected to for the last 30 years. I give him enormous credit for that. He has been my leader on this issue. I thank him for his continued advocacy in protecting the Social Security trust fund.

Ms. SNOWE. Mr. President, tomorrow's vote on the Social Security lockbox legislation will be a defining moment for the Senate. Members will be making an unequivocal statement about how they feel about the Social Security program: Do we truly believe Social Security's monies should be protected and preserved from spending raids? Or are we willing to allow Social Security monies to be treated as a ''piggy bank'' that can be tapped and diverted to other federal programs?

I think the answer to these questions should be obvious—and I believe the 99 Senators who voted on March 24 for an amendment calling for adoption of the lockbox provision during the consideration of the Senate's FY 2000 budget resolution have an obligation to uphold the commitment they made to protect Social Security's monies and vote for the lock-box proposal.

Every Republican and every Democrat present voted for the substance of this proposal just a few short weeks ago and—accordingly—I hope they will vote to conclude debate tomorrow. The Administration's opposition to this legislation should come as no surprise, especially considering that President Clinton's FY 2000 budget proposal relied heavily on Social Security's surpluses to fund numerous other programs. Specifically, the President's

budget would have raided $158 billion from the Social Security surplus over the coming five years to pay for other programs, while the Republican budget preserves every penny of the Social Security surplus.

In light of the President's diversion of Social Security monies to other programs, the members of the Budget Committee—by a nearly unanimous vote of 21 to 1—voted for an amendment I offered during the markup that called on Congress to reject any budget that would spend any portion of Social Security surpluses for any program other than Social Security. Not coincidentally, when the President's budget was later brought to a vote in the Senate, it was resoundingly rejected by a vote of 97 to 2.

The bottom line is that the time has come for Congress and the President to stop relying on Social Security's surpluses to fund other government programs. The Social Security lock-box legislation we are now considering provides a hard and fast means of protecting these monies, while providing needed ''safety valves'' for recessions, emergencies, declarations of war, or legislation that strengthens the Social Security program. Accordingly, I urge my colleagues to uphold their commitment to this proposal by voting to conclude debate and bring the Social Security lock-box proposal to a Senate vote.

Thank you, Mr. President. I yield the floor.

## THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Tuesday, April 20, 1999, the Federal debt stood at $5,628,407,736,077.41 (Five trillion, six hundred twenty-eight billion, four hundred seven million, seven hundred thirty-six thousand, seventy-seven dollars and forty-one cents).

One year ago, April 20, 1998, the Federal debt stood at $5,514,300,000,000 (Five trillion, five hundred fourteen billion, three hundred million).

Five years ago, April 20, 1994, the Federal debt stood at $4,569,088,000,000 (Four trillion, five hundred sixty-nine billion, eighty-eight million).

Ten years ago, April 20, 1989, the Federal debt stood at $2,754,104,000,000 (Two trillion, seven hundred fifty-four billion, one hundred four million).

Fifteen years ago, April 20, 1984, the Federal debt stood at $1,486,967,000,000 (One trillion, four hundred eighty-six billion, nine hundred sixty-seven million) which reflects a debt increase of more than $4 trillion—$4,141,440,736,077.41 (Four trillion, one hundred forty-one billion, four hundred forty million, seven hundred thirty-six thousand, seventy-seven dollars and forty-one cents) during the past 15 years.

## CBO ESTIMATE OF Y2K ACT

Mr. MCCAIN. Mr. President, when the Commerce Committee filed the report for S. 96, the Y2K Act, the Congressional Budget Office had not completed the cost estimate for the bill. Recently, the committee received the estimate. In summary, the estimate concludes that the measure would most likely result in a savings to the Federal court system. I look forward to debating this measure, and I ask unanimous consent that the report be printed in the RECORD.

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

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
*Washington, DC, March 19, 1999.*

Hon. JOHN MCCAIN,
*Chairman, Committee on Commerce, Science, and Transportation, U.S. Senate, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for S. 96, the Y2K Act.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contacts are Susanne S. Mehlman (for federal costs), Lisa Cash Driskill (for the state and local impact), and John Harris (for the private-sector impact).

Sincerely,

BARRY B. ANDERSON
(For Dan L. Crippen, Director).

Enclosure.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

S. 96—Y2K ACT

Summary: Enacting S. 96 would provide some liability protection for businesses that fail to repair their year 2000 (Y2K) computer problems. CBO estimates that the net effect of S. 96 would most likely be a savings to the federal court system but we cannot estimate the extent of any such savings because we cannot predict the number of lawsuits that would arise—under either S. 96 or current law—from computer failures associated with the year 2000.

The cost of addressing the Y2K problem in the United States is expected to total hundreds of billions of dollars. The extent to which such problems will be resolved prior to next January (or shortly thereafter) remains highly uncertain. Even more uncertain is the extent to which companies and individuals might file lawsuits against businesses because of problems encountered next year. CBO expects that enacting S. 96 could deter some potential plaintiffs from filing such lawsuits.

Some class action lawsuits may be shifted from state courts to federal court under this bill, so the federal courts could incur an increase in costs because class action lawsuits tend to be very timely and costly. However, CBO expects that any such increase would be more than offset by savings attributable to having fewer Y2K cases, overall, under the bill than under current law. Any net change in costs to the federal court system would affect appropriated spending. The bill would not affect direct spending or receipts, so pay-as-you-go procedures would not apply.

S. 96 contains intergovernmental mandates as defined in the Unfunded Mandates Reform Act (UMRA) but, overall, CBO expects that enacting this bill would lead to a savings for state and local governments. The threshold established in UMRA ($50 million in 1996 dollars, adjusted annually for inflation) would thus not be exceeded. The bill also would impose a new private-sector mandate but CBO cannot estimate the cost of the mandate.

Description of the bill's major provisions: S. 96 would provide various liability protections for businesses and state and local governments facing possible litigation arising from Y2K computer problems. In particular, the bill would: limit punitive damages to $250,000 or three times the actual damages that a plaintiff suffered, whichever is larger, and cap punitive damages at $250,000 for companies with fewer than 25 employees; require potential plaintiffs to give a prospective defendant 90 days to propose a plan to resolve the Y2K problem before any legal action could be taken under a lawsuit; assess any liability on a proportional basis, whereby a person against whom a judgment is made would be liable for only the portion of damages corresponding to that person's percentage of responsibility as determined by the judge; and ease restrictions for filing class action lawsuits in federal court.

Estimated cost to the Federal Government: CBO estimates that enacting S. 96 would probably result in a net reduction in the workload of the federal court system as compared to what would occur under current law. Thus far, about 60 complaints associated with Y2K problems have been filed; the majority of cases based on those complaints are class action lawsuits that have been filed in state courts. Several of the larger cases have been settled, but there is little basis for predicting the number or outcome of Y2K lawsuits that would be filed under S. 96 or under current law. Therefore, CBO cannot estimate the magnitude of any net savings to the federal government under the bill.

To the extent that a significant number of lawsuits related to Y2K problems are filed under current law, the Judiciary will either need to seek legislation authorizing additional judgeships and support personnel to address the increased workload or experience a severe backlog in cases. Because S. 96 would limit punitive damages associated with Y2K cases, give businesses 90 days to respond to Y2K problems before any legal action could be taken against such businesses, and make other changes affecting liability laws, CBO expects that parties to lawsuits would be encouraged to reach a settlement. Thus, we anticipate that many lawsuits would not result in a trial, which can be timely and expensive. However, some class action lawsuits could be shifted from state to federal jurisdiction under S. 96 because the bill would ease restrictions for filing such actions in federal court. On balance, CBO estimates that the savings from eliminating trials for many lawsuits would more than offset any increased costs that might be incurred from trying additional class action lawsuits in federal court.

Pay-as-you-go considerations: None.

Estimated impact on State, local, and tribal governments: S. 96 contains intergovernmental mandates as defined in the UMRA but would impose no significant costs on state, local, or tribal governments. The bill would preempt state law by applying certain federal requirements to Y2K civil lawsuits in state courts after February 22, 1999. CBO expects that enacting this legislation would deter some potential plaintiffs from filing and pursuing lawsuits, thus reducing the resources state courts would expend on this type of litigation.

In addition, by easing the requirements for filing Y2K class action lawsuits in federal court, the bill could diminish some of the burden on state courts, where most of the current lawsuits have been filed. On the other hand, more individual cases might be filed in state courts to complement class action suits in federal courts. Overall, CBO anticipates the net effect of this bill would be a savings to state courts.

This bill would supersede any state laws inconsistent with it. While no state has established Y2K liability protection for the private sector, several states currently are

considering that issue in their legislative bodies. Finally, S. 96 would provide state and local governments protection from punitive damages arising from a Y2K action. Only six states and the District of Columbia have already passed legislation protecting themselves and their localities from Y2K liability. To the extent that state and local governments could become defendants in Y2K litigation and have not protected themselves from liability, this bill would provide such protection and could result in a savings.

Estimated impact on the private sector: S. 96 would impose a new private-sector mandate by requiring prospective plaintiffs in legal actions related to Y2K computer problems to notify prospective defendants of their intent to file suit and wait up to ninety days after such notification before filing. The notice must identify the cause and size of the prospective plaintiff's loss, the remedy sought, and the legal basis for the suit.

For a single prospective plaintiff, the cost of complying with the mandate, the expense incurred in drafting and delivering the notice, is relatively small. The notice is, in effect, a summary of the suit to be filed, so that preparation for the suit is also preparation for the notice. CBO cannot, however, produce an estimate of the aggregate costs of the mandate, largely because we have no way to predict the number of Y2K lawsuits.

Estimate prepared by: Federal Costs: Susanne Mehlman; Impact on State, Local, and Tribal Governments: Lisa Cash Driskill; Impact on the Private Sector: John Harris.

Estimate approved by: Robert A. Sunshine, Deputy Assistant Director for Budget Analysis.

## ARMENIAN GENOCIDE

Mr. LEVIN. Mr. President, I rise to observe the Armenian Genocide Remembrance Day which takes place on April 24. Each year we remember and honor the victims, and pay respect to the survivors we are blessed to still have with us.

During the periods 1915–1918 and 1920–1923, approximately 1.5 million Armenians perished under the rule of the Turkish Ottoman Empire. The Armenian people fell victim to deportation, expropriation, torture, starvation and massacre. We signify April 24, 1915 as the day of remembrance because of the more than 200 Armenian community leaders who were systematically hunted down in Constantinople on this date.

The Armenian genocide was the result of a consciously orchestrated government plan. The United States Ambassador to the Ottoman Empire, Henry Morgenthau, stated at the time that, ''When the Turkish authorities gave the orders for these deportations, they were merely giving the death warrant to a whole race; they understood this well, and, in their conversations with me, they made no particular attempt to conceal the fact . . . I am confident that the whole history of the human race contains no such horrible episode as this.''

In an effort to further our understanding of this tragic period, one of my constituents, Mae Derdarian, has written an important survivor's account of the Armenian genocide. Her book, Vergeen, recounts a thirteen-year old girl's deportation from her home, the atrocities she survived, her escape from her tormentors, and her ultimate triumph over the horrors she witnessed and which were perpetrated on her. In a review of Ms. Derdarian's book, The Detroit Jewish News wrote ''Every now and then a book comes along that haunts the reader long after the last page is turned. Vergeen is one of those stories . . . Mae Derdarian has created a page-turner, combing Vergeen's memoir and her own mother's recorded accounts of what both women endured as survivors of the first genocide of the 20th century.'' Such first-hand accounts from survivors are critical to our understanding of genocide, and help us all to recognize and honor the lives of the victims.

Mr. President, each year we remember the horrors suffered by the Armenian people during the periods 1915–1918 and 1920–1923 under the Ottoman Empire. However, it is not enough to simply remember those who have perished. We must dedicate ourselves to see that tragedies such as the Armenian Genocide are not revisited on our planet. This is the highest tribute we can pay to the victims of any genocide.

The Armenian people have earned our enduring admiration for withstanding the horrors of two world wars and several decades of Soviet dominance in order to establish modern Armenia. The United States must continue its efforts to support freedom, prosperity and stability in Armenia as we honor and remember the victims of the Armenian Genocide.

## ARMENIAN GENOCIDE COMMEMORATION

Mr. TORRICELLI. Mr. President, I rise today to commemorate the 84th anniversary of the Armenian genocide. This is an event that has defined the Armenian people for the past 84 years, and my thoughts and sympathies are again with them as they remember these events.

It is with a great sense of sorrow that we mark the 84th year since the tragic genocide and exile of the Armenian people. The Turkish Ottoman Empire expelled nearly 1.5 million Armenians as part of a staged campaign. In doing so, the world witnessed one of the most sobering events in modern history. As the first genocide of the 20th century, the period between 1915 and 1918 deserves our attention and respect, and it should remind us of the need to keep all those who perished during the Genocide alive in our memory.

While humankind has the ability to sponsor acts of great kindness and sacrifice, we also have the capacity for great evil. By pausing to commemorate the Armenian Genocide, we ensure that it will never slip into the recesses of history. Along with the Holocaust, the Armenian Genocide signifies our ability to promote evil, but if we close our eyes to the tragedies of the past, we risk the chance of repeating them in the future.

Sadly, the Armenian American community has its roots in the Armenian Genocide. Many individuals living here in the United States either lost family members at the hands of the Ottomans, or are survivors themselves. They have risen above adversity to become prominent and successful citizens despite a tragic past. The Armenian American community has been vocal in expressing its anguish about the Genocide. It is my hope that their perseverance in marking this event each year, as well as our own efforts here in the United States Senate, will be enough to allow us to remember the lessons of the Genocide. We are constantly forced to relearn the effects of evil unchecked, but I hope, in this case, we will be guided to a better future.

## SECURITY AT AMERICA'S NUCLEAR LABORATORIES

Mr. JOHNSON. Mr. President, I would like to talk briefly on the critically important hearings being conducted in Congress regarding the alleged national security breaks at our Department of Energy nuclear weapons laboratories. As a member of the Senate Energy and Natural Resources Committee, I am committed to finding the answer to what may have happened and ensure that our national security is just that—secure.

I share the concern of most Americans that starting during the Reagan Administration, Chinese spies reportedly stole secrets from New Mexico's Los Alamos National Laboratory to assist China in developing advanced nuclear weapons. I am also concerned with the perceived inaction by individuals and agencies within our government for almost ten years. However, I strongly discourage my colleagues and others in framing this issue in partisan terms because the timeline we are discussing here today includes three Administrations of both parties. The goal of placing blame on Republicans or Democrats is counterproductive to the ultimate need of finding answers that lead to solutions.

The American public is entitled to know whether critically important secrets were stolen from our nuclear laboratories. We, as citizens of a democracy, also have the right to know what steps our government took—or failed to take—to protect our interests and livelihood. The accusations surrounding the Los Alamos Nuclear Laboratory have shaken the trust Americans have in our national security, our government, and our developing relationship with China, the most populated country in the world. It is the responsibility of this committee, Congress as a whole, and the Administration to provide the American public with the answers they deserve.

Accountability and accuracy must be established in this matter. However, knowing what happened and who was responsible is not enough. I am hopeful that out of this committee hearing and

subsequent investigations by other Congressional committees and governmental agencies, we can make sure our national security secrets are safe in a world where it is inevitable and necessary that scientists from different countries work together.

Action must be taken if it is found that security lagged and individuals failed to respond in a timely and appropriate manner. Action must also be taken if it is found that foreign governments actively spied in our nuclear laboratories. However, we will not know what action is necessary until all the information is presented. I look forward to working with my colleagues on this issue and will continue to work to ensure that important questions are answered fully.

## RECENT EVENTS IN GEORGIA

Mr. BROWNBACK. Mr. President, I rise today to mark a milestone in the history of the Georgian nation towards consolidating its independence and sovereignty and the progress Georgia has made in moving towards becoming a democratic government with a free market economy.

On the 9th of April 1999, Georgian Orthodox Good Friday, Georgia commemorated a tragic anniversary: ten years ago on that day in 1989, twenty-two people died for daring to express their desire for the independence of their country. During a peaceful demonstration in Tbilisi, Soviet troops moved in on the unarmed crowd with tanks. Soldiers carrying field engineer spades bludgeoned these brave people to death—all of them were unarmed and many of them were women. The troops also used an unknown type of poisonous gas which put thousands of people in hospital. These people paid a heavy price for expressing their desire for independence.

This week, almost exactly 10 years later, Georgia is celebrating another major step towards the goal of full independence for which those people died: this time economic independence. On April 17th, Georgia celebrated the inauguration of the Baku-Supsa oil pipeline. With this step, Georgia has gained another significant measure of independence.

This is a long way to have come in just ten years. And these have been very tumultuous years filled with strife and hardship: assassination attempts against President Shevardnadze; pressures from Russia which continues to harbor Igor Giorgadze, the mastermind behind the 1995 assassination attempt against President Shevardnadze; ethnic conflicts, over 300,000 refugees from Abkhazia, and tremendous economic hardships for the Georgian people.

This refugee problem is one which should resonate with all of us. The television pictures and the stories told by the Kosovar refugees of ethnic cleansing, people pushed out of their homes and villages is a sight which shocks us and has galvanized the United States and the west to action. Similar scenes were taking place in Georgia which in a very short time had to assimilate over 300,000 refugees driven out of Abkhazia as part of ethnic cleansing in that part of the country. Had there been TV cameras there the world might have reacted. But there weren't and Georgia has been left to deal with this difficult problem on its own.

Despite this difficult backup, President Shevardnadze and the reformers in the Georgian parliament have started and made significant progress in building a new nation. What we are witnessing in Georgia is truly that: the building up from scratch of a new state. This is a daunting task and one which requires immense fortitude and persistent commitment.

There is no quick formula for building a state, no blueprint to follow which will smooth the way. In fact, the road is anything but smooth and there have been wrong turns along the way. But it is taking place. There are a number of indicators.

One is the regaining control of borders. After much negotiating, and persistence, Georgia is starting to regain control of its borders: in the strategic sea-port of Poti, the northern border as well as parts of the border with Turkey. Georgia is also scheduled to take control of the entire Turkish-Georgian border in Ajara in 1999.

Another is in the area of basic legal reforms. Not only have President Shevardnadze and the reformers in Parliament tackled problems systematically, they have clearly demonstrated their commitment by passing legislation which will set the foundations for a free and prosperous society. A recent example is the overhaul of the judiciary. Most of Georgia's judges are being forcibly retired and replaced by new ones chosen by competitive examinations. This is a bold move in the right direction. While the reform of the legal system is moving forward at a fast pace, one area of concern is the recent decision to return to the Soviet system of appointing lay judges for high crimes' sentencing. These judges don't have to pass tests or meet the same standards as federal judges. This is a dangerous road to go down as it could slow down the pace of legal reform and open the door to corruption. Nevertheless, on the whole Georgia should be proud of this wonderful step forward. In a civil society, the legal system should work for the society and not for the benefit of the authorities. The overhaul of the judiciary sets Georgia on that course.

Another is the fight against corruption. The reformers in Georgia have also taken on one of the most pervasive problems which is the legacy of 70 years of communism: corruption. Recent examples of the commitment to take on this overwhelming problem can be found in a number of decisions relating to the areas in which corruption is the most prevalent in any society. Georgia has hired foreign companies to take over areas which are traditionally the richest sources of bribes and corruption: the distribution of electric power in Tbilisi and the customs service. In another bold move, the Georgian government will be taking procurement away from the ministries: a law passed recently requires that as of 1 July 1999, all government procurements beyond 20,000 lari must be subject to tender by the Ministry of Economy. This law is most significant and will be further enhanced by establishment of a system for third party procurement. The Ministry of Economy working with seasoned western companies can make these tenders work for the government and not for individual people looking for their own personal gain. Leading the way in this effort is the military and the border guards. This will concretely contribute to the more efficient use of Georgian government resources and reduce the temptation of corruption.

The progress made to date has not come easily and has not necessarily been smooth; mistakes have been made along the way. But we must remember that there is no easy map to chart the way from the economic shambles Georgia and the other former Soviet republics inherited to a full blown free market economy and democratic institutions. Building them takes some time, determination and perseverance.

Mr. President, once implemented, the Georgian people will surely begin to see that they are on the right track toward a serious improvement in their circumstances. I congratulate President Shevardnadze and the parliamentarians who have stood up for the freedom and long-term wellbeing of their country.

Mr. President, the geostrategic importance of Georgia to the United States is clear and has been mentioned often. It also has another claim on our attention and support: the progress toward democratization and free market economy there is a strong example to the other countries in the region. Georgia deserves our support as well as our congratulations.

## TRIBUTE TO ADMIRAL ROY LEE JOHNSON, USN (RET.)

Mr. WARNER. Mr. President, our nation has lost a truly great American in the recent passing of Admiral Roy Lee Johnson, USN (Ret.), who died March 20th in Virginia Beach, Virginia at the age of 93. My Senate colleagues should know that he was the father of Jo-Anne Coe, long-time top aide to Senator Bob Dole. We all join in sending our deepest sympathy to Jo-Anne and her family.

Admiral Johnson had a distinguished Naval career of over 38 years, culminating in his appointment as Commander in Chief of U.S. Naval forces in the Pacific (CINCPACFLT) from 1965–67 at the height of the Vietnam conflict. Prior to this, he was Commander, U.S. Seventh Fleet. In his capacity, he gave

the order to the USS Maddox and USS Turner Joy to fire back at Viet Cong gunboats in the Tonkin Gulf incident.

Admiral Johnson graduated from the U.S. Naval Academy in 1929. A pioneer of naval aviation, he received his wings in 1932, and served as a flight instructor at the U.S. Navy flight school at Pensacola, Florida, in the biplane era in the early 1930's and again in the 1950's. After retirement, he served a term as president of the Early and Pioneer Naval Aviators Association, nicknamed ''The Golden Eagles'', and from 1980–81 was President of the Naval Academy Alumni Association.

During World War Two he served on the USS Hornet, which won a Presidential Unit Citation. He was awarded the Bronze Star, the Air Medal, and the Legion of Merit with gold star for his service in action which included campaigns against Japanese forces in the Philippines, Wake and Truk Islands, Iwo Jima and Okinawa. He also saw action during the Korean War, as Commanding Officer of the escort carrier USS Badoeng Strait.

In 1955 he became the first Commanding officer of the USS Forrestal (CVA 59), the first of the ''supercarriers'', receiving this coveted appointment after developing operational procedures for this new class of carrier which were still in use at least 15 years later. In this role he was promoted to Rear Admiral and later assumed command of Carrier Division Four, with the Forrestal as his flagship.

In January 1960, he was named Assistant Chief of Naval Operations for Plans and Policy. Two years later he was promoted to Vice Admiral and became the Navy's senior representative in determining U.S. air strike priorities during the Cuban Missile Crisis.

In July 1963, he became Deputy Commander in Chief of the U.S. Pacific Fleet and a year later was appointed Commander of the U.S. Seventh Fleet. For his service in these assignments he was awarded a second Distinguished Service Medal. In 1965, he was promoted to full Admiral and became CINCPACFLT. He was the last U.S. Military Governor of the Bonin Islands, which include Iwo Jima.

Admiral Johnson's exceptionally distinguished military career and achievements as a private citizen stand out as an example of the selfless devotion to our country that only a few Americans have exemplified. Hopefully, his achievements will serve as the standard for our naval officers and citizens to strive to achieve. His lasting contributions to ensuring the freedoms and greatness of our nation are his legacy. Admiral Johnson will be profoundly missed and fondly remembered by all who knew him and by others who only know of his exceptional service to our country.

## EARTH DAY 1999

Mrs. BOXER. Mr. President, in 1969, American astronauts heading for the first walk on the moon sent back breathtaking pictures of the Earth. Later that year, Senator Gaylord Nelson called on teachers and students to hold a national teach-in on environmental issues.

The two events were closely related. The NASA photos gave everyone on Earth an inescapable image of our planet as one world, a tiny ''blue ball'' floating in the vastness of space. Along with Senator Nelson's call to action, it helped galvanize a growing consciousness of the Earth's fragile environment and how it was affected by human activity.

Millions of people answered Gaylord Nelson's call. On April 22, 1970, over 20 million Americans—including students at 10,000 public schools and a thousand colleges—gathered to express their concern about environmental issues. ''Earth Day'' was born.

Congress responded quickly by establishing the Environmental Protection Agency and enacting three sweeping laws that laid the cornerstone for the environmental protections we enjoy today: the Clean Air Act, the Clean Water Act, and the National Environmental Policy Act.

The first Earth Day and its aftermath were a great success. On Earth Day 1999, we can celebrate the fact that the air we breathe, the water we drink, and our oceans, rivers, and streams are cleaner now than when Earth Day was first celebrated. In the past three decades, we have banned lead in gasoline. We banned DDT. We reduced toxic air emissions. We established strong public health standards for drinking water. We eliminated direct dumping of sewage into our oceans, rivers, lakes, and streams.

We have made great progress in providing a safer and healthier environment for ourselves and our children. But we still have a long way to go, especially where children are concerned. Most of our environmental standards are designed to protect adults rather than children. In most cases, we haven't even done the tests that would allow us to measure how harmful substances affect our children. And, perhaps most surprisingly, in the face of that uncertainty, we don't presume that harmful substances may present special dangers to our children and adopt a more protective standard.

In effect, our environmental laws assume that what we don't know about harmful substances won't hurt our children.

That is why I wrote my Children's Environmental Protection Act, or CEPA. CEPA would child-proof our environmental laws. It would require the Environmental Protection Agency (EPA) to set environmental standards to protect children. And, most importantly, if there is no specific data that would allow EPA to measure the dangers to children, it requires EPA to set a more protective standard to take that lack of information into account.

As we strive to give our children a safer environment, we must also consider the natural legacy we hope to leave them. Along with clean air and water, we need to preserve wild places and wide-open spaces for future generations to enjoy. We need to preserve historic sites, conserve farmland, and maintain public parks.

Earlier this year, Congressman GEORGE MILLER and I introduced sweeping legislation in the Senate and the House of Representatives to protect America's historic and natural heritage. The Permanent Protection for America's Resources 2000 Act—or Resources 2000—sets aside $2.3 billion annually in offshore oil and gas drilling revenues to create a sustainable source of funding to acquire and maintain public lands, expand urban recreation opportunities, and protect the Nation's marine, wildlife, and historic resources.

To mention just one example, Resources 2000 would mandate full funding of the Land and Water Conservation Fund. In 1965, Congress established this Fund, which was to receive $900 million a year from Federal oil revenues for acquisition of sensitive lands and wetlands. The good news is that Fund has collected over $21 billion since 1965. The bad news is that only $9 billion of this amount has been spent on its intended uses. More than $12 billion has been shifted into other Federal accounts. Resources 2000 would fund the Land and Water Conservation Fund at $900 million per year, the full level authorized by Congress.

On Earth Day 1999, I ask my colleagues once again to answer Gaylord Nelson's noble call to action. Let us enact an agenda that will sustain both a healthy economy and a healthy environment. Let us rededicate ourselves to the principles of Earth Day and do all we can to heal, protect, and honor the Earth.

Mr. President, I yield the floor.

## IN CELEBRATION OF EARTH DAY 1999

Mrs. MURRAY. Mr. President, I came here today to talk about the work we are doing to protect our environment, but first I would just like to express my deep sorrow over yesterday's tragic shooting in Littleton, Colorado and to tell the students, teachers and their families that they are in our thoughts and our hearts.

Mr. President, we are here to celebrate the last Earth Day before the 21st century. As a nation, we have made great strides in the last three decades in protecting important ecosystems, cleaning up past mistakes and improving the environmental records of industry and agriculture. I am confident that as we move into the 21st century, our Nation will continue to be a leader in both environmental protection and economic strength.

In the Pacific Northwest, one of our most pressing challenges is to restore our dwindling wild salmon stocks. This year, the Puget Sound chinook salmon

was listed on the endangered species list, making it one of the first species in the Nation to require protection efforts in an intensely developed metropolitan area.

This will give our region an opportunity to highlight again how we can both thrive economically and provide critical protection to other species. Already we have seen examples across our State. Farmers have modified irrigation systems to make them more salmon-friendly. Forest landowners have foregone timber harvest in sensitive areas and replanted along streams with vegetation particularly beneficial to fish. Citizens of our urban areas have taken the first steps toward a comprehensive plan to restore urban salmon and have joined forces to restore devastated wetlands and streams.

One of the important lessons we should have learned about environmental protection is it is much easier—and far less costly—to preserve an ecosystem rather than try to repair it once it has been destroyed. That is one of the reasons I am pushing my colleagues so hard to pass my legislation to create a Wild and Scenic River on the Hanford Reach of the Columbia River. These are the last free-flowing 51 miles of this mighty river and they contain some of the most productive and important fish spawning habitat in the lower 48 States. The reach produces 80 percent of the Columbia Basin's fall chinook salmon, as well as thriving runs of steelhead trout and sturgeon. While most of the Columbia River Basin were being developed during the middle of this century, the Hanford Reach and other buffer areas within the Hanford Nuclear Reservation were kept pristine by the same veil of secrecy and security that lead to the contamination of the central Hanford Site.

Mr. President, we have been offered an opportunity to continue to grow the rural economy of central Washington while protecting this vital source of our economic strength that the Columbia River provides. Creating a Wild and Scenic River could help us avoid drastic protection measures, like breaching the dams along the Columbia Snake River systems to save salmon. This simple step will demonstrate our commitment both to protecting wild salmon and to the economic and social structure of the inland West.

Today, we also celebrate the introduction of legislation to protect another national treasure: the wilderness of the Arctic National Wildlife Refuge. Senator ROTH will again introduce, and I will cosponsor, his bill to protect one of the only remaining complete and undisturbed arctic ecosystems in the world. It is home to an abundance of wildlife, including grizzly and polar bears, musk-oxen, wolves, and a host of migratory bird species. It is also home to the magnificent porcupine caribou herd, whose 160,000 members rely on this coastal plain for their calving grounds.

This bill will prohibit development of oil within the fragile wilderness of the refuge. Oil development would likely disrupt the porcupine caribou and force them to change their calving grounds and migratory routes. This, in turn, will adversely impact the lifestyle and culture of their neighbors, the Gwich'in people.

Proponents of development claim that only 13,000 acres of the refuge will be impacted. While this may be true, that development will take place in the biological heart of ANWR and have a devastating impact on the wilderness values of the area. In this biological heart, developers will create a major industrial complex. They will build hundreds of miles of roads and pipelines, erect housing for thousands of workers, and construct two sea ports and one airport. These developments will lead to mining of enormous amounts of gravel, will require diversion of streams and will result in pollution of fragile tundra.

Mr. President, as we celebrate the last earth day before the 21st century, I urge my colleagues on both sides of the aisle to come together to support both of these bills in order to hand down to our children and grandchildren a part of America's great natural legacy.

## 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

At 11:49 a.m., a message from the House of Representatives, delivered by Mr. Hanrahan, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 208. An act to amend title 5, United States Code, to allow for the contribution of certain rollover distributions to accounts in the Thrift Savings Plan, to eliminate certain waiting-period requirements for participating in the Thrift Savings Plan, and for other purposes.

H.R. 1379. An act to amend the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999, to make a technical correction relating to international narcotics control assistance.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 54. Concurrent resolution recognizing the historic significance of the first anniversary of the Good Friday Peace Agreement.

The message further announced that the House has passed the following bill, without amendment:

S. 531. An act to authorize the President to award a gold medal on behalf of the Congress to Rosa Parks in recognition of her contributions to the Nation.

The message also announced that pursuant to the provisions of section 1 of the Act to create a Library of Congress Trust Fund Board (2 U.S.C. 154), as amended by section 1 of Public Law 102–246, the Speaker appoints the following member on the part of the House to the Library of Congress Trust Fund Board for a five-year term to fill the existing vacancy thereon: Mr. John Henry of Florida.

---

At 12:27 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the 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. 800) to provide educational flexibility partnerships.

## MEASURES REFERRED

The following bills were read the first and second times by unanimous consent and referred as indicated:

H.R. 208. An act to amend title 5, United States Code, to allow for the contribution of certain rollover distributions to accounts in the Thrift Savings Plan, to eliminate certain waiting-period requirements for participating in the Thrift Savings Plan, and for other purposes; to the Committee on Governmental Affairs.

H.R. 1379. An act to amend the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999, to make a technical correction relating to international narcotics control assistance; to the Committee on Foreign Relations.

The following concurrent resolution was read and referred as indicated:

H. Con. Res. 54. Concurrent resolution recognizing the historic significance of the first anniversary of the Good Friday Peace Agreement; to the Committee on Foreign Relations.

## 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–2648. A communication from the Program Analyst of The Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''IFR Altitudes; Miscellaneous Amendments (18); Amdt. No. 415/4–15 (4–15)''(RIN2120–AA63 (1999–0001)), received on April 15, 1999; to the Committee on Commerce, Science, and Transportation.

EC–2649. A communication from the Program Analyst of the Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of Class E Airspace; Port Clinton, OH; Correction; Docket No. 98–AGL–73/4–

15 (4–15)'' (RIN2120–AA66 (1999–0135)), received on April 15, 1999; to the Committee on Commerce, Science, and Transportation.

EC–2650. A communication from the Program Analyst of the Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Allison Engine Company, Inc. AE3007A and AE3007C Series Turbofan Engines; request for Comments; Docket No. 99–01/4–5 (4–8)'', (RIN2120–AA64 (1999–0162)), received on April 9, 1999; to the Committee on Commerce, Science, and Transportation.

EC–2651. A communication from the Program Analyst of the Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment to Mexico Memorial Airport Class E Airspace Area, MO; Direct Final Rule; Confirmation of Effective Date; Docket No. 99–ACE–4/3–31 (4–1)'' (RIN2120–AA66 (1999–0127)), received on April 2, 1999; to the Committee on Commerce, Science, and Transportation.

EC–2652. A communication from the Program Analyst of the Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class E Airspace; Toccoa, Ga; Docket No. 99–ASO–3/4–5 (4–5)'' (RIN2120–AA66 (1999–0134)), received on April 6, 1999; to the Committee on Commerce, Science, and Transportation.'

EC–2653. A communication from the Program Analyst of the Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of Class E Airspace; Pontiac; Pontiac, Il.; Docket No. 98–AGL–81/4–5 (4–5)'' (RIN2120–AA66 (1999–0132)), received on April 6, 1999; to the Committee on Commerce, Science, and Transportation.

EC–2654. A communication from the Program Analyst of the Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class E and F Airspace; Orlando Executive Airport; FL; Request for Comments; Docket No. 99–ASO–5/4–5(4–5)'' (RIN2120–AA66(1999–0133)), received on April 6, 1999; to the Committee on Commerce, Science, and Transportation.

EC–2655. A communication from the Program Analyst of the Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of Class E Airspace; Watertown, WI; Docket No. 99–AGL–2/4–5(4–5)'' (RIN2120–AA66(1999–0129)), received on April 6, 1999; to the Committee on Commerce, Science, and Transportation.

EC–2656. A communication from the Program Analyst of the Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of Class E Airspace; Auburn, IN; Docket No. 99–AGL–3/4–5(4–5)'' (RIN2120–AA66(1999–0130)), received on April 6, 1999; to the Committee on Commerce, Science, and Transportation.

EC–2657. A communication from the Program Analyst of the Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of Class E Airspace; Sault Ste Marie, ON; Docket No. 99–AGL–1/4–5(4–5) July 15, 1999'' (RIN2120–AA66(1999–0131)), received on April 6, 1999; to the Committee on Commerce, Science, and Transportation.

EC–2658. A communication from the Program Analyst of the Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures; Miscellaneous Amendments (109); Amdt. No. 1924/4–9 (4–12) (RIN2120–AA65(1999–0020), received on April 12, 1999; to the Committee on Commerce, Science, and Transportation.

EC–2659. A communication from the Program Analyst of the Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures; Miscellaneous Amendments (66); Amdt. No. 1925/4–12 (4–12)'' (RIN2120–AA65(1999–0019), received on April 12, 1999; to the Committee on Commerce, Science, and Transportation.

EC–2660. A communication from the Program Analyst of the Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures; Miscellaneous Amendments (80); Amdt. No. 1923/4–12 (4–12)'' (RIN2120–AA65(1999–0018), received on April 12, 1999; to the Committee on Commerce, Science, and Transportation.

EC–2661. A communication from the Program Analyst of the Office of Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Revocation of Class E Airspace; Palmyra, NY; Docket No: 99–AEA–03/4–1 (4–1)'' (RIN2120–AA66 (1999–0125), received on April 2, 1999; to the Committee on Commerce, Science, and Transportation.

EC–2662. A communication from the Program Analyst of the Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class E Airspace; Logan, WV; Docket No: 99–AEA–02/4–1 (4–1)'' (RIN2120–AA66 (1999–0124)), received on April 2, 1999; to the Committee on Commerce, Science, and Transportation.

EC–2663. A communication from the Program Analyst of the Office of the General Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Revision of Class E Airspace; Farmington, NM; Docket No: 95–ASW–18/4–1 (4–1)'' (RIN2120–AA66 (1999–0123)), received on April 2, 1999; to the Committee on Commerce, Science, and Transportation.

EC–2664. A communication from the Program Analyst of the Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class E Airspace; Excobas, TX; Direct Final Rule; Request for Comments; Docket No: 99–ASW–05/1 (4–1)'' (RIN2120–AA66 (1999–0121)), received on April 2, 1999; to the Committee on Commerce, Science, and Transportation.

EC–2665. A communication from the Program Analyst of the Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Revision of Class E Airspace; Lake Charles, LA; Direct Final Rule; Request for Comments; Docket No: 99–ASW–04/4–1 (4–1)'' (RIN2120–AA66 (1999–0122)), received on April 2, 1999; to the Committee on Commerce, Science, and Transportation.

EC–2666. A communication from the Program Analyst of the Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Revision of Class E Airspace; Shawnee, OK; Direct Final Rule; Request for Comments; Docket No: 99–ASW–07/4–1 (4–1)'' (RIN2120–AA66 (1999–0119)), received on April 2, 1999; to the Committee on Commerce, Science, and Transportation.

EC–2667. A communication from the Program Analyst of the Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Revision of Class E Airspace; Guthrie, OK; Direct Final Rule; Request for Comments; Docket No: 99–ASW–06/4–1 (4–1)'' (RIN2120–AA66 (1999–0120)), received on April 2, 1999; to the Committee on Commerce, Science, and Transportation.

EC–2668. A communication from the Program Support Specialist, Aircraft Certification Service, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; McDonnell Douglas Model DC–9–80 Series Airplanes, and Model MD–88 Airplanes; Docket No. 98–NM–166–AD; Amendment 39–11099; AD 99–07–14 (RIN2120–AA64), received on April 2, 1999; to the Committee on Commerce, Science, and Transportation.

EC–2669. A communication from the Program Support Specialist, Aircraft Certification Service, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Sikorsky Aircraft-manufactured Model CH–54A Helicopters; Docket No. 97–SW–60–AD (RIN2120–AA64), received on April 2, 1999; to the Committee on Commerce, Science, and Transportation.

EC–2670. A communication from the Program Support Specialist, Aircraft Certification Service, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model EMB–120 Series Airplanes; Docket No. 98–NM–265–AD; Amendment 39–11100; AD 99–02–18 R1 (RIN2120–AA64), received on April 2, 1999; to the Committee on Commerce, Science, and Transportation.

EC–2671. A communication from the Program Support Specialist, Aircraft Certification Service, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Request for Comments; Bell Helicopter Textron, Inc.-manufactured Model HH–1K, SW204, SW204HP, SW205, SW205A–1, TH–1F, TH–1L, UH–1A, UH–1B, UH–1E, UH–1F, UH–1H, UH–1L and UH–1P Helicopters; Docket No. 98–SW–31–AD (RIN2120–AA64), received on April 2, 1999; to the Committee on Commerce, Science, and Transportation.

## EXECUTIVE REPORT OF A COMMITTEE

The following executive report of a committee was submitted:

Mr. JEFFORDS. Mr. President, for the Committee on Health, Education, Labor, and Pensions, I report favorably a nomination listed which was printed in the RECORD of January 19, 1999, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar, that the nomination list lie at the Secretary's desk for the information of Senators.

In the Public Health Service, a nomination list beginning Grant L. Campbell, and ending Ann M. Witherspoon, which was received by the Senate and appeared in the CONGRESSIONAL RECORD of January 19, 1999.

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

## 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. McCONNELL (for himself and Mr. LIEBERMAN):

S. 846. A bill to make available funds for a security assistance training and support program for the self-defense of Kosova; to the Committee on Foreign Relations.

By Ms. MIKULSKI (for herself, Mrs. MURRAY, Mr. INOUYE, Mr. WYDEN, Mr. JOHNSON, Mr. HOLLINGS, Mr. REID, and Mr. BINGAMAN):

S. 847. A bill to amend title XVIII of the Social Security Act to exclude clinical social worker services from coverage under the medicare skilled nursing facility prospective payment system; to the Committee on Finance.

By Mrs. FEINSTEIN:

S. 848. A bill to designate a portion of the Otay Mountain region of California as wilderness; to the Committee on Energy and Natural Resources.

By Mr. BINGAMAN:

S. 849. A bill to amend the Public Health Service Act to provide grant programs for youth substance abuse prevention and treatment; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. BOXER:

S. 850. A bill to make schools safer by waiving the local matching requirement under the Community Policing Program for the placement of law enforcement officers in local schools; to the Committee on the Judiciary.

By Mr. CHAFEE (for himself and Mr. MOYNIHAN):

S. 851. A bill to allow Federal employees to take advantage of the transportation fringe benefit provisions of the Internal Revenue Code that are available to private sector employees; to the Committee on Governmental Affairs.

By Mrs. FEINSTEIN:

S. 852. A bill to award grants for school construction; to the Committee on Health, Education, Labor, and Pensions.

S. 853. A bill to assist local educational agencies to help all students achieve State achievement standards, to end the practice of social promotion, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. LEAHY:

S. 854. A bill to protect the privacy and constitutional rights of Americans, to establish standards and procedures regarding law enforcement access to location information, decryption assistance for encrypted communications and stored electronic information, and other private information, to affirm the rights of Americans to use and sell encryption products as a tool for protecting their online privacy, and for other purposes; to the Committee on the Judiciary.

S. 855. A bill to clarify the applicable standards of professional conduct for attorneys for the Government, and other purposes; to the Committee on the Judiciary.

By Mr. JEFFORDS (for himself, Mr. WARNER, and Mrs. HUTCHISON):

S. 856. A bill to provide greater options for District of Columbia students in higher education; to the Committee on Governmental Affairs.

By Ms. SNOWE (for herself, Mr. SARBANES, Mr. CONRAD, Mr. ASHCROFT, Mr. HUTCHINSON, Mr. GREGG, Mr. WELLSTONE, Mr. SCHUMER, Mr. WARNER, Mr. LUGAR, Mr. HAGEL, Mr. CRAPO, Mrs. MURRAY, Mr. BIDEN, Mr. FEINGOLD, Ms. COLLINS, Mr. DEWINE, Mr. McCAIN, and Mr. COVERDELL):

S.J. Res. 21. A joint resolution to designate September 29, 1999, as ''Veterans of Foreign Wars of the United States Day''; to the Committee on the Judiciary.

## SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. CRAPO (for himself, Mr. CHAFEE, Mr. BAUCUS, and Mr. REID):

S. Res. 81. A resolution designating the year of 1999 as ''The Year of Safe Drinking Water'' and commemorating the 25th anniversary of the enactment of the Safe Drinking Water Act; to the Committee on the Judiciary.

By Mr. JEFFORDS (for himself, Ms. COLLINS, Mr. KENNEDY, Mr. DEWINE, Mr. DODD, Mr. HUTCHINSON, Mr. HARKIN, and Mr. REED):

S. Con. Res. 28. A concurrent resolution urging the Congress and the President to increase funding for the Pell Grant Program and existing Campus-Based Aid Programs; to the Committee on Health, Education, Labor, and Pensions.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. McCONNELL (for himself and Mr. LIEBERMAN):

S. 846. A bill to make available funds for a security assistance training and support program for the self-defense of Kosova; to the Committee on Foreign Relations.

### THE KOSOVO SELF-DEFENSE ACT

Mr. McCONNELL. Mr. President, I rise today to introduce the Kosovo Self-Defense Act. I am pleased to be joined by my good friend from Connecticut, Senator LIEBERMAN, in offering this bill. Our proposal would provide $25 million to arm and train members of the Kosovo Liberation Army, or KLA. This would equip 10,000 men or 10 battalions with small arms, antitank weapons, for up to 18 months. Let me repeat that: For less than the cost of one evening's air raids, we can provide significant defensive capabilities to those most willing to fight Serb aggression inside Kosovo.

I know the administration questions why the United States should take this bold step. My question is, Why haven't we already made the decision to arm and train the Kosovar Albanians who are on the ground fighting for their homes, their loved ones, and their rights? It seems to me that the question is not why, but why not? It took 4 years of bloodshed to recognize we should arm the Bosnians. How many lives will be lost before we do the right thing in Kosovo?

There is widespread agreement that President Clinton and his National Security Advisers have made a grave tactical error in removing even the threat of U.S. ground troops. With this declaration seemingly repeated hourly by top Clinton officials, the United States has signaled to Milosevic that, regardless of his actions—including genocide—America does not have the determination to stop this outrageous behavior. After months of hollow American threats, we are now crippling our prospects for success by signaling to Milosevic just how far we are willing to go. No option should have been taken off the table.

Just last October, with great fanfare, the President announced a cease-fire, but it was a farce. The Serbs continued their brutal war against the Kosovars. In Pristina, cynics were heard to say, ''If they only burn a village a day it keeps NATO away.'' The Serb campaign to exterminate all semblance of Albanian society raged daily—just not on a massive, headline-grabbing scale.

Unless faced with serious and sustained military pressure on the ground, this war will go on until Kosovo is empty of all Albanians. Given administration and public reluctance to deploy U.S. troops, there is only one option: The KLA must be given the means to defend their homeland. All reports indicate that the KLA is growing in number and remains willing to fight Serb aggression. Given the right equipment and limited training, the KLA could offer a significant deterrent to Milosevic's murderous thugs.

If the administration had armed the Kosovar Albanians in January when I first suggested that approach, I believe the daily tragic exodus of refugees could have been avoided.

I ask unanimous consent the op-ed I wrote which appeared in the Washington Post back in January advocating this course of action be printed in the RECORD.

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

[From the Washington Post, Jan. 22, 1999]

INDEPENDENCE FOR KOSOVO

(By Mitch McConnell)

Once again, NATO ambassadors have condemned barbaric atrocities deliberately inflicted by Serb forces on cold, hungry, exhausted civilians. Top generals have been dispatched to warn that Western patience has been strained by Belgrade's slaughter of 45 villagers in Racak. The Serbs have retaliated by evicting the American chief of the observer mission of the Organization for Security and Cooperation in Europe (OSCE)—leaving a more sympathetic French official in place.

It is time for the United States to accept reality, recognize Kosovo's independence and provide Pristina's leadership with the political and security assistance necessary to halt Serbia's genocidal war.

Kosovo's humanitarian disaster continues today. Although it is true that some 300,000 refugees have left the mountains where they fled from Serb ethnic cleansing last summer, the catastrophe has simply moved behind closed doors. International relief agencies support a program of one warm room per household, but this effort is barely meeting the basic human needs of the extended or expanded families created by the war. Families

ranging in size from 12 to 18 people, half of whom are children, are crammed into the only standing room left in a house, usually no larger than 12 by 20 feet. With freezing temperatures and heavy snow, shortages of mattresses, blankets, warm clothing and food are evident throughout Kosovo. Schools and clinics are shuttered or shattered.

Nongovernmental organizations and the U.S. Disaster Team have performed heroically in hostile conditions. Unfortunately, the U.N. High Commissioner for Refugees, the World Food Program and Agency for International Development headquarters have become bureaucratic bottlenecks slowing the availability of relief supplies to these able partners.

The Holbrooke-Milosevic agreement for Kosovo has failed. There is no cease-fire. The massacre in Racak is only the latest example of weekly Serbian violence. Invariably, the victims are civilians. Each time the Serbs offer the same explanation: Violence resulted from their search for the perpetrators of a crime. The Serb military response is always brutally disproportionate to the needs of any legitimate law enforcement effort. As one little girl cried after her village was shelled, ''I would understand if they killed soldiers, but they killed my home. Why?''

In addition to violating the cease-fire, the Serbs have failed to comply with another key aspect of the agreement. Belgrade was required to substantially reduce its Kosovo force level. In fact, a senior American official acknowledged the effort to verify the troop withdrawal was a farce. No one knows how many Serbs are still deployed in Kosovo.

Hopeful of replacing this menacing presence, the administration is developing an ill-advised plan to create a new civilian police force. Unarmed and with the benefit of only a few weeks training, this force is destined to fail or, far worse, become hostages. An American diplomat summed up the situation: ''The Serbs will continue to go where they want, do anything they want, whenever they want.'' Neither OSCE nor a civilian police force will change that outcome.

The primary reason the agreement has collapsed is that the use of force has been abandoned as an option. A senior OSCE French official observed, ''In October, Milosevic was presented with two options—to be bombed or to accept verifiers. He agreed to the OSCE mission. We now stand in lieu of any military option. . . . Our political intervention is incompatible with military action. No nation will be willing to take military action and risk retribution against its citizen verifiers.'' In short, 2,000 potential hostages prevent any meaningful debate about force.

The use of force has been further undermined by the withdrawal of virtually all 300 aircraft deployed in the fall, and by members' statements that any effort to implement the Activation Order for airstrikes will require more votes by NATO. Challenge inspections of potential Serb military violations were forfeited in a Belgrade-NATO document guaranteeing prior notice of all air verification flights. Finally, the Serbs know from daily testing that aggression will produce little more than a rhetorical rebuke and renewed talks.

George Mitchell is said to have produced Ireland's Good Friday Agreement by shuttling between 12 factions, few of which were ever in the same room at the same time. The case in Kosovo has been much simpler, with only two real points of view, one seeking independence, one an interim autonomy settlement. Since the summer ethnic cleansing campaign there has been only one view: independence.

American negotiators, constrained by European anxiety and inertia, have failed to accept the inevitability of this objective. The administration clings to the idea that this goal is unachievable politically and unwinnable through combat. This is no longer the case.

The United States should have learned several pertinent lessons in Vietnam. To win, the Kosovo Liberation Army does not need to control territory. It must be able to maneuver at will, be well trained, equipped and financed and enjoy popular support. Last year's Serb offensive energized universal popular support for the Kosovo Liberation Army (KLA), and military analysts now point to substantial improvements in the KLA's tactics, command and control, financing and arsenal.

Our policies must recognize the essential goal: independence for Kosovo. To achieve it, we must take several steps:

Expand direct U.S. aid to nongovernmental humanitarian organizations and improve the management of international organization relief efforts.

Suspend U.S. funds for the OSCE observers.

Demand a NATO vote to implement the Activation Order for airstrikes.

Recognize Kosovo's independence and implement plans to arm the KLA.

Facing hard realities has always been America's best course. It is the only course to follow in Kosovo.

Mr. McCONNELL. Rather than choosing this course, the U.S. and NATO have relied solely on the use of controlled airstrikes. Now, I supported this use of force and believe we should come to the defense of the Kosovar Albanians, the victims of genocide. However, the nightly strikes on Milosevic's terror machine have not stopped the massive killing. In fact, the atrocities have dramatically increased since NATO action began. Our halfhearted effort has allowed Milosevic the freedom to feed the most evil of instincts. Police, paramilitary, and army units are engaged in an effort to deport or exterminate 2 million Albanians.

Air power alone cannot stop this slaughter. This week the Albanian Government recognized this fact and called on the United States Government to arm the KLA. That was a shift in position of the Albanian Government. Recognizing the growing strength and tenacity of the KLA, the Albanian Government has switched positions and said we ought to arm the KLA.

I ask unanimous consent the article concerning that matter in the Washington Post be printed in the RECORD.

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

[From the Washington Post, Apr. 20, 1999]

ALBANIA ASKS WEST TO ARM REBELS

(By Peter Finn)

TIRANA, Albania, April 19—The Albanian government has asked the United States and other NATO countries to arm the Kosovo Liberation Army and Albanian President Rexhep Mejdani is prepared to raise the subject when he meets with President Clinton during the NATO summit in Washington this week, a senior adviser to the Albanian leader said today.

The decision is a significant policy shift for Albania, which until NATO airstrikes against Yugoslavia began last month had maintained an official policy of neutrality toward the different Kosovo Albanian political movements, including the KLA, which has been fighting to win the province's independence.

But Prec Zogaj, a senior adviser to the Albanian president, said today that one of the effects of the mass expulsion of ethnic Albanians from Kosovo, as well as reports of Serbian massacres of civilians, has been to transform the rebel army into the single voice of Kosovo Albanians, sidelining provincial leaders who advocate nonviolence.

Albania, in response, is now willing to throw its diplomatic weight behind the guerrillas' appeals for arms from the West, Zogaj said in an interview. ''We have to find ways to send military aid to Kosovo,'' Zogaj said. ''In Kosovo, the only force that protects civilians is the KLA, but they do not have enough arms.''

The change of policy threatens to deepen the strains in relations between Albania and the Serb-led government of Yugoslavia, which broke off diplomatic ties with Tirana on Sunday and whose armed forces have fired shells into northern Albania in the past week. Although the Albanian army is in disarray, the West has long been concerned that it would be drawn directly into the Kosovo conflict and ignite a broader war.

The rebels set up training camps in mountainous northern Albania and smuggled arms into Kosovo from there. But the Albanian government has not officially sanctioned their activities on its soil, and argued that it was unable to control the rebels' movements in the north because the region was so lawless.

''The KLA was [previously] a military segment of the Kosovo liberation movement,'' Zogaj said. ''Today, now, the KLA is the movement itself. There is no other option.''

In Washington, State Department spokesman James P. Rubin said he was not aware of a formal request from Albania to arm the rebels, but he said Albania has informally communicated its desire to do so. The United States has made clear it continues to oppose arming or training the rebels, Rubin said.

The Clinton administration does not support the rebels' objective of a Kosovo independent of Serbia, Yugoslavia's dominant republic. However, administration officials have warned that the longer NATO's air war continues, the greater the chances are that the guerrilla army will fill a power vacuum in Kosovo.

Zogaj said Albanian officials raised the question of arming the Kosovo rebels with U.S. Army Gen. Wesley K. Clark, NATO's supreme commander, when he visited Tirana Saturday. Zogaj said officials have made the same request repeatedly to U.S. officials in the past three weeks. Zogaj said Clark refused, adding that the general cited the arms embargo placed on Yugoslavia as a barrier to such a move.

But Zogaj said that Albanian officials inferred from their conversations with Clark that he really feared that if NATO armed the rebels, Russia would arm the Serbs. Zogaj said the KLA was obtaining new arms on the international black market and continued to buy weapons from Serbian arms merchants despite the war. Zogaj also estimated that 8,000 new rebel recruits from other countries have arrived in Albania in the past four weeks. If true, that could nearly double the size of the rebel fighting force.

Albania is one of more than two dozen European countries that will join NATO's 19 members in Washington, for a three-day summit that begins Friday.

Mr. McCONNELL. Milosevic's storm troopers must face operations in the air and on the ground. The KLA is willing to wage this war on the ground. It is their homes that are being burned,

their businesses destroyed; and, worse, their wives and sisters being raped, their families being slaughtered. They don't need convincing to summon the will to fight. What they need is international support.

Senator LIEBERMAN and I have a proposal which will begin this effort. If the only people willing to fight are the KLA, we should do what we can to see that they have the ability to do so. Who else will provide the necessary deterrent to Milosevic and his army? The administration has made it clear that it will not be America's sons and daughters. I don't want to see United States soldiers fighting this war, but I also cannot abide the continued extermination of the people of Kosovo. They are entitled to defend themselves. We should not delay any further in our commitment to their legitimate cause.

Let me sum this up as I see my friend from Connecticut is here. What we have is a situation with the KLA where their leaders are in communication with the State Department and our military on a daily basis. We have an organization which, by telephone, is identifying military targets inside Kosovo for our planes. We are dealing with the KLA multiple times a day, both diplomatically and militarily. We are obviously pulling for them. We are egging them on. We are saying, ''Go out there and do it.'' But when they request an opportunity to be adequately armed, we say no. It is an utterly absurd position.

We have heard the rumors around town. We heard these in the 1980s, when the issue was supporting the contras, that there are some bad characters in the KLA. I don't think we have time to run a background check on everybody involved in this effort. The question is simply this: Who else is willing to fight the fight on the ground inside Kosovo on behalf of the Kosovar Albanians? There is nobody else willing to fight this war on the turf. We are already cooperating with them. We already deal with them on a daily basis. We are encouraging them. They are our allies. Why not give them the opportunity to engage in a fair fight on the ground inside Kosovo where the atrocities are occurring?

The growing suspicion of all of us is that this air war can go on forever and not have an impact on the real problem, which is inside Kosovo. The Senator from Connecticut and I believe we are advocating here a proposal that is in the best interests of the United States of America and of NATO. We have obviously picked a side. We are on their side. The question is whether we should fight this war entirely on their behalf or whether we should give them an opportunity to help us fight it—since it is their land, their family, and their principal concern. We think we have a proposal here that makes sense.

Finally, for a mere $25 million—which is less than we are spending on these air raids per night—we could arm the KLA for up to 18 months to give them a chance to defend their wives, their homes, and their families.

So I thank the Senator from Connecticut for joining with me on this proposal. I see he is here now to speak on its behalf.

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

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

S. 846

*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 ''Kosova Self-Defense Act of 1999''.

**SEC. 2. POLICY OF THE UNITED STATES.**

It shall be the policy of the United States to provide the interim government of Kosova with the capability to defend and protect the civilian population of Kosova against armed aggression.

**SEC. 3. AUTHORIZATION OF APPROPRIATIONS FOR SECURITY ASSISTANCE.**

(a) AUTHORIZATION OF APPROPRIATIONS.—In addition to funds otherwise available to carry out section 23 of the Arms Export Control Act (22 U.S.C. 2763), there are authorized to be appropriated to the President to carry out the provisions of such section, $25,000,000, which amount shall be made available only for grants to the interim government of Kosova to be used for training and support for the established self-defense forces to carry out the policy of section 2.

(b) AVAILABILITY OF FUNDS.—Amounts appropriated pursuant to subsection (a) are authorized to remain available until expended.

**SEC. 4. RELATION TO EXISTING AUTHORITIES IN LAW.**

Assistance provided under section 3 may be made available notwithstanding any other provision of law (including any executive order or directive or any rule or regulation).

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I thank my friend and colleague from Kentucky, with whom I am proud to join in this effort, and I thank him, really, for his initiative and leadership in this regard. He was the first, that I am aware of, to make this proposal. It made a lot of sense to me when we talked about it.

I must say, from the time we introduced it—which must be 4 weeks ago, now, when the NATO air campaign began—to today, it seems to me the logic and the morality that was behind the original proposal has grown greater. In fact, the support has grown for this proposal from those whom I respect, who think deeply about this matter. Some at the high levels of our Government, while not supporting our proposal to arm the Kosovars, nonetheless have increasingly spoken of the Kosovar Liberation Army positively, as the Senator from Kentucky indicated, referring to its members as our allies, and even defended them against some of the criticisms that have been heard against them.

Yesterday I came to the floor to join with several colleagues on both sides of the aisle to introduce a resolution which would authorize the President, as Commander in Chief, to take all actions necessary to achieve the objectives that NATO has stated for our action in the Balkans: To remove the Serbian military and paramilitary from Kosovo, to allow the Kosovars to return to their homes to live in peace, and to provide for an international peacekeeping force. It seems to me one of the steps that might be taken—and taken as soon as humanly possible—which supports the three NATO objectives, is exactly the proposal that Senator MCCONNELL and I are making, which is to offer some truly minimal support to help arm and hopefully, at some point, better train the Kosovars who are fighting to defend their own communities, their own families, their own freedom, their own lives.

I think there are compelling strategic and moral reasons that argue for this legislation. The fact is, we are engaged in a battle, and it is a difficult battle. I am one who believes the NATO aerial bombardments, which will probably continue for weeks, are hurting the Serbs. Hopefully this bombardment will bring the leadership in Belgrade to their senses so they will order the Serbian troops out of Kosovo, which is one of our objectives. But let's speak truthfully about this. There is no indication of any breaking of will in Belgrade at the current time. There simply is none. If, after weeks and perhaps months of bombardment and still Milosevic does not yield we will not have achieved our objectives. Then we will face a stark choice. What my friend from Kentucky and I are saying is, at that point we will ask ourselves, how can we alter the status quo on the ground, since the air campaign has not done it? And the only way to do that, of course, is with forces on the ground. Then we will face a very difficult choice, which I have said I believe we have to at least begin to think about and consider and plan for, if that is necessary. That is whether to introduce NATO ground forces, including American soldiers into conflict in the Balkans.

But the fact is, as the Senator from Kentucky said, there are forces on the ground now fighting the Serbian invaders. They are the Kosovars themselves. They have by far the deepest and most genuine reason to fight, and they have the will to do so. They are fighting to defend themselves and their neighbors, their communities. They are fighting with remarkable resilience. The fact is, Milosevic had two aims in invading Kosovo. One was obviously to eliminate the Kosovars, to slaughter some of them, to torture and rape others, and expel the rest. A critical part of that strategy, the other aim was to defeat, totally defeat, the force on the ground, the indigenous force that is fighting Milosevic and frustrating his desires. That is the KLA, the Kosovar Liberation Army. Remarkably, He has failed totally at that.

Of course many people who have worn the uniform and carried the flag of the KLA have lost their lives already, but the numbers in uniform

there have grown as people from all over the world, not just from within Kosovo—including hundreds, maybe thousands, from the United States, Albanian Americans—have gone over there to fight this just fight. So they are on the ground, ready to fight. But they do not have enough to fight with. They do not have a lot of ammunition. In some cases they do not even have a lot of food.

But we have a common enemy here. Remember the old slogan, ''The enemy of my enemy is my friend.'' The enemy of our enemy, Milosevic, is now our ally in this fight. Senator MCCONNELL said it. Our military is talking to them every day. They are providing us with valuable information from the ground that has helped us to target enemy locations in Kosovo. So we have crossed that bridge. Why not do the next logical step to advance our military purposes and to support them with arms?

I make a moral argument here, too, as well as a strategic argument. No matter what else was happening, these poor people have been victimized in a way we hate to imagine. But we have to imagine it because we see it on TV every day. We read about it in the newspaper. The fortunate ones do not look very fortunate at all. They are the ones who have been expelled. I say that comparatively, of course, because the ones who are less fortunate are the ones who have been slaughtered, who have lost their lives, who have been separated from their families and may well be trapped in areas of Kosovo now where they are starving.

So these people are exercising not just their legal right but their moral right to defend themselves. That right is at the heart of our own history and our own moral system. What was our Revolution about? It was about a valiant attempt by a band of patriots, freedom fighters, to break loose of the Crown and the suppression it was imposing on colonial America—fortunately, much less brutal and barbaric than that imposed on the people of Kosovo by the Serbs, and by Milosevic particularly.

So I think we cannot stand by and watch this slaughter. That is why we got involved in the first place. But I also think we cannot stand by and watch these brave people, against superior forces, equipped with much more than they have, fight, and not want to come to their defense.

I know there are critics of these people, as Senator MCCONNELL has said. Some say the KLA is composed of extremists, Marxists; they may have connection with groups in the world which we oppose. Some even say some of them are drug runners. I cannot vouch for every one of the thousands of members of the Kosovar Liberation Army. I cannot speak to every place they are receiving funds, though I would say that a starving person does not ask the ideology or source of income of a person offering him or her food.

In the same way, in ways that we may not like, people who are fighting for their freedom against very difficult odds may not always question the sources of help they need so desperately.

Of course, the best way for us to overcome these questions is for ourselves and, hopefully, some of our NATO allies to become the sources of financial support for the Kosovar Liberation Army. I will share with you my impression, based on all that I have read and studied about the Kosovar Liberation Army—the UCK, as they are called in their native language—and all that I have heard about them from their friends and relatives in this country, fellow Americans.

If I may, it reminds me of that old line about what is the definition of a conservative? A conservative is a liberal who has been mugged. That is from an earlier time. What is the definition of a member of the KLA? It is probably a citizen of Kosovo who has watched his house burn, his brother murdered and his daughter raped.

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

Mr. MCCONNELL. Mr. President, I ask unanimous consent for 2 more minutes for the Senator from Connecticut and myself.

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

Mr. LIEBERMAN. I thank the Chair.

Mr. MCCONNELL. Can I ask the Senator from Connecticut a question related to the point he just made?

Mr. LIEBERMAN. Yes, indeed.

Mr. MCCONNELL. Does the Senator from Connecticut not agree that if your house is being burned and your wife is being raped, you are not likely to ask the question: Who is this person who is offering to help me? And if our Government were truly offended or if our Government were truly convinced about all these rumors that have been spread around about the KLA, does not my friend from Connecticut agree we would not be taking their phone calls at the State Department and the military and we would not be accepting their advice about what military targets to hit? Is that a reasonable assumption?

Mr. LIEBERMAN. The Senator is correct. It is more than a reasonable assumption. I am a member of the Armed Services Committee. We recently had a hearing on Kosovo with Secretary Cohen and General Shelton. I was quite struck by two things: First, to hear General Shelton say that one of our aims of our air campaign is to degrade the Serbian military in Kosovo so that the UCK—the KLA—can achieve a balance of power with the Serbian forces there. So we have the Chairman of our Joint Chiefs of Staff linking us with them. Of course, the better way, the easier way to achieve that balance of power is by arming the Kosovars.

The second is, one of the members of the committee echoed some of the criticisms of the KLA—terrorists, extremists, drug merchants. And Secretary Cohen, our Defense Secretary, serving with remarkable skill in this crisis, came to the defense of the KLA and said, yes, he couldn't say that everyone there was an angel, but that the balance of equities of morality was clearly on the side of the KLA.

Mr. MCCONNELL. Does my friend from Connecticut also share my memory, since we have been in several of these meetings with the President on this subject, that the only piece of good news about what is going on inside Kosovo at the last meeting was a report that the KLA was growing in strength? It was the only piece of good news about the condition within Kosovo. Does my friend from Connecticut also share my memory of that?

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

Mr. LIEBERMAN. May I ask, Mr. President, for an additional 5 minutes for the Senator from Kentucky and myself?

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

Mr. LIEBERMAN. I thank the Chair. The Senator from Kentucky is quite right. That is my recollection, that there was a very good report given, with some surprise, but admiration, I say, by the intelligence communities that the numbers fighting with the KLA have, in fact, grown. There is such a painful irony here. As we both said, while the air campaign goes on, the suffering, the expulsion, the murder nonetheless goes on in Kosovo on the ground, and the only force there that can stop it now is the KLA, and we are hesitating to support them.

I take them to be much more in the spirit of partisans who fought during the Second World War against overwhelming odds, perhaps even the freedom fighters in Hungary during 1956 and later in Prague, during the Prague spring. We have not only a strategic tie with them, it is much more consistent with our own history and values and our belief in democracy that we try to support this group, which, as the Senator says, is not being vanquished.

The truth is, if I were Milosevic, the one thing I would fear is the United States and the West arming the KLA because he knows their zeal, their purpose, the will they have to fight. They are brave. They will take losses because they are fighting for a greater purpose, and, in fact, if I were Milosevic, the one thing I would fear, and what I believe he will face in any case, is a long-term indigenous insurgency, which I predict he will never be able to stop. The sooner we help them, the sooner we bring them to the result that they and we want.

Mr. MCCONNELL. I say to my friend from Connecticut, what our bill is all about is really an effort to call on the President to change this policy. We should not have to offer the bill that we are offering. We are offering it, but we should not have to offer it because

it makes elementary good sense to give the people, on whose behalf we are fighting this war, a chance to participate themselves.

I say to my friend from Connecticut, does he not agree, this is what this is about, to give the people, on whose behalf we are fighting this war, a chance to participate themselves?

Mr. LIEBERMAN. The Senator from Kentucky is absolutely right. That is the purpose. The purpose is to push this option, this act which will support our objectives, objectives for which we are spending billions of dollars and already risking American lives, to push us closer to achieving those objectives and also, if I may add, to hopefully force some discussion of this option among our NATO allies.

One of the arguments we hear about why this is not being considered by the administration is that there is opposition to it among our NATO allies. But we also hear there is opposition among our NATO allies, which I understand at this point, to the introduction of NATO ground forces. If there is opposition in NATO, as there is in Congress and in the administration, as the Senator has said, to the introduction of ground forces, including Americans, then, again, isn't it both wise militarily and powerful morally for us to as soon as possible be helping the fighters on the ground, the KLA?

Mr. McCONNELL. In fact, I say to my friend from Connecticut, isn't it reasonable to argue that the only reason these refugees have been created is because there was no effective fighting force on the ground inside Kosovo? No way to defend your home, no way to defend your family, and what do you do when you are afraid? You run. That is what has created the refugee problem, which is presumably what our European allies care about most—the spillover into their countries.

The only effective way, the Senator from Connecticut and I are saying, to prevent a further accumulation of refugees is for there to be some fighting force on the ground in Kosovo adequately trained and equipped in order to fight this battle where it counts.

Mr. LIEBERMAN. The Senator from Kentucky is right, and there is a painful irony here. He is absolutely right both about our objectives on the ground and our objectives to maintain stability in the region which is being destabilized now by these large refugee flows.

The victories, if one can call them that, that the tragic, brutal, barbaric victories that Milosevic's forces have had over the Kosovars are hollow. They are barbaric because this was an armed force fighting against unarmed, undefended people. It is a question that will hang in the air—and some later time we will come back to it—what might have been different if, in fact, the KLA had been better armed at the outset of this a month or two or three ago, because I think that might have deterred, certainly delayed the massive exodus and slaughter that has been carried out against this undefended indigenous population.

Mr. McCONNELL. There is no question the Senator from Connecticut is correct. The good news is, it is not too late. The KLA is bigger and more committed today than it was 2 months ago when this policy also made sense.

Mr. President, I encourage cosponsorship on behalf of our colleagues on both sides of the aisle.

Mr. LIEBERMAN. I thank my friend from Kentucky for his leadership. We intend to pursue this and urge our colleagues to consider it as quickly as possible so that we may do something concrete and tangible that really can alter the balance of power and the balance of morality and the balance militarily on the ground in Kosovo.

---

By Ms. MIKULSKI (for herself, Mrs. MURRAY, Mr. INOUYE, Mr. WYDEN, Mr. JOHNSON, Mr. HOLLINGS, Mr. REID, and Mr. BINGAMAN):

S. 847. A bill to amend title XVIII of the Social Security Act to exclude clinical social worker services from coverage under the medicare skilled nursing facility prospective payment system; to the Committee on Finance.

MEDICARE SOCIAL WORK EQUITY ACT OF 1999

Ms. MIKULSKI. Mr. President, I rise today to introduce the Medicare Social Work Equity Act of 1999. I am proud to sponsor this legislation which will amend section 4432 in the Balanced Budget Act of 1997 which prevents social workers from directly billing Medicare for mental health services provided in skilled nursing facilities (SNF's). This bill will also ensure that clinical social workers (CSW's) can receive Medicare reimbursement for mental health services they provide in skilled nursing facilities. I am honored to be joined by my good friends Senators MURRAY, INOUYE, HOLLINGS, WYDEN, JOHNSON, REID, and BINGAMAN who care equally about correcting these inequities for social workers and about ensuring quality mental health services for nursing home residents.

The Balanced Budget Act of 1997 (BBA) changed the payment method for skilled nursing facility care. Before BBA, reimbursement was made after services had been delivered for the reasonable costs incurred. However this ''cost-based system'' was blamed for inordinate growth in Medicare spending at skilled nursing facilities.

The Balanced Budget Act of 1997 phased in a prospective payment system for skilled nursing facilities that was fully implemented on January 1, 1999, for Medicare part A services. Payments for part B services for skilled nursing facility residents are to be consolidated. This means that the provider of the services must bill the facility instead of directly billing Medicare. The consolidated billing provision has been delayed indefinitely by the Health Care Financing Administration (HCFA) while it addresses Year 2000 (Y2K) compliance issues.

However, Congress was careful to not include psychologists and psychiatrists in this consolidated billing provision. Social workers were included, I think by mistake. Clinical social workers are the primary providers of mental health services to residents of nursing homes, particularly in underserved urban and rural areas. CSW's are also the most cost effective mental health providers.

This legislation is important for three reasons: First, I am concerned that section 4432 inadvertently reduces mental health services to nursing home residents. Second, I believe that the consolidated billing requirement will result in a shift from using social workers to other mental health professionals who are reimbursed at a higher cost to Medicare. Finally, I am concerned that clinical social workers will lose their jobs in nursing homes or will be inadequately reimbursed.

In addition, this bill ensures that clinical social workers can receive Medicare reimbursement for mental health services they provide in skilled nursing facilities. An April 1998, HCFA rule would have effectively eliminated Medicare reimbursement for clinical social worker services provided to residents of SNF's, whether or not their stay was being paid by Medicare, Medicaid, or a private payer. It would have deemed all mental health services provided to nursing home residents ''required'' services, not distinguishing between the mental health diagnosis and treatment services provided by CSW's and the required medically-related social services provided at the SNF.

Facilities would likely bring in a psychiatrist or psychologist (if available) because services provided by them could still be billed separately This would affect seniors in many rural and underserved areas where CSW's are often the only available mental health provider and have developed relationships over time with these SNF patients. HCFA delayed this rule for two years. However, clarification is needed in the law to ensure that CSW's can be reimbursed by Medicare for the mental health services they provide to inpatients in SNF's. This bill makes that necessary change.

I like this bill because it will correct inequities for America's social workers, it will assure quality of care for nursing home residents, and will assure cost efficiency for Medicare. This bill is strongly supported by the National Association of Social Workers, Clinical Social Work Federation, American Psychological Association, American Group Psychotherapy Association, Bazelon Center for Mental Health Law, National Mental Health Association, National Council for Community Behavioral Health Care, National Association of Protection and Advocacy Systems, Anxiety Disorders Association of America, and the Mental Health and Aging Network of the American Society on Aging. I now look forward to the Senate's support of this important legislation.

By Mrs. FEINSTEIN:

S. 848. A bill to designate a portion of the Otay Mountain region of California as wilderness.

## OTAY MOUNTAIN WILDERNESS ACT OF 1999

Mrs. FEINSTEIN. Mr. President, I rise today to introduce the Otay Mountain Wilderness Act of 1999. This bill would designate an 18,500 acre portion of the Otay Mountain region in Southern California as wilderness. The bill passed the House last week on a voice vote, with broad bi-partisan support.

Otay Mountain, which is located near the U.S.-Mexico border in eastern San Diego County, is one of California's most special wild places. The mountain is a unique ecosystem, home to 20 sensitive plant and animal species. The endangered quino checkerspot butterfly calls Otay Mountain home, and the only known stand of Tecate cypress, as well as the only known population of the Mexican flannel bush, also thrive on the mountain. For these reasons, the U.S. Bureau of Land Management first recommended Otay Mountain for wilderness designation in the 1980s.

In addition, Otay Mountain is key to San Diego County's habitat conservation planning efforts. The County has identified the region as a core reserve in the multi-species habitat conservation plan that it is currently developing.

Otay Mountain is scenic, rugged, and beautiful. The area is well worth preserving as wilderness for generations to come. This bill will ensure that San Diegans, and indeed all Americans, will be able to experience and enjoy Otay Mountain in all its unique splendor.

Unfortunately, in recent years Otay Mountain's sensitive habitat has been damaged by illegal immigration and narcotics activity in the area. The U.S. Bureau of Land Management has worked closely with the U.S. Border Patrol to bring these problems under control, and they have experienced great success. This legislation would specifically allow Border Patrol and firefighting activities to continue in the new wilderness area, so long as they remain in accordance with the 1964 Wilderness Act. This provision in the legislation is specific to Otay Mountain and will not apply to any other wilderness area.

I want to thank Congressman BRIAN BILBRAY for his leadership in introducing the Otay Mountain Wilderness Act and guiding it through the House of Representatives. I also want to thank Congressman FILNER, who has been a steadfast supporter of the legislation, along with the Clinton Administration. The California Departments of Fish and Game and Fire and Forestry Protection support the bill, as do the Endangered Habitats League and other environmental groups. Finally, the bill has strong support from the San Diego County Board of Supervisors and the San Diego Association of Governments.

Mr. President, I hope that the Senate will move expeditiously to approve the Otay Mountain Wilderness Act and send the bill to the President for signature.

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. 848

*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 ''Otay Mountain Wilderness Act of 1999''.

**SEC. 2. FINDINGS.**

Congress finds that—

(1) the public land in the Otay Mountain region of California is one of the last remaining pristine locations in western San Diego County, California;

(2) this rugged mountain adjacent to the United States-Mexico border is internationally known for having a diversity of unique and sensitive plants;

(3) this area plays a critical role in San Diego's multi-species conservation plan, a national model made for maintaining biodiversity;

(4) due to the proximity of the Otay Mountain region to the international border, this area is the focus of important law enforcement and border interdiction efforts necessary to curtail illegal immigration and protect the area's wilderness values; and

(5) the illegal immigration traffic, combined with the rugged topography, present unique fire management challenges for protecting lives and resources.

**SEC. 3. DEFINITIONS.**

In this Act:

(1) PUBLIC LAND.—The term ''public land'' has the meaning given the term ''public lands'' in section 103 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702).

(2) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(3) WILDERNESS AREA.—The term ''Wilderness Area'' means the Otay Mountain Wilderness designated by section 4.

**SEC. 4. DESIGNATION.**

(a) IN GENERAL.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), there is designated as wilderness and as a component of the National Wilderness Preservation System certain public land in the California Desert District of the Bureau of Land Management, California, comprising approximately 18,500 acres as generally depicted on a map entitled ''Otay Mountain Wilderness'' and dated May 7, 1998.

(b) OTAY MOUNTAIN WILDERNESS.—The area designated under subsection (a) shall be known as the Otay Mountain Wilderness.

**SEC. 5. MAP AND LEGAL DESCRIPTION.**

(a) IN GENERAL.—As soon as practicable after the date of enactment of this Act, a map and a legal description for the Wilderness Area shall be filed by the Secretary with—

(1) the Committee on Energy and Natural Resources of the Senate; and

(2) the Committee on Resources of the House of Representatives.

(b) FORCE AND EFFECT.—The map and legal description shall have the same force and effect as if included in this Act, except that the Secretary, as appropriate, may correct clerical and typographical errors in the map and legal description.

(c) AVAILABILITY.—The map and legal description for the Wilderness Area shall be on file and available for public inspection in the offices of the Director and California State Director of the Bureau of Land Management.

(d) UNITED STATES-MEXICO BORDER.—In carrying out this section, the Secretary shall ensure that the southern boundary of the Wilderness Area is—

(1) 100 feet north of the trail depicted on the map referred to in subsection (a); and

(2) not less than 100 feet from the United States-Mexico international border.

**SEC. 6. WILDERNESS REVIEW.**

All public land not designated as wilderness within the boundaries of the Southern Otay Mountain Wilderness Study Area (CA–060–029) and the Western Otay Mountain Wilderness Study Area (CA–060–028) managed by the Bureau of Land Management and reported to the Congress in 1991—

(1) have been adequately studied for wilderness designation under section 603 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782); and

(2) shall no longer be subject to the requirements contained in section 603(c) of that Act pertaining to the management of wilderness study areas in a manner that does not impair the suitability of those areas for preservation as wilderness.

**SEC. 7. ADMINISTRATION OF WILDERNESS AREA.**

(a) IN GENERAL.—Subject to valid existing rights and to subsection (b), the Wilderness Area shall be administered by the Secretary in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), except that for the purposes of the Wilderness Area—

(1) any reference in that Act to the effective date of that Act shall be considered to be a reference to the effective date of this Act; and

(2) any reference in that Act to the Secretary of Agriculture shall be considered to be a reference to the Secretary of the Interior.

(b) BORDER ENFORCEMENT, DRUG INTERDICTION, AND WILDLAND FIRE PROTECTION.—Because of the proximity of the Wilderness Area to the United States-Mexico international border, drug interdiction, border operations, and wildland fire management operations are common management actions throughout the area encompassing the Wilderness Area. This Act recognizes the need to continue such management actions so long as such management actions are conducted in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.) and are subject to such conditions as the Secretary considers appropriate.

**SEC. 8. FURTHER ACQUISITIONS.**

Any land within the boundaries of the Wilderness Area that is acquired by the United States after the date of enactment of this Act shall—

(1) become part of the Wilderness Area; and

(2) be managed in accordance with this Act and other laws applicable to wilderness areas.

**SEC. 9. NO BUFFER ZONES.**

(a) IN GENERAL.—The designation of the Wilderness Area by this Act shall not lead to the creation of protective perimeters or buffer zones outside the boundary of the Wilderness Area.

(b) NONWILDERNESS ACTIVITIES.—The fact that nonwilderness activities or uses can be seen or heard from areas within the Wilderness Area shall not, in and of itself, preclude nonwilderness activities or uses outside the boundary of the Wilderness Area.

---

By Mr. BINGAMAN:

S. 849. A bill to amend the Public Health Service Act to provide grant programs for youth substance abuse prevention and treatment; to the Committee on Health, Education, Labor, and Pensions.

YOUTH SUBSTANCE ABUSE PREVENTION AND TREATMENT ACT

Mr. Bingaman. Mr. President, I rise today to introduce the Youth Substance Abuse Prevention and Treatment Act. This bill is designed to increase access to drug prevention and treatment services for our nation's youth. It also provides for critical training of health care professionals who work tirelessly with young people with drug problems.

Nationwide only 20% of the 648,000 youth with severe substance use or dependency receive treatment. The statistics tell the tale and it is an unacceptable story.

Heroin use has doubled among teenagers in the 1990's.

More than 50% of 12th graders have tried an illicit drug.

In senior high schools across the country, 25% of students use an illicit drug on a monthly basis, and by the 12th grade, more than three-fourths of students have used alcohol, and over 30 percent are binge drinkers (more than five drinks at a sitting).

By the time they are seniors, almost one in four teens are current marijuana users and 1 in 20 use every day and this number is on the rise.

Studies have also indicated that youth who have used marijuana and other drugs in the past year were more likely than non-users to report problem behaviors including running away from home, stealing, skipping school, selling drugs, drunkdriving, and considering suicide.

Over the past several months, I have had the opportunity to hear first hand about the drug problem in New Mexico and the barriers for providing services that confront health care professionals and families everyday.

Drug use seems to be more common among youth in New Mexico than nationally. In fact, most underage teens in New Mexico drink alcohol; over one-third of seventh grade students and over three-fourths of 12th grade student reported drinking alcohol. Eighteen percent of 8th graders in New Mexico used illegal drugs other than marijuana in the past year compared to 12% nationally. In my state, ninth graders' illicit drug use has been increasing. This trend is of great concern because we also know that the younger people begin to use drugs or alcohol, the greater the chance they will continue to use drugs as adults.

With drug and alcohol use come other problem behaviors, violence, property damage, and threatening behavior; and in New Mexico these behaviors occur at a greater frequency than the national rates. In fact, nationally, the majority of teens enter substance abuse treatment only after they have had contact with juvenile justice authorities.

There is another significant problem confronting our nation. Illicit drug use among Native American youth is very high. According to Bureau of Indian Affairs officials, alcohol-related automobile accidents are the leading cause of death among Native American youth. We must address this issue.

The Youth Substance Abuse Prevention and Treatment Act provides funds for:

School-based community after-school prevention programs; schools and health providers working hand-in-hand with students and families to assure early identification and referral for at-risk students.

This bill also provides funding for youth treatment and encourages the use of community-based wrap around services.

This measure also includes special provisions for youth who live in rural areas as well as for Native Americans. These two youth populations are particularly suffering from a serious lack of prevention and treatment services.

The Director of the National Institute of Drug Abuse, Dr. Alan Leschner has stated that addiction is a treatable disease. While there have been advances in the prevention and treatment of substance abuse, dissemination of this valuable and potentially life-saving information is not consistently getting out to grassroots health care providers. That is why this legislation also assists healthcare professionals in accessing the latest information on emerging drug threats and the most recent advances in prevention and treatment techniques.

I am especially concerned with rural and remote areas where health care professionals may have to travel hours to attend a conference, many times on their limited time off.

The evidence in support of prevention and treatment is overwhelming; both in social and economic terms. Several studies have demonstrated that for every dollar spent on drug treatment the community gets back anywhere from six to seven dollars in reduced crime, and other lowered social costs. For youth especially, we see improved school attendance, better grades, and a reduction in violent and other anti-social behaviors.

There is one other benefit that is derived from adequately treating young people; when we help these young people, they are healthier and happier. We cannot forget the personal and family tragedy associated when youth are involved with drugs.

I recognize that this bill does not provide the entire solution, but it is a necessary step in addressing this national problem. I am committed to solving the problem of inadequate access to drug prevention and treatment services for all young people. I welcome my colleagues to work with me to ensure that all American youth who need access to these services, have the opportunity to pursue their dreams and when they stumble, we are there as a community to help. That is what this bill is all about and I ask my colleagues for their support.

Mr. President, I ask unanimous consent to have the text of the Youth Substance Abuse Prevention and Treatment Act printed in the RECORD.

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

S. 849

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

**SEC. 1. SHORT TITLE.**

This Act may be cited as the ''Youth Substance Abuse Prevention and Treatment Act''.

**SEC. 2. GRANT PROGRAMS.**

Title V of the Public Health Service Act (42 U.S.C. 290aa et seq.) is amended by adding at the end the following:

**"PART G—COMPETITIVE GRANT PROGRAMS FOR YOUTH SUBSTANCE ABUSE PREVENTION AND TREATMENT**

**"SEC. 581. GRANTS TO CONSORTIA.**

''(a) IN GENERAL.—The Secretary shall award grants on a competitive basis to eligible consortia to enable such consortia to establish the programs described in subsection (c).

''(b) PRIORITY.—In awarding grants under subsection (a), the Secretary shall give priority to applications from eligible consortia that provide services in rural areas or for Native Americans.

''(c) USE OF FUNDS.—An eligible consortium receiving amounts under subsection (a) shall use such amounts to establish school-based substance abuse prevention and student assistance programs for youth, including after school programs, to provide services that address youth substance abuse, including services that—

''(1) identify youth at risk for substance abuse;

''(2) refer any youth at risk for substance abuse for substance abuse treatment;

''(3) provide effective primary prevention programing;

''(4) target underserved areas, such as rural areas; and

''(5) target populations, such as Native Americans, that are underserved.

''(d) APPLICATION.—An eligible consortium that desires a grant under subsection (a) shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

''(e) REPORT.—Not later than 1 year after the date of enactment of this section and annually thereafter, an eligible consortium receiving a grant under subsection (a) shall submit to the Secretary a report describing the programs carried out pursuant to this section.

''(f) DEFINITIONS.—In this section:

''(1) ELIGIBLE CONSORTIUM.—The term 'eligible consortium' means an entity composed of a local educational agency and community-based substance abuse prevention providers and student assistance providers in which the agency and providers maintain equal responsibility in providing the services described in subsection (c).

''(2) LOCAL EDUCATIONAL AGENCY.—The term 'local educational agency' has the meaning given such term in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801).

''(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, $15,000,000 for each of fiscal years 2000 through 2004.

**"SEC. 582. GRANTS TO TREATMENT FACILITIES.**

''(a) IN GENERAL.—The Secretary shall award grants on a competitive basis to inpatient and outpatient treatment facilities that provide the substance abuse treatment services described in subsection (d).

''(b) ELIGIBLE APPLICANT.—To be eligible to receive a grant under subsection (a), a treatment facility must provide or propose to provide alcohol or drug treatment services for individuals under the age of 22 years.

''(c) PRIORITY.—In awarding grants under subsection (a), the Secretary shall give priority to applications from treatment facilities that provide treatment services in rural areas, for Native Americans, or for underserved populations.

''(d) USE OF FUNDS.—A treatment facility receiving amounts under subsection (a) shall use such amounts to provide substance abuse treatment services for youth, including community-based aftercare services that provide treatment for the period of time following an individual's discharge from a drug treatment center.

''(e) APPLICATION.—A treatment facility that desires a grant under subsection (a) shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

''(f) REPORT.—Not later than 1 year after the date of enactment of this section and annually thereafter, a treatment facility receiving a grant under subsection (a) shall submit to the Secretary a report describing the services provided pursuant to this section.

''(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, $15,000,000 for each of the fiscal years 2000 through 2004.

**''SEC. 583. GRANTS TO SUBSTANCE ABUSE PREVENTION AND TREATMENT PROVIDERS.**

''(a) IN GENERAL.—The Secretary shall award grants on a competitive basis to State and local substance abuse prevention and treatment providers to enable such providers to offer training to provide prevention and treatment services for youth.

''(b) PRIORITY.—In awarding grants under subsection (a), the Secretary shall give priority to applications from areas in which—

''(1) there is a demonstrated high rate of substance abuse by youth; and

''(2) the population is identified as underserved or the prevention and treatment providers in the area use distance learning.

''(c) APPLICATION.—A treatment provider that desires a grant under subsection (a) shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

''(d) REPORT.—Not later than 1 year after the date of enactment of this section and annually thereafter, a treatment provider receiving a grant under subsection (a) shall submit to the Secretary a report describing the services provided pursuant to this section.

''(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, $2,000,000 for each of the fiscal years 2000 through 2004.

---

By Mrs. BOXER:

S. 850. A bill to make schools safer by waiving the local matching requirement under the Community Policing program for the placement of law enforcement officers in local schools; to the Committee on the Judiciary.

COPS IN SCHOOLS ACT OF 1999

Mrs. BOXER. Mr. President, today we are faced again with an tragedy in one of America's schools. There are many things that schools are and could be doing to prevent violence—and many ways the federal government could help. But, today, I am going to speak to just one of them.

Under the COPS program—President Clinton's initiative to put 100,000 new police officers on our streets—local governments are required to provide 25 percent of the funding. But, the Attorney General has the authority to waive the local matching requirement for any reason.

Last summer, I called on the Justice Department to establish a blanket waiver policy for any local community that wanted to place a law enforcement officer in a public school. To its credit, the Department has done so in some cases, and it says it will continue to do so on a case-by-case basis.

But, Mr. President, that is not good enough. We need to tell our local communities that the local match will be waived, period, for any new police officer hired to be in the schools. I have again called on the Administration to establish such a waiver policy—and to tell our local communities about it. Just in case, however, I am also introducing legislation today—the COPS in Schools Act—to require a waiver.

I am not advocating putting police officers in the schools just to patrol. Nor do I want people to think our schools are or should be jails or combat zones. Police officers in schools are important to work with school staff to develop anti-crime policies on campus, to implement procedures to ensure a safer school environment, and to reassure parents that a police officer is there to deal with those students that might cause problems.

Children in public schools have a right to be safe, and it is our obligation to ensure their safety. It is as fundamental as the right to a free public education. Let's not wait for yet another tragedy to get adequate protection for America's school children. My bill is a small step, and it is not the only step we need to take. But, it can help to reduce the chance of more bloodshed at yet another school.

---

By Mr. CHAFEE (for himself and Mr. MOYNIHAN)

S. 851. A bill to allow Federal employees to take advantage of the transportation fringe benefit provisions of the Internal Revenue Code that are available to private sector employees; to the Committee on Governmental Affairs.

FEDERAL EMPLOYEE FLEXIBILITY ACT OF 1999

Mr. CHAFEE. Mr. President, I rise today to introduce, with Senator MOYNIHAN, the Federal Employee Flexibility Act of 1999, a bill that would provide flexibility and choices for Federal employees.

This flexibility was provided to private sector employees in the Taxpayer Relief Act of 1997 and the Transportation Equity Act for the 21st Century (TEA 21). We believe that these provisions provide to employers and employees important new flexibility which should reduce single occupant vehicle trips from our highways and therefore contribute to reduced congestion, a cleaner environment, and increased energy conservation.

The Taxpayer Relief Act of 1997 and the Transportation Equity Act for the 21st Century include significant changes to the way the Internal Revenue Code treats employer-provided transportation fringe benefits. Unfortunately, we have become aware that personnel compensation law for Federal employees restricts implementation of this new flexibility.

Prior to enactment of these two bills, the Federal tax code provided that employer-provided parking is not subject to Federal taxation, up to $170 per month. However, this tax exemption was lost for all employees if the parking was offered in lieu of compensation for just one employee. In other words, if an employer gave just one employee a choice between parking and some other benefit (such as a transit pass, or increased salary), the parking of all other employees in the company became taxable. It goes without saying that no employers jeopardized a tax benefit for the overwhelming majority of their employees to provide flexibility to others. In effect, the tax code prohibited employers from offering their employees a choice. Parking was a take-it or leave-it benefit.

The changes in these two laws make it possible for employers to offer their employees more choices by eliminating the take-it or leave-it restriction in the Federal tax code. Employees whose only transportation benefit is parking can now instead accept a salary enhancement, and find other means to get to work such as car pooling, van pooling, biking, walking, or taking transit.

Unfortunately, Federal employees will not be able to benefit from the increased flexibility available to private sector employees, unless Federal compensation law is modified. Current Federal law provides that a Federal employee may not receive additional pay unless specifically authorized by law. Therefore, a Federal employee could not ''cash out'' a parking space at work, and instead receive cash or other benefits.

To address this limitation for transit passes and similar benefits, the ''Federal Employees Clean Air Incentives Act'' enacted in 1993 allows the Federal government to provide transit benefits, bicycle services, and non-monetary incentives to employees. However, when this legislation was enacted, the Federal tax code prohibited the so-called ''cash out'' option discussed above, and therefore was not included in the list of transportation-related exemptions in that statute.

The short and simple bill we introduce today would add ''taxable cash reimbursement for the value of an employer-provided parking space'' to the list of benefits that can be received by Federal employees.

This bill is very similar to a bill Senator MOYNIHAN and I sponsored in the 105th Congress, S. 2575 and H.R. 4777 sponsored in the House by Representatives NORTON, NADLER, MORELLA, and

MORAN. These same House colleagues are today introducing a bill identical to the bill we introduce today.

Let me assure my colleagues and Federal employees that this bill would not require that Federal employees lose their parking spaces, as may be feared when there is discussion of Federal employee parking spaces. The bill simply provides Federal employees the same flexibility that is available to private sector employees. Employees who want to retain their tax-free parking space would be free to do so.

We think it is vital that the Federal government show leadership on the application of new and innovative ways to solve our transportation and environmental problems. I hope that my colleagues will join me in supporting this bill and that we can act swiftly on it in this session of Congress.

Mr. President, I ask that the text of the bill be inserted in the RECORD.

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

S. 851

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

**SECTION 1. CASH PAYMENT TO FEDERAL EMPLOYEES FOR PARKING SPACES.**

(a) SHORT TITLE.—This Act may be cited as the ''Federal Employee Flexibility Act of 1999''.

(b) IN GENERAL.—Section 7905 of title 5, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (2)(C) by inserting ''and'' after the semicolon;

(B) in paragraph (3) by striking ''; and'' and inserting a period; and

(C) by striking paragraph (4); and

(2) in subsection (b)(2)—

(A) by amending subparagraph (A) to read as follows:

''(A) a qualified transportation fringe as defined in section 132(f)(1) of the Internal Revenue Code of 1986;'';

(B) in subparagraph (B) by striking ''and'' after the semicolon;

(C) in subparagraph (C) by striking the period and inserting a semicolon and ''and''; and

(D) by adding at the end the following:

''(D) taxable cash payment to an employee in lieu of an agency-provided parking space.''.

---

By Mrs. FEINSTEIN:

S. 852. A bill to award grants for school construction; to the Committee on Health, Education, Labor, and Pensions.

EXCELLENCE IN EDUCATION ACT OF 1999

Mrs. FEINSTEIN. Mr. President, today I am introducing a bill to provide funds to build new schools. It is the Excellence in Education Act of 1999.

The purpose of this bill is to (1) reduce the size of schools and (2) reduce the size of classes. The bill would create a 50–50 matching grant program to build new schools to meet the following size requirements:

School size requirement:

for kindergarten through 5th grade, not more than 500 students;

for grades 6 through 8, not more than 750 students; and

for grades 9 through 12, not more than 1,500 students.

Class size requirement:

for kindergarten through grade 6, not more than 20 students per teacher;

for grades 7 through 12, not more than 28 students per teacher.

The bill authorizes $5 billion each year for the next five years for the U.S. Department of Education to award grants to local school districts. School districts would have to match federal funds with an equal amount. In addition to making the above reductions, school districts would be required to terminate social promotion, provide remedial education and require that students be subject to state achievement standards in the core academic curriculum.

Why do we need this bill?

First, many of our schools are just too big, especially in urban areas. The ''shopping mall'' high school is all too common. ''It's not unusual to find high schools of 2,000, 3,000, or even 4,000 students and junior high schools of 1,500 or more, especially in urban school systems,'' writes Thomas Toch in the Washington Post. In these monstrous schools, the principal is just a disembodied voice over the public address system.

Equally serious is the fact that our classes are too big. Even though we have begun to reduce class sizes in my state, California still has some of the largest class sizes in the U.S. The National Center for Education Statistics says California's classrooms have the highest pupil-teacher ratios in the nation.

This bill will provide a new funding source for school districts or states to match to build new schools and reduce both school size and class size. There is no good estimate of how many schools would be needed to reduce schools and classes to the levels specified in the amendment, but we all know that there are many large schools and large classes in public education today.

The U.S. Department of Education estimates that we need to build 6,000 new schools just to meet enrollment growth projections. This estimate does not take into account the need to cut class and school sizes. The needs are no doubt huge.

My state that has some of the largest schools in the country. Our students are crammed into every available space, even in cafeterias and libraries. Today, 20 percent of our students are in portable classrooms. There were 63,000 relocatable classrooms in use in 1998. Here are some examples:

High Schools:

Roosevelt High School (Los Angeles), 4,902;

Huntington Park High School, 4,275;

Roosevelt High School, Fresno, 3,692;

Berkeley High School, Berkeley, 3,025; and

Mt. Carmel High School, San Diego, 3,279.

Intermediate Schools:

Clark Intermediate School, Clovis, 2,744 students;

Gianni Middle School, San Francisco, 1,336; and

O'Farrell Middle School, San Diego, 1,441.

Elementary Schools:

Rosa Parks Elementary School, San Diego, 1,423;

Winchell Elementary School Fresno, 1,392;

Zamorano Elementary School, San Diego, 1,424; and

Kerman/Floyd Elementary School, Fresno, 1,000.

California also has some of the largest classes sizes in the nation. In 1996–1997, California had the second highest teacher-pupil ratio in the nation, at 22.8 students per teacher. Fortunately since 1996, the state has significantly cut class sizes in grades K–3, but 15 percent or 300,000 of our K–3 students have not benefitted from this reform. And students above grade 3 have not been touched.

Here are some examples of classes in my state:

Fourth grade, statewide, 29 students; sixth grade, statewide, 29.5 students.

National City Middle School San Diego, English and math, 34 to 36 students.

Berryessa School District in San Jose—fourth grade, 32 students; eighth grade, 31 students.

Long Beach and El Cajon School Districts, tenth grade English, 35 students.

Santa Rosa School District—fourth grade, 32 students.

San Diego City Schools, tenth grade biology, 38 students.

Hoover Elementary and Knox Elementary in E. San Diego Elementary, grades 5 and 6, 31 to 33 students.

Hoover High School 10th grade Algebra, 39 students.

To add to the problem, California will have a school enrollment rate between 1997 and 2007 of 15.7 percent, triple the national rate of 4.1 percent. We will have the largest enrollment increase of all states during the next ten years. By 2007, our enrollment will have increased by 35.3 percent. To put it another way, California needs to build seven new classrooms a day at 25 students per class just to keep up with the surge in student enrollment. The California Department of Education says that we need to add about 327 schools over the next three years, just to keep pace with the projected growth.

The cost of building a high school in California is almost twice the national cost. The U.S. average is $15 million; in California, it is $27 million. In California, our costs are higher than other states in part because our schools must be built to withstand earthquakes, floods, El Nino and a myriad of other natural disasters. California's state earthquake building standards add 3 to 4 percent to construction costs. Here's what it costs to build a schools in California: an elementary school (K–6), $5.2 million; a middle school (7–8), $12.0 million; a high school (9–12), $27.0 million.

Studies show that student achievement improves when school and class sizes are reduced.

The American Education Research Association says that the ideal high school size is between 600 and 900 students. Study after study shows that small schools have more learning, fewer discipline problems, lower dropout rates, higher levels of student participating, higher graduation rates (The School Administrator, October 1997). The nation's school administrators are calling for more personalized schools.

California's education reforms relied on a Tennessee study called Project STAR, in which 6,500 kindergartners were put in 330 classes of different sizes. The students stayed in small classes for four years and then returned to larger ones in the fourth grade. The test scores and behavior of students in the small classes were better than those of children in the larger classes. A similar 1997 study by Rand found that smaller classes benefit students from low-income families the most.

Take the example of Sandy Sutton, a teacher in Los Angeles's Hancock Park Elementary School. She used to have 32 students in her second grade class. In the fall of 1997, she had 20. She says she can spend more time on individualized reading instruction with each student. She can now more readily draw out shy children and more easily identify slow readers early in the school year.

The November 25, 1997, Sacramento Bee reported that when teachers in the San Juan Unified School Districts started spending more time with students, test scores rose and discipline problems and suspensions dropped. A San Juan teacher, Ralphene Lee, said, ''This is the most wonderful thing that has happened in education in my lifetime.''

A San Diego initiative to bring down class sizes found that smaller classes mean better classroom management; more individual instruction; more contact with parents; more time for team teaching; more diverse instructional methods; and a higher morale.

Teachers say that students in smaller classes pay better attention, ask more questions and have fewer discipline problems. Smaller schools and smaller classes make a difference, it is clear.

My state needs a total of $34 billion to build schools from 1998 to 2008. Of this, $26 billion is needed to modernize and repair existing schools and $8 billion is needed to build schools to meet enrollment growth. In November 1998, California voters approved state bonds providing $6.5 billion for school construction.

California needs to build 7 new classrooms a day at 25 students per class between now and 2001 just to keep up with the growth in student population. By 2007, California will need 22,000 new classrooms. California needs to add about 327 schools over the next three years just to keep pace with the projected growth.

Other bills in the Congress that I am supporting provide tax incentives for holders of school bonds to modernize old schools and we have many old schools. One third of the nation's 110,000 schools were built before World War II and only about one of 10 schools was built since 1980. More than one-third of the nation's existing schools are currently over 50 or more years old and need to be repaired or replaced. The General Accounting Office has said that nationally we need over $112 billion for construction and repairs to bring schools up to date.

Big schools and big classes place a heavy burden on teachers and students. They can be a stressful learning environment.

The American public supports increased federal funding for school construction. The Rebuild American Coalition last month announced that 82 percent of Americans favor federal spending for school construction, up from 74 percent in a 1998 National Education Association poll.

Every parent knows the importance of a small class where the teacher can give individualized attention to a student. Every parent knows the importance of the sense of a school community that can come with a small school.

I hope my colleagues will join me today in passing this important education reform.

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

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

S. 852

*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 ''Excellence in Education Act of 1999''.

**SEC. 2. DEFINITIONS**

In this Act:

(1) CORE CURRICULUM.—The term ''core curriculum'' means curriculum in subjects such as reading and writing, language arts, mathematics, social sciences (including history), and science.

(2) ELEMENTARY SCHOOL; LOCAL EDUCATIONAL AGENCY; SECONDARY SCHOOL; SECRETARY.—The terms ''elementary school'', ''local educational agency'', ''secondary school'' and ''Secretary'' have the meanings given the terms in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801).

(3) PRACTICE OF SOCIAL PROMOTION.—The term ''practice of social promotion'' means a formal or informal practice of promoting a student from the grade for which the determination is made to the next grade when the student fails to meet State achievement standards in the core academic curriculum, unless the practice is consistent with the student's individualized education program under section 614(d) of the Individuals with Disabilities Education Act (20 U.S.C. 1414(d)).

(4) CONSTRUCTION.—

(A) IN GENERAL.—Subject to subparagraph (B), the term ''construction'' means—

(i) preparation of drawings and specifications for school facilities;

(ii) building new school facilities, or acquiring, remodeling, demolishing, renovating, improving, or repairing facilities to establish new school facilities; and

(iii) inspection and supervision of the construction of new school facilities.

(B) RULE.—An activity described in subparagraph (A) shall be considered to be construction only if the labor standards described in section 439 of the General Education Provisions Act (20 U.S.C. 1232b) are applied with respect to such activity.

(5) SCHOOL FACILITY.—The term ''school facility'' means a public structure suitable for use as a classroom, laboratory, library, media center, or related facility the primary purpose of which is the instruction of public elementary school or secondary school students. The term does not include an athletic stadium or any other structure or facility intended primarily for athletic exhibitions, contests, or games for which admission is charged to the general public.

**SEC. 3. AUTHORIZATION OF APPROPRIATIONS.**

There are authorized to be appropriated to carry out this Act $5,000,000,000 for each of the fiscal years 2000 through 2004.

**SEC. 4. PROGRAM AUTHORIZED.**

The Secretary is authorized to award grants to local educational agencies to enable the local educational agencies to carry out the construction of new public elementary school and secondary school facilities.

**SEC. 5. CONDITIONS FOR RECEIVING FUNDS.**

In order to receive funds under this Act a local educational agency shall meet the following requirements:

(1) Reduce class and school sizes for public schools served by the local educational agency as follows:

(A) Limit class size to an average student-to-teacher ratio of 20 to 1, in classes serving kindergarten through grade 6 students, in the schools served by the agency.

(B) Limit class size to an average student-to-teacher ratio of 28 to 1, in classes serving grade 7 through grade 12 students, in the schools served by the agency.

(C) Limit the size of public elementary schools and secondary schools served by the agency to—

(i) not more than 500 students in the case of a school serving kindergarten through grade 5 students;

(ii) not more than 750 students in the case of a school serving grade 6 through grade 8 students; and

(iii) not more than 1,500 students in the case of a school serving grade 9 through grade 12 students.

(2) Terminate the practice of social promotion in the public schools served by the agency.

(3) Require that students be subject to State achievement standards in the core curriculum at key transition points, to be determined by the State, for all kindergarten through grade 12 students.

(4) Use tests and other indicators, such as grades and teacher evaluations, to assess student performance in meeting the State achievement standards, which tests shall be valid for the purpose of such assessment.

(5) Provide remedial education for students who fail to meet the State achievement standards, including tutoring, mentoring, summer programs, before-school programs, and after-school programs.

(6) Provide matching funds, with respect to the cost to be incurred in carrying out the activities for which the grant is awarded, from non-Federal sources in an amount equal to the Federal funds provided under the grant.

**SEC. 6. APPLICATIONS.**

(a) IN GENERAL.—Each local educational agency desiring to receive a grant under this

Act shall submit an application to the Secretary at such time and in such manner as the Secretary may require.

(b) CONTENTS.—Each application shall contain—

(1) an assurance that the grant funds will be used in accordance with this Act;

(2) a brief description of the construction to be conducted;

(3) a cost estimate of the activities to be conducted; and

(4) a description of available non-Federal matching funds.

SUMMARY OF THE EXCELLENCE IN EDUCATION ACT OF 1999

Funds authorized, purpose: Authorizes $20 billion over 5 years ($5 billion each year) for the U.S. Department of Education to award grants to local education agencies to construct new school facilities from fiscal year 2000 to 2004.

Eligibility: Local education agencies as defined in 14101 of the Elementary and Secondary Education Act of 1965 (public schools).

Use of funds: Local education agencies are authorized to use funds to construct new school facilities.

Conditions for receiving funds: As a condition of receiving funds, local education agencies are required to—

Reduce school and class sizes as follows:

Limit class size to—

In the elementary grades to an average student-teacher ratio of 20 to one.

In grades 7 through 12 to an average student-teacher ratio of 28 to one.

Limit school size to—

Elementary schools (K–5): no more than 500 students.

Middle schools (6–8): no more than 750 students.

High schools (9–12): no more than 1,500 students.

Terminate the practice of social promotion;

Require that students be subject to state academic achievement standards, to be determined by the states, for all K–12 students in the core curriculum, defined as subjects such as reading and writing, language arts, mathematics, social sciences (including history); and science;

Test student achievement in meeting achievement standards periodically for advancement to the next grade, in at least three grades (such as the 4th, 8th and 12th grades), distributed evenly over the course of a student's education;

Provide remedial education for students who fail to meet academic achievement standards, including tutoring, mentoring, summer, before-school and after-school programs; and

Provide matching funds from non-Federal sources in an amount equal to the Federal funds provided under the grant.

By Mrs. FEINSTEIN:

S. 853. A bill to assist local educational agencies to help all students achieve State achievement standards, to end the practice of social promotion, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

STUDENT ACHIEVEMENT ACT OF 1999

Mrs. FEINSTEIN. Mr. President, today I am introducing legislation to end the practice of social promotion in our public schools and to provide remedial education to help students meet academic achievement standards. The Student Achievement Act of 1999 authorizes $500 million for five years for local school districts to provide extended learning time so that K–12 students can achieve.

Social promotion is the formal or informal practice of promoting a student from grade to grade even when the student fails to achieve a level of achievement and proficiency in the core curriculum.

To receive funds, schools would have to:

Adopt a policy prohibiting social promotion;

Require that students be subject to academic achievement standards in the core curriculum, defined as subjects such as reading, writing, language arts, mathematics, social sciences and science;

Test student achievement in meeting standards at certain benchmarks, to be determined by the states;

Provide remedial education; and

Have substantial numbers of low-performing students.

I am introducing this bill because I believe that the linchpin to educational reform is the elimination of the path of least resistance whereby students who are failing are simply promoted to the next grade in hopes that they will learn. The product of this practice of simply promoting youngsters when they are failing to adequately learn has produced a generation of young people who are below standard and high school graduates that cannot read or write, count change in their pockets or fill out an employment application. It is that bad.

And my state is just about the worst. There's a steady stream of bad news. On March 5, we learned, yet again that California ranks second to last among 39 states in fourth-grade reading skills. Eighty percent of my state's fourth graders are not proficient readers. For eighth graders, California is 33rd out of 36 states and only 22 percent of California's eighth graders are proficient readers.

On March 24, the San Francisco Chronicle reported that the state received a grade of D+ from the American Electronics Association for the quality and availability of an educated workforce. This conclusion is in the state that is the home of Silicon Valley, the premier high-tech area of the country, in a state that received an A for electronic commerce and is number one in high tech employment. But California does not have a school system that trains students well enough to work in the high-paying, skilled jobs available.

These numbers are a stunning indictment of a failing system.

It is time to end social promotion, a practice which misleads our students, their parents and the public. As long as social promotion exists and is widespread, youth who cannot read or write and who won't be able to find jobs in the future will continue to graduate from high school.

I agree with the conclusion of the September 1997 study conducted by the American Federation of Teachers:

"Social promotion is an insidious practice that hides school failure and creates problems for everybody—for kids, who are deluded into thinking they have learned the skills to be successful or get the message that achievement doesn't count; for teachers who must face students who know that teachers wield no credible authority to demand hard work; for the business community and colleges that must spend millions of dollars on remediation, and for society that must deal with a growing proportion of uneducated citizens, unprepared to contribute productively to the economic and civic life of the nation."

There is no hard data on the extent of social promotion in our public schools, but most authorities, in the schools and out, know that it is happening—and in fact, in some districts it is standard operating procedure.

The September AFT study surveyed 85 of the nation's 820 largest school districts in 32 states, representing one-third of the nation's public school enrollment, about their promotion policies.

Saying that social promotion is "rampant," AFT leaders found that school districts' criteria for passing and retaining students is vague. Only 17 states have standards in the four core disciplines (English, math, social studies and science) that are well grounded in content and that are clear enough to be used.

A January 14, 1998 Los Angeles Times article reported that four in 10 teachers said that their schools automatically promote students when they reach the maximum age for their grade level.

None of the districts surveyed by AFT have an explicit policy of social promotion, but almost every district has an implicit practice of social promotion. Almost all districts view holding students back as a policy of last resort and many put explicit limits on retaining students. Districts have loose and vague criteria for moving a student from one grade to the next. This approach, concludes AFT, is implicit approval of social promotion.

Last fall, thankfully, former California Governor Pete Wilson signed into law a bill to end social promotion. In July 1998, I wrote some of California's school districts and asked about their policy on social promotion. Here are some of the reports I got back:

Some school districts did not have specific policies in place regarding social promotion. Exceptions to normal progression from one grade to another may be made when it is "in the best interest of the student." Teachers may provide recommendations but final decisions on retention are made by the parent of the student.

In other cases, school districts required students to earn 220 credits to receive a high school diploma so that the district feels that "social promotion is not an issue."

One school district believes that "it is seldom desirable for a student to be retained by reason of achievement, maturity or attendance because research has shown that retention is likely to

have strong negative effects.'' Retention is therefore discouraged in the primary grades and prohibited thereafter.

Here's another example: Dr. Rudy Crew, Chancellor of the New York City Schools, said in the January 25 New York Times that virtually every student is promoted from one grade to the next, regardless of performance on standardized tests.

Mike Wright, a San Diegian, is an example. Cited in the February 16 San Diego Union-Tribune, Mr. Wright says he routinely got promoted from grade to grade and even graduated from high school, even though he failed some subjects. At age 29, he is now enrolled in a community college program to learn to read—at age 29!

Here are some examples of the harm of social promotion:

In California, a December 1997 report from a state education accountability task force estimated that at least half of the state's students—3 million children—perform below levels considered proficient for their grade level.

A January 1998 poll by Public Agenda asked employers and college professors whether they believe a high school diploma guarantees that a student has mastered basic skills. In this poll, 63% of employers and 76 percent of professors said that the diploma is not a guarantee that a graduate can read, write or do basic math.

Nationwide, about one third of college freshmen take remedial courses in college and three-quarters of all campuses, public and private, offer remediation, says the AFT study.

A March 27 California State University study found that more than two-thirds of students entering Cal State campuses in Los Angeles lack the math or English they should have mastered in high school. At some high schools, not one graduate going on to one of Cal State's campuses passed a basic skills test. At Cal State Dominguez Hills, for example, 8 out of 10 freshmen enrollees last fall needed remedial English and 87 percent needed remedial math.

Sadly, these numbers represent an increase. In the fall of 1997, 47 percent of freshmen enrolled at CSU needed remediation, compared to 43 percent in each of the previous three years. In math, 54 percent needed remedial help, compared to 48 percent in 1994.

Similarly, almost 35 percent of entering freshmen at the University of California do poorly on UC's English proficiency test and must receive help in their first year.

Florida spent $53 million in college on remedial education, says the AFT study.

In Boston, school principals estimate that half their ninth graders are not prepared for high school work.

In Ohio, nearly one fourth of all freshmen who attend state public universities must take remedial math or English (Cleveland Plain Dealer, July 7, 1997)

Employers tell me that their new hires are unprepared for work and they have to provide very basic training to make them employable. For example, last year, MCI spent $7.5 million to provide basic skills training.

Fortunately, many policymakers are beginning to realize that we must stop social promotion. President Clinton called for ending it in his last two State of the Union speeches. Last year, he said, ''We must also demand greater accountability. When we promote a child from grade to grade who hasn't mastered the work, we don't do that child any favors. It is time to end social promotion in America's schools.''

Last year, California's former Governor Pete Wilson, signed into law a bill to end social promotion in our public education system. The bill requires school districts to identify students who are failing based on their grades or scores on the new statewide performance tests. The schools would have to hold back the student unless their teachers submitted a written finding that the student should be allowed to advance to the next grade. In such a case, the teacher would be required to recommend remediation to get the student to the next level, which could include summer school or after-school instruction.

Los Angeles Unified School District is currently working to develop a plan to end the practice of social promotion. Los Angeles Unified School Board plans to identify those students who are at risk of flunking and require them to participate in remedial classes. The alternative curriculum will stress the basics in reading, language arts and math, and special after-school tutoring. The district's plan would take effect in the 1999–2000 school year and target students moving in the third through sixth grades and into the ninth grade.

In San Diego, the School Board adopted requirements that all students in certain grades must demonstrate grade-level performance. And they will require all students to earn a C overall grade average and a C grade in core subjects for high school graduation, effectively ending social promotion for certain grades and for high school graduation. For example, San Diego's schools are requiring that eighth graders who do not pass core courses be retained or pass core courses in summer school.

At least three other states—Florida, Arkansas and Texas—explicitly outlaw social promotion.

The Chicago Public Schools have ditched social promotion. After their new policy was put in place in the spring of 1997, over 40,000 students failed tests in the third, sixth, eight and ninth grades and then went to mandatory summer school. Chicago School Superintendent calls social promotion ''educational malpractice.'' He says from now on his schools' only product will be student achievement.

Cincinnati's students are now promoted based on specific standards that define what students must know.

The AFT study says: ''In most districts, there are no agreed-upon explicit standards of performance to which students are held accountable.''

Our schools need clear, specific achievement levels for the core academic disciplines for every student. Many states are developing those achievement levels or standards. California's Commission for the Establishment of Academic Content and Performance Standards is developing statewide, grade-by-grade academic standards.

Without them, we will never know (1) what our students need to learn and (2) whether they have learned what they should learn. How, I ask, can you measure what you have accomplished if you don't know where you are going?

Sixty-one percent of Californians agreed in 1998 that our schools need a ''major overhaul,'' up from 54 percent who answered the same question two years earlier. A mere six percent believe that schools provide a ''quality education.''

A poll by Policy Analysis for California Education found that only 17 percent of the public considers the state's schools ''good'' or ''excellent,'' down from about 33 percent three years ago.

I hope my colleagues will join me today in stopping social promotion and providing remedial education because we must stop shortchanging our students.

School achievement must mean something. It must mean more than filling up a seat at a desk for 12 years. A diploma should not just be a symbol of accumulating time in school.

Social promotion is a cruel joke. We are fooling students. We are fooling ourselves. Students think a high school diploma means something. But in reality, a diploma does not mean much when we are graduating students who cannot count change, who cannot read a newspaper, or who cannot fill out an employment application. I hope this bill can help.

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

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

S. 853

*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 ''Student Achievement Act of 1999''.

**SEC. 2. REMEDIAL EDUCATION.**

(a) GRANTS AUTHORIZED.—The Secretary is authorized to award grants to high need, low-performing local educational agencies to enable the local educational agencies to carry out remedial education programs that enable kindergarten through grade 12 students who are failing or are at risk of failing to meet State achievement standards in the core academic curriculum.

(b) USE OF FUNDS.—Grant funds awarded under this section may be used to provide prevention and intervention services and

academic instruction, that enable the students described in subsection (a) to meet State achievement standards in the core academic curriculum, such as—

(1) implementing early intervention strategies that identify and support those students who need additional help or alternative instructional strategies;

(2) strengthening instruction and learning by hiring certified teachers to reduce class sizes, providing high quality professional development, and using proven instructional practices and curriculum aligned to State achievement standards;

(3) providing extended learning time, such as before school, after school, and summer school; and

(4) developing intensive instructional intervention strategies for students who fail to meet the State achievement standards.

(c) APPLICATIONS.—Each local educational agency desiring to receive a grant under this section shall submit an application to the Secretary. Each application shall contain—

(1) an assurance that the grant funds will be used in accordance with subsection (b); and

(2) a detailed description of how the local educational agency will use the grant funds to help students meet State achievement standards in the core academic curriculum by providing prevention and intervention services and academic instruction to students who are most at risk of failing to meet the State achievement standards.

(d) CONDITIONS FOR RECEIVING FUNDS.—A local educational agency shall be eligible to receive a grant under this section if the local educational agency or the State educational agency—

(1) adopts a policy prohibiting the practice of social promotion;

(2) adopts a policy requiring that all kindergarten through grade 12 students be subject to State achievement standards in the core academic curriculum at key transition points (to be determined by the State), such as 4th, 8th, and 12th grades, before promotion to the next grade level;

(3) uses tests and other indicators, such as grades and teacher evaluations, to assess student performance in meeting the State achievement standards at key transition points (to be determined by the State), which tests shall be valid for the purpose of such assessment;

(4) provides remedial education to all students not meeting the State achievement standards; and

(5) has substantial numbers of students who are low-performing students.

(e) DEFINITIONS.—In this section:

(1) CORE ACADEMIC CURRICULUM.—The term ''core academic curriculum'' means curriculum in subjects such as reading and writing, language arts, mathematics, social sciences (including history), and science.

(2) LOCAL EDUCATIONAL AGENCY.—The term ''local educational agency'' has the meaning given the term in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801).

(3) PRACTICE OF SOCIAL PROMOTION.—The term 'practice of social promotion' means a formal or informal practice of promoting a student from the grade for which the determination is made to the next grade when the student fails to meet the State achievement standards in the core academic curriculum, unless the practice is consistent with the student's individualized education program under section 614(d) of the Individuals with Disabilities Education Act (20 U.S.C. 1414(d).

(4) SECRETARY.—The term ''Secretary'' means the Secretary of Education.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $500,000,000 for each of the fiscal years 2000 through 2004.

SUMMARY OF THE STUDENT ACHIEVEMENT ACT OF 1999

PROVIDING REMEDIAL EDUCATION & ENDING SOCIAL PROMOTION

Remedial Education: Authorizes $500 million for each year, FY 2000 to 2004, to local education agencies for remedial education programs to enable K–12 students to meet achievement standards in the core academic curriculum.

Eligibility: Local education agencies (school districts) as defined in current law (public schools).

Use of funds: Authorizes school districts to use funds to provide academic instruction to enable students to meet academic achievement standards. Funds can be used to—

implement early intervention strategies for students at risk of failing;

develop intensive instructional intervention strategies for low-performing students;

hire certified teachers and provide professional development;

provide extended learning time, such as before school, after school and summer school.

Conditions for Receiving Remedial Education Funds: Requires school districts to—

adopt a policy prohibiting the practice of social promotion;

require that all K–12 students be subject to achievement standards, to be determined by the states, in the core curriculum, defined as subjects such as reading and writing, language arts, mathematics, social sciences, including history; and science; and

test student achievement in meeting standards at certain benchmarks, to be determined by the states, for advancement to the next grade, distributed evenly over the course of a student's education; and

provide remedial education for students who fail to meet achievement standards;

have substantial numbers of low-performing students.

Social Promotion Defined: The ''practice of social promotion is defined as ''a formal or informal practice of promoting a student from the grade for which the determination is made to the next grade when the student fails to meet the state achievement standards in the core academic curriculum, unless the practice is consistent with the student's individualized education program under section 614(d) of the Individuals with Disabilities Education Act.''

By Mr. LEAHY:

S. 854. A bill to protect the privacy and constitutional rights of Americans, to establish standards and procedures regarding law enforcement access to location information, decryption assistance for encrypted communications and stored electronic information, and other private information, to affirm the rights of Americans to use and sell encryption products as a tool for protecting their online privacy, and for other purposes; to the Committee on the Judiciary.

ELECTRONIC RIGHTS OF THE 21ST CENTURY ACT

Mr. LEAHY. Mr. President, concern over privacy is reaching an all time high. In 1978, 64 percent of Americans reported that they were ''very concerned'' or ''somewhat concerned'' about threats to their personal privacy. By 1998, this number had skyrocketed. According to the Center for Social and Legal Research, 88 percent of Americans reported being ''very'' or ''somewhat concerned'' about threats to their personal privacy. We in Congress must take this concern seriously, and in this regard I look forward to examining the privacy issues confronting us in hearings before the Senate Judiciary Committee.

Good privacy policies make good business policies. New technologies bring with them new opportunities, both for the businesses that develop and market them, and for consumers. It does not do anyone any good for consumers to hesitate to use any particular technology because they have concerns over privacy. That is why I believe that good privacy policies make good business policies.

Protecting privacy plays an important role in the exercise of First Amendment rights. Ensuring that we have adequate privacy laws has a more significant and important role in our democracy than just fostering hi-tech businesses, however. We also must defend our on-line free speech rights from heavy-handed content regulation. That was my purpose in voting against the unconstitutional Communications Decency Act that became law in 1996.

Stopping efforts to create government censors is critical to allow our First Amendment rights to flourish, but it is not enough. For people to feel comfortable in exercising their First Amendment rights—by speaking, traveling and associating freely online or in physical space—they must be able to keep their activities confidential and private. When Big Brother is watching, the exercise of First Amendment rights is chilled no less than the threat of a government censor.

It is therefore not surprising that our country has a long and honorable tradition of keeping our identities private when we exercise our First Amendment rights. The Federalist Papers, which is probably the most important political document ever written about our Constitution, was authored anonymously by James Madison, John Jay and Alexander Hamilton and published under a pseudonym.

Healthy advocacy and debate often rests on the ability of participants to keep their identities private and to act anonymously. Indeed, the Supreme Court has said, ''Anonymity is a shield from the tyranny of the majority.''

Healthy commerce also depends on satisfying consumers' desire to keep their business affairs private and secure. A report I released last month on Vermont Internet commerce is very telling on this point. The strongest obstacle among consumers from shopping and doing business online was their fear of the online security risks. This is why promoting the use of encryption is so important, so that businesses and consumers can use this technology to provide the privacy and security they want and best suits their needs.

The legislation I introduce today would help ensure that Americans' Fourth Amendment rights to be secure

in their persons, houses, papers and effects against unreasonable government searches and seizures are given ample protection in a networked computer environment. In addition, several provisions address the concern Americans have about the use and handling of their personally identifiable records and information by businesses, satellite carriers, libraries and book sellers.

Industry self-regulation efforts should be encouraged. In contrast to a citizen's relationship with his or her government, consumers have a choice of whether they want to deal or interact with those in the private sector. In my view, this choice should be generally recognized in the law by allowing consumers and businesses in the marketplace to set the terms of their interaction. This is an area where the Congress should tread cautiously before regulating. Online businesses are engaging in serious efforts to make available to consumers information on privacy policies so that consumers are able to make more educated choices on whether they want to deal. I commend and applaud those efforts.

That being said, however, current laws do not apply privacy principles in an even-handed manner. Video rental stores and cable operators are subject to privacy laws to protect our right to keep our viewing habits private, but no protections exist for the books we borrow from the library or buy from a bookstore, or the shows we watch via satellite. This bill would provide more uniform privacy protection for both books and videos, no matter the medium of delivery.

Similarly, telephone companies and cable operators are subject to legal restrictions on how they may use personally identifiable information about their Internet subscribers, while other Internet and online service providers are not. The E-RIGHTS bill promotes a more level playing field in terms of the privacy protections available to Internet users, no matter whether they obtain their Internet access from AOL, their cable company or their local phone company.

This legislation addresses a broad range of emerging hi-tech privacy issues. For example:

When should the FBI be allowed to use cell phones to track a user's movements?

Should Kosovo human rights organizations that use a Web site to correct government misinformation be able to get a domain name without having their names publicly available on a database? Should we have the same ability to get an ''unlisted'' domain name (or Internet address) as we are able to get an ''unlisted'' phone number?

Should we allow other federal prosecutors to act like Special Prosecutor Kenneth Starr and go on fishing expeditions with subpoenas issued to bookstores to find out what we are reading? Should we protect our choices of reading and viewing materials the same way we protect our choice of videotapes that we rent from our local Blockbuster?

Should an Internet user who maintains a calendar on Yahoo! get the same privacy protection as people who keep their calendars on their desk or on their PCs' hard-drive? Will people avoid certain network services offered by Netscape or new Internet start-ups because they get less privacy protection for the information stored on the network than on their own PCs?

These are all important issues, and I have worked to propose solutions to each of these and to other questions, as well, in the E-RIGHTS bill. This bill has the following four titles:

Title I: Privacy Protection for Communications and Electronic Information. This title has ten sections that propose certain Fourth Amendment protections to guide the government's access to, or exercise of, law enforcement's enhanced surveillance capabilities due to new technologies. In addition, this title also contains sections that limit how domain name registrars and Internet/Online service providers may use information collected on Internet users.

Network Stored Information.—The bill would require that law enforcement give a subscriber notice of a subpoena or warrant before seizing electronic information stored on a network service. This is the same notice that the subscriber would get if the information were stored on his or her own computer.

Cell Phone Location Information.—Before law enforcement may use a person's cell phone as a tracking device, the bill would require a court order based on probable cause that the person is committing a crime.

A related provision that has already passed the House in February as part of the ''Wireless Communications and Public Safety Act of 1999,'' H.R. 438, would require wireless phone providers to inform a cell phone user's family and emergency services of their location in emergency situations, while requiring the prior customer consent before that location information may be used for any other purpose.

Pen Registers.—The bill would authorize a judge to review information presented by a federal prosecutor to determine whether the pen register is likely to produce information relevant to an ongoing criminal investigation, since under current law the judge plays only a ministerial role and must approve any order upon presentation by a prosecutor. Current law compels judges to be only a rubber stamp.

Conference Calls.—The FBI has claimed that the Communications Assistance for Law Enforcement Act (CALEA) requires that they be given the capability to monitor conference calls which continue even after the target of a wiretap order has dropped out of the call. This provision would require that a court authorize such continued monitoring of conference calls in the absence of the target.

Roving Wiretaps.—A substantial change that provides easier access to roving wiretaps was inserted without debate or hearings into last year's Intelligence Authorization Act. With this change, the FBI is able to get a roving wiretap whenever a person's action could have the effect of thwarting interception. The bill would rectify this change to permit roving wiretaps only when the person actually changes phones in a way which has the effect of thwarting surveillance.

Domain Name Registrars.—Internet users or businesses who get an Internet address with a second level domain name must also provide information about contact names, physical and E-mail addresses, network location, and other information that is posted in a publicly available database called WHOIS. The bill would give users registering for a domain name/Internet address authority to prohibit disclosure of the information, and keep the information confidential. Of course, the registrar would be able to override the user's choice of confidentiality and to disclose the information as necessary to provide service or in response to a subpoena or court order.

Internet users who want an ''unlisted'' Internet address just as they have the choice of getting an ''unlisted'' telephone number will be able to do so.

Internet and Online Service Providers.—The 1986 Electronic Communications Privacy Act (ECPA) set up procedures for law enforcement to obtain records about subscribers from ''electronic communication service providers'', but contained a blanket exemption allowing such providers to disclose a record or other information pertaining to a subscriber or customer to any non-governmental entity. Due to this exemption, ISPs and OSPs may sell their subscriber lists or track the online movements of their subscribers and sell that information—all without the subscribers' knowledge or consent.

The bill would cut back on this blanket exemption. The bill would require electronic communication service providers to give their subscribers an opportunity to prohibit disclosure of their personal information, and enumerates the situations in which the information may be used or disclosed without the subscriber's approval. These proposed rules are generally analogous to restrictions already in place for other providers of Internet services, including cable operators and phone companies, which are restricted in how they may use personally identifiable information about customers without the customers' approval.

No criminal penalties attach for violation. ECPA currently authorizes an aggrieved person to bring a civil action.

Title II: Promoting the Use of Encryption. This title contains three sections: (1) prohibiting domestic controls on encryption and government-

compelled key escrow encryption; (2) requiring encryption products used by federal agencies to interoperate with commercial encryption products; and (3) adding a chapter to the federal criminal code detailing procedures to law enforcement and foreign government access to decryption assistance.

Specifically, the bill would require the release of decryption keys or assistance to law enforcement in response to a court order based upon a finding that the key or assistance is necessary to decrypt lawfully intercepted encrypted messages or data.

Title III: Privacy Protection for Library Loan and Book Sales Records. This title would extend the privacy protection in current law for video rental and sale records to library loan and book sale records.

Library.—The library provisions are a reprise of sections that were dropped from the Video Privacy Protection Act enacted in 1988. This provision would prohibit libraries from disclosing personally identifiable information about patrons without the written consent of the patron or in response to a court order to release the information to a law enforcement agency, with prior notice to the patron, if there is probable cause to believe a crime is being committed and the information sought is material to the investigation.

Booksellers.—The public outcry over Independent Counsel Kenneth Starr's subpoena in March 1988 to Kramerbooks & Afterwords for any books purchased by Monica Lewinsky, and the potential threat such government fishing expeditions pose to First Amendment rights, prompted examination of the privacy rules protecting the records maintained by bookstores. There are no rules barring book sellers from disclosing records about their customers.

This section would impose the same nondisclosure rules on booksellers—whether online or in physical spaces—that apply to video rental stores. Generally, book sellers would be barred from disclosing personally identifiable information concerning a book purchaser without that purchasers' written consent given at the time the disclosure is sought.

Title IV: Privacy Protection for Satellite Home Viewers. In the 1984 Cable Act, Congress established a nationwide standard for the privacy protection of cable subscribers. Since the Cable Act was adopted, an entirely new form of access to television has emerged—home satellite viewing—which is especially popular in rural areas not served by cable. Yet there is no statutory privacy protection for information collected by home satellite viewing services about their customers or subscribers. This title fills this gap by amending the privacy provisions of the Cable Act to cover home satellite viewing.

The amendments do not change the rules governing access to cable subscriber information. Instead, they merely add the words ''satellite home viewing service'' and ''satellite carrier or distributor'' where appropriate.

The amendment does not address another inconsistency in the law, which bears mentioning: should a cable company that provides Internet services to its customers be subject to the privacy safeguards in the Cable Act or in the Electronic Communications Privacy Act (ECPA), which normally applies to Internet service providers and contains obligations regarding the disclosure of personally identifiable information to both governmental and nongovernmental entities different from those in the Cable Act? One court has described this as a ''statutory riddle raised by the entrance of cable operators into the Internet services market.''

New technologies and new uses for old technologies pose challenging ''riddles'' for privacy, but they are solvable in ways that balance competing commerce, civil rights, and law enforcement interests. The E-RIGHTS bill proposes balanced solutions that protect our privacy rights. I invite others to share their ideas on these matters. There are few matters more important than privacy in maintaining our core democratic values, so I look forward to hearing their comments on ways to improve this legislation.

I ask unanimous consent that the E-RIGHTS bill and the sectional analysis be printed in the RECORD.

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

S. 854

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

**SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

(a) SHORT TITLE.—This Act may be cited as the ''Electronic Rights for the 21st Century Act''.

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

Sec. 1. Short title; table of contents.
Sec. 2. Purposes.
Sec. 3. Findings.
Sec. 4. Definitions.

TITLE I—PRIVACY PROTECTION FOR COMMUNICATIONS AND ELECTRONIC INFORMATION

Sec. 101. Enhanced privacy protection for information on computer networks.
Sec. 102. Government access to location information.
Sec. 103. Enhanced privacy protection for transactional information obtained from pen registers and trap and trace devices.
Sec. 104. Privacy protection for conference calls.
Sec. 105. Enhanced privacy protection for packet networks, including the Internet.
Sec. 106. Privacy safeguards for information collected by Internet registrars.
Sec. 107. Reports concerning governmental access to electronic communications.
Sec. 108. Roving wiretaps.
Sec. 109. Authority to provide customer location information for emergency purposes.
Sec. 110. Confidentiality of subscriber information.

TITLE II—PROMOTING USE OF ENCRYPTION

Sec. 201. Freedom to use encryption.
Sec. 202. Purchase and use of encryption products by the Federal Government.
Sec. 203. Law enforcement decryption assistance.

TITLE III—PRIVACY PROTECTION FOR LIBRARY LOAN AND BOOK SALE RECORDS

Sec. 301. Wrongful disclosure of library loan and book sale records.

TITLE IV—PRIVACY PROTECTION FOR SATELLITE HOME VIEWERS

Sec. 401. Privacy protection for subscribers of satellite television services for private home viewing.

**SEC. 2. PURPOSES.**

The purposes of this Act are—

(1) to promote the privacy and constitutional rights of individuals and organizations in networked computer systems and other digital environments, protect the confidentiality of information and security of critical infrastructure systems relied on by individuals, businesses and government agencies, and properly balance the needs of law enforcement to have the access to electronic communications and information in appropriate circumstances;

(2) to encourage Americans to develop and deploy encryption technology and to promote the use of encryption by Americans to protect the security, confidentiality, and privacy of their lawful wire and electronic communications and stored electronic information; and

(3) to establish privacy standards and procedures by which investigative or law enforcement officers and foreign governments may obtain decryption assistance for encrypted communications and stored electronic information.

**SEC. 3. FINDINGS.**

Congress finds that—

(1) the digitization of information and the explosion in the growth of computing and electronic networking offers tremendous potential benefits to the way Americans live, work, and are entertained, but also raises new threats to the privacy of the American people and the competitiveness of American businesses;

(2) a secure, private, and trusted national and global information infrastructure is essential to promote economic growth, protect privacy, and meet the needs of the American people and businesses;

(3) the rights of Americans to the privacy and security of their communications and in the conducting of personal and business affairs should be promoted and protected;

(4) the authority and ability of investigative and law enforcement officers to access and decipher, in a timely manner and as provided by law, wire and electronic communications, and stored electronic information necessary to provide for public safety and national security should also be preserved;

(5) individuals will not entrust their sensitive personal, medical, financial, and other information to computers and computer networks unless the security and privacy of that information is assured;

(6) businesses will not entrust their proprietary and sensitive corporate information, including information about products, processes, customers, finances, and employees, to computers and computer networks unless the security and privacy of that information is assured;

(7) America's critical infrastructures, including its telecommunications system, banking and financial infrastructure, and power and transportation infrastructure, increasingly rely on vulnerable information

systems, and will represent a growing risk to national security and public safety unless the security and privacy of those information systems is assured;

(8) encryption technology is an essential tool to promote and protect the privacy, security, confidentiality, integrity, and authenticity of wire and electronic communications and stored electronic information;

(9) encryption techniques, technology, programs, and products are widely available worldwide;

(10) Americans should be free to use lawfully whatever particular encryption techniques, technologies, programs, or products developed in the marketplace that best suits their needs in order to interact electronically with the government and others worldwide in a secure, private, and confidential manner;

(11) government mandates for, or otherwise compelled use of, third-party key recovery systems or other systems that provide surreptitious access to encrypted data threatens the security and privacy of information systems;

(12) a national encryption policy is needed to advance the development of the national and global information infrastructure, and preserve the right to privacy of Americans and the public safety and national security of the United States;

(13) Congress and the American people have recognized the need to balance the right to privacy and the protection of the public safety with national security;

(14) the Constitution of the United States permits lawful electronic surveillance and the use of other investigative tools by law enforcement officers and the seizure of stored electronic information only upon compliance with stringent standards and procedures designed to protect the right to privacy and other rights protected under the fourth amendment of the Constitution of the United States;

(15) there is a need to clarify the standards and procedures by which investigative or law enforcement officers obtain decryption assistance from persons—

(A) who are voluntarily entrusted with the means to decrypt wire and electronic communications and stored electronic information; or

(B) have information that enables the decryption of such communications and information;

(16) Americans are increasingly shopping online and purchasing books from online vendors, and expect that their choices of reading or viewing materials will be kept confidential;

(17) protecting the confidentiality and privacy of the books, other written materials, and movies that a person chooses to read or view should be protected to ensure the free exercise of first amendment rights regardless of medium;

(18) generally, under current law, telecommunications carriers may not disclose individually identifiable customer proprietary network information without their customers' approval, while providers of electronic communications services and remote computing services may make such disclosure to anyone other than a governmental entity and have no legal obligation to notify their subscribers when they do so;

(19) subscribers of Internet services through facilities of cable operators must be given notice and an opportunity to prohibit disclosure before the cable operator may disclose any personally identifiable information, including name or address, about a subscriber to any other person, while providers of electronic communications services and remote computing services have no similar legal obligation to protect the privacy of their subscribers; and

(20) given the convergence among wireless, wire line, cable, broadcast, and satellite services, privacy safeguards should be applied more uniformly across different media in order to provide a level competitive playing field and consistent privacy protections.

**SEC. 4. DEFINITIONS.**

In this Act:

(1) AGENCY.—The term ''agency'', in the case of the United States Government, has the meaning given the term in section 6 of title 18, United States Code, and includes the United States Postal Service.

(2) ENCRYPT; ENCRYPTION.—The terms ''encrypt'' and ''encryption'' refer to the scrambling (and descrambling) of wire communications, electronic communications, or electronically stored information using mathematical formulas or algorithms in order to preserve the confidentiality, integrity, or authenticity of, and prevent unauthorized recipients from accessing or altering, such communications or information.

(3) ENCRYPTION PRODUCT.—The term ''encryption product'' means a computing device, computer hardware, computer software, or technology with encryption capabilities.

(4) KEY.—The term ''key'' means the variable information used in or produced by a mathematical formula, code, or algorithm, or any component thereof, used to encrypt or decrypt wire communications, electronic communications, or electronically stored information.

(5) PERSON.—The term ''person'' has the meaning given the term in section 2510(6) of title 18, United States Code.

(6) STATE.—The term ''State'' includes a State of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United States.

(7) UNITED STATES PERSON.—The term ''United States person'' means any—

(A) national of the United States; or

(B) legal entity that—

(i) is organized under the laws of the United States or any State; and

(ii) has its principal place of business in the United States.

## TITLE I—PRIVACY PROTECTION FOR COMMUNICATIONS AND ELECTRONIC INFORMATION

**SEC. 101. ENHANCED PRIVACY PROTECTION FOR INFORMATION ON COMPUTER NETWORKS.**

Section 2703(b) of title 18, United States Code, is amended by striking paragraph (1) and inserting the following new paragraph (1):

''(1) IN GENERAL.—A governmental entity may require a provider of remote computing service to disclose the contents of any electronic communication to which this paragraph is made applicable by paragraph (2)—

''(A) pursuant to a warrant issued under the Federal Rules of Criminal Procedure or equivalent State warrant, a copy of which warrant shall be served on the subscriber or customer of such remote computing service before or at the same time the warrant is served on the provider of the remote computing service; or

''(B) pursuant to a Federal or State grand jury or trial subpoena, a copy of which subpoena shall be served on the subscriber or customer of such remote computing service under circumstances allowing the subscriber or customer a meaningful opportunity to challenge the subpoena.''.

(b) CONFORMING AMENDMENTS.—Paragraph (2) of that section is amended—

(1) by indenting the paragraph 2 ems;

(2) by inserting ''APPLICABILITY.—'' after ''(2)''; and

(3) by indenting subparagraphs (A) and (B) 4 ems.

**SEC. 102. GOVERNMENT ACCESS TO LOCATION INFORMATION.**

(a) COURT ORDER REQUIRED.—Section 2703 of title 18, United States Code, is amended by adding at the end the following:

''(g) DISCLOSURE OF LOCATION INFORMATION TO GOVERNMENTAL ENTITIES.—

''(1) DISCLOSURE UPON COURT ORDER.—A provider of mobile electronic communication service shall provide to a governmental entity information generated by and disclosing the current physical location of a subscriber's equipment only if the governmental entity obtains a court order issued upon a finding that there is probable cause to believe that the equipment has been used, is being used, or is about to be used to commit a felony offense.

''(2) DISCLOSURE UPON SUBSCRIBER OR USER CONSENT.—A provider of mobile electronic communication service may provide to a governmental entity information described in paragraph (1) with the consent of the subscriber or the user of the equipment concerned.''.

(b) CONFORMING AMENDMENT.—Subsection (c)(1)(B) of that section is amended by striking ''(b) of this section'' and inserting ''(b), or wireless location information covered by subsection (g)''.

**SEC. 103. ENHANCED PRIVACY PROTECTION FOR TRANSACTIONAL INFORMATION OBTAINED FROM PEN REGISTERS AND TRAP AND TRACE DEVICES.**

Section 3123(a) of title 18, United States Code, is amended to read as follows:

''(a) IN GENERAL.—Upon an application made under section 3122, the court may enter an ex parte order—

''(1) authorizing the installation and use of a pen register or a trap and trace device within the jurisdiction of the court if the court finds, based on the certification by the attorney for the government or the State law enforcement or investigative officer, that the information likely to be obtained by such installation and use is relevant to an ongoing criminal investigation; and

''(2) directing that the use of the pen register or trap and trace device be conducted in such a way as to minimize the recording or decoding of any electronic or other impulses that are not related to the dialing and signaling information utilized in call processing by the service provider upon whom the order is served.''.

**SEC. 104. PRIVACY PROTECTION FOR CONFERENCE CALLS.**

Section 2518 of title 18, United States Code, is amended by adding at the end the following:

''(13) The interception of wire or electronic communications pursuant to an order under this section must be terminated when the facility identified in the order authorizing such interception is no longer being used, unless the judge determines on the basis of facts submitted by the applicant that there is probable cause to believe that an individual continuing as a party to the communication is committing, has committed, or is about to commit a particular offense enumerated in the order and there is probable cause to believe that particular communications concerning that offense will be obtained through such continuing interception.''.

**SEC. 105. ENHANCED PRIVACY PROTECTION FOR PACKET NETWORKS, INCLUDING THE INTERNET.**

Section 3121(c) of title 18, United States Code, is amended by striking ''other impulses'' and all that follows and inserting ''other impulses—

''(1) to the dialing and signaling information utilized in call processing; or

''(2) in the case of a packet-switched network, to the addressing information.''.

**SEC. 106. PRIVACY SAFEGUARDS FOR INFORMATION COLLECTED BY INTERNET REGISTRARS.**

(a) IN GENERAL.—Section 2703 of title 18, United States Code, as amended by section 102(a) of this Act, is further amended by adding at the end the following:

''(h) RECORDS CONCERNING DOMAIN NAME REGISTRATION SERVICE.—A provider of domain name registration service may disclose a record or other information pertaining to a subscriber or customer of such service—

''(1) to any person—

''(A) if the provider has provided the subscriber or customer, in a clear and conspicuous manner, the opportunity to prohibit such disclosure;

''(B) in the case of information that identifies the service provider hosting the website of the subscriber or customer; or

''(C) to the extent such disclosure is necessary incident to the provision of such service or for the protection of the rights or property of the provider of such service; or

''(2) without notice or consent of the subscriber or customer in response to a subpoena or warrant authorized by a Federal or State statute.''.

(b) DOMAIN NAME REGISTRATION SERVICE DEFINED.—Section 2711 of such title is amended—

(1) in paragraph (1), by striking ''and'' at the end;

(2) in paragraph (2), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(3) the term 'domain name registration service' means a service to the public for the assignment and management of domain names and Internet Protocol addresses.''.

**SEC. 107. REPORTS CONCERNING GOVERNMENTAL ACCESS TO ELECTRONIC COMMUNICATIONS.**

Section 2703 of title 18, United States Code, as amended by section 106(a) of this Act, is further amended by adding at the end the following:

''(i) REPORTS.—In April each year, the Attorney General shall transmit to Congress a full and complete report on—

''(1) the number and kind of warrants, orders, and subpoenas applied for by law enforcement agencies of the Department of Justice under this section;

''(2) the number of such applications granted or denied; and

''(3) with respect to each warrant, order, or subpoena issued under this section—

''(A) the number and type of communications disclosed;

''(B) the approximate number and frequency of incriminating communications disclosed;

''(C) the offense specified in the application; and

''(D) the approximate number of persons whose communications were intercepted.''.

**SEC. 108. ROVING WIRETAPS.**

(a) SCOPE OF WIRETAPS.—Subsection (11)(b) of section 2518 of title 18, United States Code, is amended by striking clauses (ii) through (iv) and inserting the following new clauses:

''(ii) the application identifies the person believed to be committing the offense and whose communications are to be intercepted and the applicant makes a showing that—

''(I) the person changes facilities in a way that has the effect of thwarting interception from a specified facility; or

''(II) the person intends to thwart interception by changing facilities; and

''(iii) the judge finds that such showing has been adequately made.''.

(b) LIMITATION.—Subsection (12) of that section is amended—

(1) by inserting ''(a)'' after ''(12)''; and

(2) by adding at the end the following:

''(b) Each order and extension thereof to which the requirements of subsections (1)(b)(ii) and (3)(D) of this section do not apply by reason of subsection (11) of this section shall provide that the authorization to intercept only applies to communications to which the person believed to be committing the offense and named in the order is a party.''.

**SEC. 109. AUTHORITY TO PROVIDE CUSTOMER LOCATION INFORMATION FOR EMERGENCY PURPOSES.**

(a) USE OF CALL LOCATION AND CRASH NOTIFICATION INFORMATION.—Subsection (d) of section 222 of the Communications Act of 1934 (47 U.S.C. 222) is amended—

(1) by striking ''or'' at the end of paragraph (2);

(2) by striking the period at the end of paragraph (3) and inserting a semicolon; and

(3) by adding at the end the following new paragraphs:

''(4) to provide call location information concerning the user of a commercial mobile service (as such term is defined in section 332(d))—

''(A) to a public safety answering point, emergency medical service provider or emergency dispatch provider, public safety official, fire service official, law enforcement official, hospital emergency facility, or trauma care facility in order to respond to the user's call for emergency services;

''(B) to inform the user's legal guardian or members of the user's immediate family of the user's location in an emergency situation that involves the risk of death or serious physical harm; or

''(C) to providers of information or database management services solely for purposes of assisting in the delivery of emergency services in response to an emergency; or

''(5) to transmit automatic crash notification information as part of the operation of an automatic crash notification system.''.

(b) CUSTOMER APPROVAL OF USE OF CALL LOCATION AND CRASH NOTIFICATION INFORMATION.—That section is further amended—

(1) by redesignating subsection (f) as subsection (h); and

(2) by inserting after subsection (e) the following new subsection (f):

''(f) CUSTOMER APPROVAL OF USE OF CALL LOCATION INFORMATION AND CRASH NOTIFICATION INFORMATION.—For purposes of subsection (c)(1), without the express prior authorization of the customer, a customer shall not be considered to have approved the use or disclosure of or access to—

''(1) call location information concerning the user of a commercial mobile service (as such term is defined in section 332(d)), other than in accordance with subsection (d)(4); or

''(2) automatic crash notification information to any person other than for use in the operation of an automatic crash notification system.''.

(c) USE OF LISTED AND UNLISTED SUBSCRIBER INFORMATION FOR EMERGENCY SERVICES.—That section is further amended by inserting after subsection (f), as amended by subsection (b) of this section, the following new subsection (g):

''(g) SUBSCRIBER LISTED AND UNLISTED INFORMATION FOR EMERGENCY SERVICES.—Notwithstanding subsections (b), (c), and (d), a telecommunications carrier that provides telephone exchange service shall provide information described in subsection (h)(3)(A) (including information pertaining to subscribers whose information is unlisted or unpublished) that is in its possession or control (including information pertaining to subscribers of other carriers) on a timely and unbundled basis, under nondiscriminatory and reasonable rates, terms, and conditions to providers of emergency services, and providers of emergency support services, solely for purposes of delivering or assisting in the delivery of emergency services.''.

(d) DEFINITIONS.—Subsection (h) of that section, as redesignated by subsection (b)(1) of this section, is amended—

(1) in paragraph (1)(A), by inserting ''location,'' after ''destination,''; and

(2) by adding at the end the following:

''(4) PUBLIC SAFETY ANSWERING POINT.—The term 'public safety answering point' means a facility that has been designated to receive emergency calls and route them to emergency service personnel.

''(5) EMERGENCY SERVICES.—The term 'emergency services' means 911 emergency services and emergency notification services.

''(6) EMERGENCY NOTIFICATION SERVICES.—The term 'emergency notification services' means services that notify the public of an emergency.

''(7) EMERGENCY SUPPORT SERVICES.—The term 'emergency support services' means information or data base management services used in support of emergency services.''.

**SEC. 110. CONFIDENTIALITY OF SUBSCRIBER INFORMATION.**

Section 2703(c) of title 18, United States Code, is amended—

(1) in paragraph (1)(A), by inserting before the period at the end the following: ''only if such disclosure is—

''(i) necessary to initiate, render, bill, and collect for such service;

''(ii) necessary to protect the rights or property of the provider of such service;

''(iii) required by law;

''(iv) made at the request of the subscriber or customer; or

''(v) if the provider has provided the subscriber or customer, in a clear and conspicuous manner, with the opportunity to prohibit such disclosure.''; and

(2) by adding at the end the following:

''(3) Nothing in this subsection may be construed to prohibit a provider of electronic communication service or remote computing service from using, disclosing, or permitting access to aggregate subscriber information from which individual subscriber identities and characteristics have been removed.''.

## TITLE II—PROMOTING USE OF ENCRYPTION

**SEC. 201. FREEDOM TO USE ENCRYPTION.**

(a) NO DOMESTIC ENCRYPTION CONTROLS.—It shall be lawful for any person within the United States, and for any United States person in a foreign country, to use, develop, manufacture, sell, distribute, or import any encryption product, regardless of the encryption algorithm selected, encryption key length chosen, existence of key recovery or other plaintext access capability, or implementation or medium used.

(b) PROHIBITION ON GOVERNMENT-COMPELLED KEY ESCROW OR KEY RECOVERY.—

(1) IN GENERAL.—Except as provided in paragraph (3), no agency of the United States may require, compel, set standards for, condition any approval on, or condition the receipt of any benefit on, a requirement that a decryption key, access to a decryption key, key recovery information, or other plaintext access capability be—

(A) required to be built into computer hardware or software for any purpose;

(B) given to any other person, including any agency of the United States or a State, or any entity in the private sector; or

(C) retained by the owner or user of an encryption key or any other person, other than for encryption products for the use of the Federal Government or a State government.

(2) USE OF PARTICULAR PRODUCTS.—No agency of the United States may require any person who is not an employee or agent of the United States or a State to use any key recovery or other plaintext access features for communicating or transacting business with any agency of the United States.

(3) EXCEPTIONS.—The prohibition in paragraph (1) does not apply to—

(A) encryption used by an agency of the United States, or the employees or agents of such agency, solely for the internal operations and telecommunications systems of the United States Government; or

(B) the authority of any investigative or law enforcement officer, or any member of the intelligence community (as defined in section 3 of the National Security Act of 1947 (50 U.S.C. 401a)), acting under any law in effect on the date of enactment of this Act, to gain access to encrypted communications or information.

(c) USE OF ENCRYPTION FOR AUTHENTICATION OR INTEGRITY PURPOSES.—No agency of the United States shall establish any condition, tie, or link between encryption products, standards, and services used for confidentiality purposes and those used for authentication, integrity, or access control purposes.

**SEC. 202. PURCHASE AND USE OF ENCRYPTION PRODUCTS BY THE FEDERAL GOVERNMENT.**

To ensure that secure electronic access to the Federal Government is available to persons outside of and not operating under contract with agencies of the United States, the Federal Government may not purchase any encryption product with a key recovery or other plaintext access feature if such key recovery or plaintext access feature would interfere with use of the full encryption capabilities of the product when interoperating with other commercial encryption products.

**SEC. 203. LAW ENFORCEMENT DECRYPTION ASSISTANCE.**

(a) IN GENERAL.—Part I of title 18, United States Code, is amended by adding at the end the following:

**"CHAPTER 124—ENCRYPTED WIRE OR ELECTRONIC COMMUNICATIONS AND STORED ELECTRONIC INFORMATION**

"Sec.
"2801. Definitions.
"2802. Access to decryption assistance for communications.
"2803. Access to decryption assistance for stored electronic communications or records.
"2804. Foreign government access to decryption assistance.

**"§ 2801. Definitions**

"In this chapter:

"(1) DECRYPTION ASSISTANCE.—The term 'decryption assistance' means assistance that provides or facilitates access to the plaintext of an encrypted wire or electronic communication or stored electronic information, including the disclosure of a decryption key or the use of a decryption key to produce plaintext.

"(2) DECRYPTION KEY.—The term 'decryption key' means the variable information used in or produced by a mathematical formula, code, or algorithm, or any component thereof, used to decrypt a wire communication or electronic communication or stored electronic information that has been encrypted.

"(3) ENCRYPT; ENCRYPTION.—The terms 'encrypt' and 'encryption' refer to the scrambling (and descrambling) of wire communications, electronic communications, or electronically stored information using mathematical formulas or algorithms in order to preserve the confidentiality, integrity, or authenticity of, and prevent unauthorized recipients from accessing or altering, such communications or information.

"(4) FOREIGN GOVERNMENT.—The term 'foreign government' has the meaning given the term in section 1116.

"(5) OFFICIAL REQUEST.—The term 'official request' has the meaning given the term in section 3506(c).

"(6) INCORPORATED DEFINITIONS.—Any term used in this chapter that is not defined in this chapter and that is defined in section 2510, has the meaning given the term in section 2510.

**"§ 2802. Access to decryption assistance for communications**

"(a) CRIMINAL INVESTIGATIONS.—

"(1) IN GENERAL.—An order authorizing the interception of a wire or electronic communication under section 2518 shall, upon request of the applicant, direct that a provider of wire or electronic communication service, or any other person possessing information capable of decrypting that communication, other than a person whose communications are the subject of the interception, shall promptly furnish the applicant with the necessary decryption assistance, if the court finds that the decryption assistance sought is necessary for the decryption of a communication intercepted pursuant to the order.

"(2) LIMITATIONS.—Each order described in paragraph (1), and any extension of such an order, shall—

"(A) contain a provision that the decryption assistance provided shall involve disclosure of a private decryption key only if no other form of decryption assistance is available and otherwise shall be limited to the minimum necessary to decrypt the communications intercepted pursuant to such order; and

"(B) terminate on the earlier of—

"(i) the date on which the authorized objective is attained; or

"(ii) 30 days after the date on which the order or extension, as applicable, is issued.

"(3) NOTICE.—If decryption assistance is provided pursuant to an order under this subsection, the court issuing the order shall cause to be served on the person whose communications are the subject of such decryption assistance, as part of the inventory required to be served pursuant to section 2518(8), notice of the receipt of the decryption assistance and a specific description of the decryption keys or other decryption assistance disclosed.

"(b) FOREIGN INTELLIGENCE INVESTIGATIONS.—

"(1) IN GENERAL.—An order authorizing the interception of a wire or electronic communication under section 105(b)(2) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1805(b)(2)) shall, upon request of the applicant, direct that a provider of wire or electronic communication service, or any other person possessing information capable of decrypting such communications, other than a person whose communications are the subject of the interception, shall promptly furnish the applicant with the necessary decryption assistance, if the court finds that the decryption assistance sought is necessary for the decryption of a communication intercepted pursuant to the order.

"(2) LIMITATIONS.—Each order described in paragraph (1), and any extension of such an order, shall—

"(A) contain a provision that the decryption assistance provided shall be limited to the minimum necessary to decrypt the communications intercepted pursuant to such order; and

"(B) terminate on the earlier of—

"(i) the date on which the authorized objective is attained; or

"(ii) 30 days after the date on which the order or extension, as applicable, is issued.

"(c) GENERAL PROHIBITION ON DISCLOSURE.—Other than pursuant to an order under subsection (a) or (b), no person possessing information capable of decrypting a wire or electronic communication of another person shall disclose that information or provide decryption assistance to an investigative or law enforcement officer.

**"§ 2803. Access to decryption assistance for stored electronic communications or records**

"(a) DECRYPTION ASSISTANCE.—No person may disclose a decryption key or provide decryption assistance pertaining to the contents of stored electronic communications or records, including those disclosed pursuant to section 2703, to a governmental entity, except—

"(1) pursuant to a warrant issued under the Federal Rules of Criminal Procedure or an equivalent State warrant, a copy of which warrant shall be served on the person who created the electronic communication or record before or at the same time service is made on the keyholder;

"(2) pursuant to a subpoena, a copy of which subpoena shall be served on the person who created the electronic communication or record, under circumstances allowing the person meaningful opportunity to challenge the subpoena; or

"(3) upon the consent of the person who created the electronic communication or record.

"(b) DELAY OF NOTIFICATION.—In the case of communications disclosed pursuant to section 2703(a), service of the copy of the warrant or subpoena on the person who created the electronic communication or record may be delayed for a period of not to exceed 90 days upon request to the court by the governmental entity requiring the decryption assistance, if the court determines that there is reason to believe that notification of the existence of the court order or subpoena may have an adverse result described in section 2705(a)(2).

**"§ 2804. Foreign government access to decryption assistance**

"(a) IN GENERAL.—No investigative or law enforcement officer may—

"(1) release a decryption key to a foreign government or to a law enforcement agency of a foreign government; or

"(2) except as provided in subsection (b), provide decryption assistance to a foreign government or to a law enforcement agency of a foreign government.

"(b) CONDITIONS FOR COOPERATION WITH FOREIGN GOVERNMENT.—

"(1) APPLICATION FOR ORDER.—In any case in which the United States has entered into a treaty or convention with a foreign government to provide mutual assistance with respect to providing decryption assistance, the Attorney General (or the designee of the Attorney General) may, upon an official request to the United States from the foreign government, apply for an order described in paragraph (2) from the district court in which the person possessing information capable of decrypting the encrypted communication or stored electronic information at issue resides—

"(A) directing that person to release a decryption key or provide decryption assistance to the Attorney General (or the designee of the Attorney General); and

"(B) authorizing the Attorney General (or the designee of the Attorney General) to furnish the foreign government with the plaintext of the communication or information at issue.

"(2) CONTENTS OF ORDER.—An order described in this paragraph is an order directing the person possessing information capable of decrypting the communication or information at issue to—

"(A) release a decryption key to the Attorney General (or the designee of the Attorney General) so that the plaintext of the communication or information may be furnished to the foreign government; or

"(B) provide decryption assistance to the Attorney General (or the designee of the Attorney General) so that the plaintext of the

communication or information may be furnished to the foreign government.

''(3) REQUIREMENTS FOR ORDER.—The court described in paragraph (1) may issue an order described in paragraph (2) if the court finds, on the basis of an application made by the Attorney General under this subsection, that—

''(A) the decryption key or decryption assistance sought is necessary for the decryption of a communication or information that the foreign government is authorized to intercept or seize pursuant to the law of the foreign country;

''(B) the law of the foreign country provides for adequate protection against arbitrary interference with respect to privacy rights; and

''(C) the decryption key or decryption assistance is being sought in connection with a criminal investigation for conduct that would constitute a violation of a criminal law of the United States if committed within the jurisdiction of the United States.''.

(b) CLERICAL AMENDMENT.—The analysis for part I of title 18, United States Code, is amended by adding at the end the following:

**''124. Encrypted wire or electronic communications and stored electronic information ..... 2801''.**

## TITLE III—PRIVACY PROTECTION FOR LIBRARY LOAN AND BOOK SALE RECORDS

### SEC. 301. WRONGFUL DISCLOSURE OF LIBRARY LOAN AND BOOK SALE RECORDS.

(a) IN GENERAL.—Section 2710 of title 18, United States Code, is amended—

(1) by redesignating subsections (c) through (f) as subsections (d) through (g), respectively; and

(2) by striking the section designation and all that follows through the end of subsection (b) and inserting the following:

**''§ 2710. Wrongful disclosure of video tape rental or sale records and library loan and book sale records**

''(a) DEFINITIONS.—In this section:

''(1) The term 'book seller' means any person, engaged in the business, in or affecting interstate or foreign commerce, of selling books, magazines, or other printed material, or any person or other entity to whom a disclosure is made under subparagraph (D) or (E) of subsection (b)(2), but only with respect to the information contained in the disclosure.

''(2) The term 'consumer' means any renter, purchaser, or subscriber of goods or services from a video tape service provider or book seller.

''(3) The term 'library' means an institution that operates as a public library or serves as a library for any university, school, or college.

''(4) The term 'ordinary course of business' means only debt collection activities, order fulfillment, request processing, and the transfer of ownership.

''(5) The term 'patron' means any individual who requests or receives—

''(A) services within a library; or

''(B) books or other materials on loan from a library.

''(6) The term 'personally identifiable information' includes the following:

''(A) Information that identifies a person as having requested or obtained specific video materials or services from a video tape service provider.

''(B) Information that identifies a person as having requested or obtained specific books, magazines, or other printed material from a book seller.

''(C) Information that identifies a person as having requested or obtained any materials or services from a library.

''(7) The term 'video tape service provider' means any person, engaged in the business, in or affecting interstate or foreign commerce, of rental, sale, or delivery of prerecorded video cassette tapes or similar audio visual materials, or any person or other entity to whom a disclosure is made under subparagraph (D) or (E) of subsection (b)(2), but only with respect to the information contained in the disclosure.

''(b) VIDEO TAPE RENTAL AND SALE AND BOOK SALE RECORDS.—

''(1) IN GENERAL.—A video tape service provider or book seller who knowingly discloses, to any person, personally identifiable information concerning any consumer of such provider or seller, as the case may be, shall be liable to the aggrieved person for the relief provided in subsection (d).

''(2) DISCLOSURE.—A video tape service provider or book seller may disclose personally identifiable information concerning any consumer—

''(A) to the consumer;

''(B) to any person with the informed, written consent of the consumer given at the time the disclosure is sought;

''(C) to a law enforcement agency pursuant to a warrant issued under the Federal Rules of Criminal Procedure, an equivalent State warrant, or a court order issued in accordance with paragraph (4);

''(D) to any person if the disclosure is solely of the names and addresses of consumers and if—

''(i) the video tape service provider or book seller, as the case may be, has provided the consumer, in a clear and conspicuous manner, with the opportunity to prohibit such disclosure; and

''(ii) the disclosure does not identify the title, description, or subject matter of any video tapes or other audio visual material, or books magazines, or other printed material, except that the subject matter of such materials may be disclosed if the disclosure is for the exclusive use of marketing goods and services directly to the consumer;

''(E) to any person if the disclosure is incident to the ordinary course of business of the video tape service provider or book seller; or

''(F) pursuant to a court order, in a civil proceeding upon a showing of compelling need for the information that cannot be accommodated by any other means, if—

''(i) the consumer is given reasonable notice, by the person seeking the disclosure, of the court proceeding relevant to the issuance of the court order; and

''(ii) the consumer is afforded the opportunity to appear and contest the claim of the person seeking the disclosure.

''(3) SAFEGUARDS.—If an order is granted pursuant to subparagraph (C) or (F) of paragraph (2), the court shall impose appropriate safeguards against unauthorized disclosure.

''(4) COURT ORDERS.—A court order authorizing disclosure under paragraph (2)(C) shall issue only with prior notice to the consumer and only if the law enforcement agency shows that there is probable cause to believe that a person has engaged, is engaging, or is about to engage in criminal activity and that the records or other information sought are material to the investigation of such activity. In the case of a State government authority, such a court order shall not issue if prohibited by the law of such State. A court issuing an order pursuant to this subsection, on a motion made promptly by the video tape service provider or the book seller, may quash or modify such order if the information or records requested are unreasonably voluminous in nature or if compliance with such order otherwise would cause an unreasonable burden on such provider or seller, as the case may be.

''(c) LIBRARY RECORDS.—

''(1) IN GENERAL.—Any library that knowingly discloses, to any person, personally identifiable information concerning any patron of the library shall be liable to the aggrieved person as provided in subsection (d).

''(2) DISCLOSURE.—A library may disclose personally identifiable information concerning any patron—

''(A) to the patron;

''(B) to any person with the informed written consent of the patron given at the time the disclosure is sought;

''(C) to a law enforcement agency pursuant to a warrant issued under the Federal Rules of Criminal Procedure, an equivalent State warrant, or a court order issued in accordance with paragraph (4);

''(D) to any person if the disclosure is solely of the names and addresses of patrons and if—

''(i) the library has provided the patron with a written statement that affords the patron the opportunity to prohibit such disclosure; and

''(ii) the disclosure does not reveal, directly or indirectly, the title, description, or subject matter of any library materials borrowed or services utilized by the patron;

''(E) to any authorized person if the disclosure is necessary for the retrieval of overdue library materials or the recoupment of compensation for damaged or lost library materials; or

''(F) pursuant to a court order, in a civil proceeding upon a showing of compelling need for the information that cannot be accommodated by any other means, if—

''(i) the patron is given reasonable notice, by the person seeking the disclosure, of the court proceeding relevant to the issuance of the court order; and

''(ii) the patron is afforded the opportunity to appear and contest the claim of the person seeking the disclosure.

''(3) SAFEGUARDS.—If an order is granted pursuant to subparagraph (C) or (F) of paragraph (2), the court shall impose appropriate safeguards against unauthorized disclosure.

''(4) COURT ORDERS.—A court order authorizing disclosure under paragraph (2)(C) shall issue only with prior notice to the patron and only if the law enforcement agency shows that there is probable cause to believe that a person has engaged, is engaging or is about to engage in criminal activity and that the records or other information sought are material to the investigation of such activity. In the case of a State government authority, such a court order shall not issue if prohibited by the law of such State. A court issuing an order pursuant to this subsection, on a motion made promptly by the library, may quash or modify such order if the information or records requested are unreasonably voluminous in nature or if compliance with such order otherwise would cause an unreasonable burden on the library.''.

(b) CLERICAL AMENDMENT.—The item relating to section 2701 in the analysis for chapter 121 of title 18, United States Code, is amended to read as follows:

''2710. Wrongful disclosure of video tape rental or sale records and library loan and book sale records.''.

## TITLE IV—PRIVACY PROTECTION FOR SATELLITE HOME VIEWERS

### SEC. 401. PRIVACY PROTECTION FOR SUBSCRIBERS OF SATELLITE TELEVISION SERVICES FOR PRIVATE HOME VIEWING.

(a) IN GENERAL.—Section 631 of the Communications Act of 1934 (47 U.S.C. 551) is amended to read as follows:

**''SEC. 631. PRIVACY OF SUBSCRIBER INFORMATION FOR SUBSCRIBERS OF CABLE SERVICE AND SATELLITE TELEVISION SERVICE.**

''(a) NOTICE TO SUBSCRIBERS REGARDING PERSONALLY IDENTIFIABLE INFORMATION.—At

the time of entering into an agreement to provide any cable service, satellite home viewing service, or other service to a subscriber, and not less often than annually thereafter, a cable operator, satellite carrier, or distributor shall provide notice in the form of a separate, written statement to such subscriber that clearly and conspicuously informs the subscriber of—

''(1) the nature of personally identifiable information collected or to be collected with respect to the subscriber as a result of the provision of such service and the nature of the use of such information;

''(2) the nature, frequency, and purpose of any disclosure that may be made of such information, including an identification of the types of persons to whom the disclosure may be made;

''(3) the period during which such information will be maintained by the cable operator, satellite carrier, or distributor;

''(4) the times and place at which the subscriber may have access to such information in accordance with subsection (d); and

''(5) the limitations provided by this section with respect to the collection and disclosure of information by the cable operator, satellite carrier, or distributor and the right of the subscriber under this section to enforce such limitations.

''(b) COLLECTION OF PERSONALLY IDENTIFIABLE INFORMATION.—

''(1) IN GENERAL.—Except as provided in paragraph (2), a cable operator, satellite carrier, or distributor shall not use its cable or satellite system to collect personally identifiable information concerning any subscriber without the prior written or electronic consent of the subscriber.

''(2) EXCEPTION.—A cable operator, satellite carrier, or distributor may use its cable or satellite system to collect information described in paragraph (1) in order to—

''(A) obtain information necessary to render a cable or satellite service or other service provided by the cable operator, satellite carrier, or distributor to the subscriber; or

''(B) detect unauthorized reception of cable or satellite communications.

''(c) DISCLOSURE OF PERSONALLY IDENTIFIABLE INFORMATION.—

''(1) IN GENERAL.—Except as provided in paragraph (2), a cable operator, satellite carrier, or distributor may not disclose personally identifiable information concerning any subscriber without the prior written or electronic consent of the subscriber and shall take such actions as are necessary to prevent unauthorized access to such information by a person other than the subscriber or the cable operator, satellite carrier, or distributor.

''(2) EXCEPTIONS.—A cable operator, satellite carrier, or distributor may disclose information described in paragraph (1) if the disclosure is—

''(A) necessary to render, or conduct a legitimate business activity related to, a cable or satellite service or other service provided by the cable operator, satellite carrier, or distributor to the subscriber;

''(B) subject to paragraph (3), made pursuant to a court order authorizing such disclosure, if the subscriber is notified of such order by the person to whom the order is directed; or

''(C) a disclosure of the names and addresses of subscribers to any other provider of cable or satellite service or other service, if—

''(i) the cable operator, satellite carrier, or distributor has provided the subscriber the opportunity to prohibit or limit such disclosure; and

''(ii) the disclosure does not reveal, directly or indirectly—

''(I) the extent of any viewing or other use by the subscriber of a cable or satellite service or other service provided by the cable operator, satellite carrier, or distributor; or

''(II) the nature of any transaction made by the subscriber over the cable or satellite system of the cable operator, satellite carrier, or distributor.

''(3) COURT ORDERS.—A governmental entity may obtain personally identifiable information concerning a cable or satellite subscriber pursuant to a court order only if, in the court proceeding relevant to such court order—

''(A) such entity offers clear and convincing evidence that the subject of the information is reasonably suspected of engaging in criminal activity and that the information sought would be material evidence in the case; and

''(B) the subject of the information is afforded the opportunity to appear and contest such entity's claim.

''(d) SUBSCRIBER ACCESS TO INFORMATION.—A cable or satellite subscriber shall be provided access to all personally identifiable information regarding that subscriber that is collected and maintained by a cable operator, satellite carrier, or distributor. Such information shall be made available to the subscriber at reasonable times and at a convenient place designated by such cable operator, satellite carrier, or distributor. A cable or satellite subscriber shall be provided reasonable opportunity to correct any error in such information.

''(e) DESTRUCTION OF INFORMATION.—A cable operator, satellite carrier, or distributor shall destroy personally identifiable information if the information is no longer necessary for the purpose for which it was collected and there are no pending requests or orders for access to such information under subsection (d) or pursuant to a court order.

''(f) RELIEF.—

''(1) IN GENERAL.—Any person aggrieved by any act of a cable operator, satellite carrier, or distributor in violation of this section may bring a civil action in a district court of the United States.

''(2) DAMAGES AND COSTS.—In any action brought under paragraph (1), the court may award a prevailing plaintiff—

''(A) actual damages but not less than liquidated damages computed at the rate of $100 a day for each day of violation or $1,000, whichever is greater;

''(B) punitive damages; and

''(C) reasonable attorneys' fees and other litigation costs reasonably incurred.

''(3) NO EFFECT ON OTHER REMEDIES.—The remedy provided by this subsection shall be in addition to any other remedy available under any provision of law to a cable or satellite subscriber.

''(g) DEFINITIONS.—In this section:

''(1) DISTRIBUTOR.—The term 'distributor' has the meaning given that term in section 119(d)(1) of title 17, United States Code.

''(2) CABLE OPERATOR.—

''(A) IN GENERAL.—The term 'cable operator' has the meaning given that term in section 602.

''(B) INCLUSION.—The term includes any person who—

''(i) is owned or controlled by, or under common ownership or control with, a cable operator; and

''(ii) provides any wire or radio communications service.

''(3) OTHER SERVICE.—The term 'other service' includes any wire, electronic, or radio communications service provided using any of the facilities of a cable operator, satellite carrier, or distributor that are used in the provision of cable service or satellite home viewing service.

''(4) PERSONALLY IDENTIFIABLE INFORMATION.—The term 'personally identifiable information' does not include any record of aggregate data that does not identify particular persons.

''(5) SATELLITE CARRIER.—The term 'satellite carrier' has the meaning given that term in section 119(d)(6) of title 17, United States Code.''.

(b) NOTICE WITH RESPECT TO CERTAIN AGREEMENTS.—

(1) IN GENERAL.—Except as provided in paragraph (2), a cable operator, satellite carrier, or distributor who has entered into agreements referred to in section 631(a) of the Communications Act of 1934, as amended by subsection (a), before the date of enactment of this Act, shall provide any notice required under that section, as so amended, to subscribers under such agreements not later than 180 days after that date.

(2) EXCEPTION.—Paragraph (1) shall not apply with respect to any agreement under which a cable operator, satellite carrier, or distributor was providing notice under section 631(a) of the Communications Act of 1934, as in effect on the day before the date of enactment of this Act, as of such date.

---

SECTION-BY-SECTION ANALYSIS OF LEAHY E-RIGHTS ACT

SEC. 1. SHORT TITLE.—The Act may be cited as the ''Electronic Rights (E-RIGHTS) for the 21st Century Act.''

SEC. 2. PURPOSES.—The Act has three general purposes: (1) promoting the privacy and constitutional rights of individuals and organizations in networked computer systems, and the security of critical information infrastructures, while properly balancing law enforcement access needs; (2) encouraging Americans to develop and deploy encryption technology and to promote the use of encryption by Americans to protect the security, confidentiality and privacy of their lawful wire and electronic communications and stored electronic information; and (3) establishing privacy standards and procedures for law enforcement officers to obtain decryption assistance for encrypted communications and information.

SEC. 3. FINDINGS.—The Act enumerates twenty congressional findings that law enforcement investigative and electronic surveillance needs must be balanced with the right to privacy and other rights protected under the Fourth Amendment of the Constitution; encryption technology, which is widely available worldwide, is useful in protecting the privacy, security, and confidentiality of the national and global information infrastructure; Americans should be free to use, and American businesses free to compete and sell, encryption technology, programs and products; and given the convergence among digital media, privacy safeguards should be applied more uniformly to provide a level competitive playing field.

SEC. 4. DEFINITIONS.—The terms ''agency'', ''person'' and ''state'' have the same meaning given those terms in specified sections of title 18, United States Code, except that the term ''agency'' also includes the United States Postal Service.

Additional definitions are provided for the following terms:

The terms ''encrypt'' and ''encryption'' mean the use of mathematical formulas or algorithms to scramble or unscramble electronic data or communications for purposes of confidentiality, integrity, or authenticity. As defined, the terms cover a broad range of scrambling techniques and applications including cryptographic applications such as PGP or RSA's encryption algorithms; steganography; authentication; and winnowing and chafing.

The term ''encryption product'' includes any hardware, software, devices, or other technology with encryption capabilities, whether or not offered for sale or distribution.

The term ''key'' means the variable information used in or produced by a mathematical formula to encrypt or decrypt wire or electronic communications or electronically stored information.

The term ''United States person'' means any citizen of the United States or legal entity organized under U.S. law that has its principal place of business in this country.

TITLE I—PRIVACY PROTECTION FOR COMMUNICATIONS AND ELECTRONIC INFORMATION

SEC. 101. ENHANCED PRIVACY PROTECTION FOR INFORMATION ON COMPUTER NETWORKS.—The Act modifies subsection (b) of section 2703 of title 18, United States Code, to extend privacy protections to electronic information stored on computer networks.

When held in a person's home, records may only be seized pursuant to a warrant based upon probable cause, or compelled under a subpoena, which may be challenged and quashed. In both instances, the record owner has notice of the search and an opportunity to challenge it. By contrast, under United States v. Miller, 425 U.S. 435 (1976) (customer has no standing to object to bank disclosure of customer records), and its progeny, records in the possession of third parties do not receive Fourth Amendment protection. A governmental agent with a subpoena based upon mere relevance may compel a third party to produce records originating with or belonging to another person, without notice to the person to whom the records pertain. The record subject may never receive notice or any meaningful opportunity to challenge the production.

This lack of protection for records held by third parties presents new privacy problems in the information age. With the rise of network computing, electronic information that was previously held on a person's own computer is increasingly stored elsewhere, such as on a network server. In many cases the location of such information is not even known to the record's owner.

Furthermore, Web-based information services are attracting customers by offering free storage and services accessible from any computer. Companies like When.com, Briefcase.com, Yahoo and Netscape offer calendars, address books, ''to do'' lists, stock portfolios and storage space, while more targeted companies, like dietwatch.com let users keep track of their diets. Potential customers of such services should not be discouraged from subscribing due to the weaker privacy and confidentiality protections afforded their remotely stored records than if those records were stored on the customer's own laptop or PC.

Under current law, these services are covered by the remote computing service provision in 18 U.S.C. §2703(b), which authorizes a governmental entity to require disclosure of those communications without notice to the subscriber. A remote computing service provides storage or computer processing services to customers and is not authorized to access the contents of the electronic communications created by the customer.

The Act amends section 2703(b) to extend the same privacy protections to a person's records whether storage takes place on that person's personal computer in their possession or in networked electronic storage. The amendment to section 2703(b) would authorize a governmental entity to require disclosure of electronic communications or records stored by a remote computing service pursuant to (i) a state or federal warrant (based upon probable cause), with a copy to be served on the customer or record owner at the same time the warrant is served on the remote computing service holding the record; or (ii) a subpoena that must also be served on the customer or record owner with a meaningful opportunity to challenge the subpoena.

The penalties for violating this section would not change and do not currently carry criminal fines or any term of imprisonment. (See 18 U.S.C. §2701(c) (criminal offense provision does not apply to ''conduct authorized . . . in section 2703''). Instead, under 18 U.S.C. §2707, a government agent that violates this section is subject to disciplinary action, and a service provider that violates this section is subject to civil action for appropriate relief.

SEC. 102. GOVERNMENT ACCESS TO LOCATION INFORMATION.—The Act adds a new subsection (g) to section 2703 of title 18, United States Code, to extend privacy protections for physical location information generated on a real time basis by mobile electronic communications services, such as cellular telephones. This section requires that physical location information generated by a wireless service provider may only be released to a governmental entity pursuant to a court order based upon probable cause.

Location information on wireless telephones is fundamentally different from the type of location information that can be associated with a wireline telephone. Wireless telephones are normally directly associated with the physical presence of the individual user, and are carried by those users into places where there is a reasonable expectation of privacy. Tracking of cellular telephones, even more-so than automobiles, implicates the movements of a person going about his or her business and personal life.

Should the government seek to track a person by surreptitiously placing a mobile tracking device on that person's automobile, a court order would be required based upon a finding of probable cause. (See 18 U.S.C. §3117; Fed. R. Cr. P. 41; *U.S.* v. *In re Application*, 155 F.R.D. 401, 402 (D. MA 1994)). No less should be required for use by the government of a wireless telephone as a tracking device.

Civil liberties experts have noted that cellular telephone technology ''is proceeding in the direction of providing more precise location information, a trend that has been boosted by the rulings of the Federal Communications Commission (FCC) in its ''E911'' (Enhanced 911) proceeding, which requires service providers to develop a locator capability for medical emergency and rescue purposes.'' (Testimony of Deirdre Mulligan, Center for Democracy and Technology, before the House Committee on the Judiciary, Subcommittee on Courts and Intellectual Property, March 26, 1998). Specifically, the FCC is requiring wireless service providers to modify their systems to enable them to relay to public safety authorities the cell site location of 911 callers. Carriers must also take steps to deploy the capability to provide latitude and longitude information of wireless telephone callers within 125 meters and, ultimately, to locate a caller within a 40-foot radius for longitude, latitude and altitude, to enable locating a caller within a tall building. (See In re Revision of the Commission's Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Sys., CC Docket No. 94–102, Report and Order and Further Notice of Proposed Rulemaking (last modified Jan. 2, 1997)).

In a separate proceeding, the FCC in October 1998 proposed ruling that a location tracking capability for wireless telephones was required under the Communications Assistance for Law Enforcement Act (CALEA). The FCC has tentatively concluded that carriers must have the capability of providing to law enforcement a caller's cell site location at the beginning and termination of a call. (See In re CALEA, CC Docket No. 97–213, Further Notice of Proposed Rulemaking (adopted October 22, 1998), 63 Fed. Reg. 63639, November 16, 1998). Whether this capability is ultimately required by the FCC as part of CALEA, there is no doubt that real-time location information will be increasingly available to law enforcement agencies. Accordingly, the appropriate standard for law enforcement access to such location information should be clarified.

SEC. 103. ENHANCED PRIVACY PROTECTION FOR TRANSACTIONAL INFORMATION OBTAINED FROM PEN REGISTERS OR TRAP AND TRACE DEVICES.—The Act enhances privacy protections for information obtained from pen register and trap and trace devices by amending section 3123(a) of title 18, United States Code. Under current law, the court is relegated to a mere ministerial function and must issue a pen register or trap and trace order whenever presented with a signed certification of a prosecutor.

This amendment authorize the court to review the information presented in the certification to determine whether the information likely to be obtained is relevant to an ongoing criminal investigation. The amendment would not change the standard for issuance of an ex parte order authorizing use of a pen register or trap and trace device.

In addition, the amendment would require law enforcement to minimize the information obtained from the pen register or trap and trace device that is not related to the dialing and signaling information utilized in call processing.

Currently, pen registers capture not just such dialing information but also any other dialed digits after a call has been connected. The Department of Justice has taken the position in connection with legislation pending in the 105th Congress regarding law enforcement access to clone numeric pagers that digits dialed and transmitted after a call has been placed may consist of electronic impulses but ''are the 'contents' of the call,'' subject to more stringent privacy protections under the Fourth Amendment. This provision would provide protection for those ''contents.''

SEC. 104. PRIVACY PROTECTION FOR CONFERENCE CALLS.—This section clarifies the circumstances under which the government may continue monitoring a three-way call or conference call after a facility specified in the wiretap order is no longer connected to the call. The Fourth Amendment requires the government when conducting a search and seizure to have a warrant ''particularly describing the place to be searched, and the person or things to be seized.'' Under the terminology of the wiretap laws, the place to be searched is called a ''facility,'' which has generally been interpreted to mean a subscriber telephone line.

Modern three-way and conference calling technology allows an individual to initiate a three-way or conference call with two or more other parties and then to ''drop off'' the call while the other parties continue communicating. At that point, the telephone line specified in the order is no longer connected to the call. This section makes it clear that the government may continue monitoring the communications of parties remaining on a conference call when the facility identified in the wiretap order is no longer participating only if the government has shown and the authorizing judge has found that an individual who remains a party to the communication is committing, has committed or is about to commit a particular offense enumerated in the wiretap order and that communications concerning that offense will be obtained through the

continuing interception. Since these are the basic standards of the wiretap law, which the government must satisfy for any interception, the effect of the change is to make it clear that the interception of the remaining parties to a three-way or conference call must satisfy the basic requirements of the wiretap law.

SEC. 105. ENHANCED PRIVACY PROTECTION FOR PACKET NETWORKS, INCLUDING THE INTERNET.—This section amends subsection 3121(c) of title 18 to require law enforcement agencies conducting pen register or trap and trace investigations on packet communications to use reasonably available technology to ensure that they do not intercept the content of communications without a Title III order. The electronic surveillance laws draw a distinction between the interception of content, which requires a court order based on the high probable cause standard, and the interception of call routing information, which is obtained under the lower pen register or trap and trace authority in sections 3121–3127. The Communications Assistance for Law Enforcement Act of 1994 requires carriers, to the extent reasonably achievable, to design their systems to ensure that law enforcement agencies conducting pen register and trap and trace investigations do not intercept the content of communications. Subsection 3121(c), originally added by CALEA, imposed a mirror obligation on law enforcement to use pen register or trap and trace equipment that does not record or decode content.

Sec. 105 amends 3121(c) to make it clear that obligation applies to packet switched communications, which are based on technology that breaks a digital message into many small packets, each consisting of addressing or routing information plus a segment of content. This change makes it clear that law enforcement agencies using pen registers or trap and trace devices in packet switched environments must, if the technology is reasonably available, record or decode only addressing information, not content.

SEC. 106. PRIVACY SAFEGUARDS FOR INFORMATION COLLECTED BY INTERNET REGISTRARS.—The Act would amend section 2703 of title 18, United States Code, to add a new subsection (g) protecting the privacy of records pertaining to persons who register for a second-level domain name, which serves as an Internet address. Just as consumers may, by obtaining an unlisted telephone number for privacy, safety or other reasons, keep confidential personally identifiable information associated with telephone numbers, such as name and address, Internet users should be able to get an ''unlisted'' Internet address. A domain name registration service provider that violates this section would be subject to civil action for appropriate relief, under 18 U.S.C. §2707.

Internet domain names are the unique identifiers or addresses that enables businesses, organizations, and individuals to communicate and conduct commerce on the Internet.

Until recently, pursuant to a cooperative agreement with the Department of Commerce, Network Solutions, Inc. (NSI), was the exclusive registrar assigning domain names ending in .com, .net, .org and .edu. As a registrar, NSI enters new domain names into the master directory or registry.

The U.S. government is in the process of privatizing the administration of the Internet domain name system (DNS) to increase competition in the registration of domain names. With the advent of competition in the DNS, NSI will continue to operate the .com, .net, .org registries, but other companies, including domain name registration resellers, country code registries, ISPs, and major telecommunications firms, may be able to offer competing registrar services or registry/registrar services using other top level domains.

Normally, in order to process a request for a domain name, registrars and registries must collect personal information for billing and other purposes. The information currently collected by NSI includes: name, organization, address, country, contacts for administrative, technical and billing matters, telephone and fax numbers, and e-mail address. This information, along with the date on which the name was registered and information on the computer network used by the registrant to connect to the Internet, is compiled in a registry and made publicly available on an Internet-accessible ''WHOIS'' database.

This database provides an efficient way of identifying and contacting persons operating Web sites for both legitimate or illegitimate purposes, such as online trademark and copyright infringement. The personally identifiable information placed on the WHOIS database has been misused for ''spamming'', or sending unsolicited and unwanted e-mail messages to the persons who are registered with domain names. In addition, this information has been used by ''cyber-squatters'' to appropriate domain names for resale to the rightful owners. Despite these misuses and abuses of the WHOIS database, this information is valuable to marketers, news organizations, governments, and intellectual property owners.

Personally identifiable information collected by domain name registrars has privacy implications. For example, when human rights organizations obtain a domain name to use the Internet for political activities, disclosure of the required mailing and contact information may be dangerous. The importance of anonymity is amply demonstrated by the recent example of people in Kosovo, who are using anonymous remail services to try to maintain confidential communications and avoid detection by Serbian forces. (See New York Times, at C4, April 19, 1998). As one civil liberties organization has said, ''Internet users should not have to sacrifice their privacy and personal safety to exercise their right to free speech and expression.''

The amendment seeks to balance these competing interests by setting procedures for access to personally identifiable information regarding domain name holders. The procedures allow continued public access to information identifying the service provider hosting the website of the subscriber or customer, and are consistent with procedures adopted by the Congress in the Digital Millennium Copyright Act (DMCA), P.L. 105–304, 112 STAT. 2883 (1998), which authorizes copyright owners to obtain information identifying the operators of Web sites or other Internet addresses engaged in possible copyright infringements through use of an expedited subpoena process. The DMCA provides that copyright owners ''may request a clerk of any U.S. district court to issue a subpoena to a service provider for identification of an alleged infringer.'' 17 U.S.C. § 512(h)(1).

SEC. 107. REPORTS CONCERNING GOVERNMENTAL ACCESS TO ELECTRONIC COMMUNICATIONS.—This section requires the Attorney General to provide to Congress annual reports on the number and nature of government interceptions of E-mail and other electronic communications. To provide the appropriate oversight, the Congress, other policy makers and the public need information about government practices under the law. While the wiretap provisions of Title III require detailed reports by the courts and prosecutors on the number of wiretap orders issued, there is no similar requirement for collecting and publishing information on the nature and extent of government access to E-mail and other electronic communications under section 2703. Section 107 corrects this deficiency by requiring the Attorney General to transmit to Congress on an annual basis a report on the warrants, court orders and subpoenas applied for and issued under section 2703.

SEC. 108. ROVING WIRETAPS.—This section amends subsection (11)(b) of section 2518 of title 18, United States Code, concerning the standard for issuance of a roving wiretap. This standard was modified without debate or hearing in the Intelligence Authorization Act for Fiscal Year 1999, P.L. 105–272, that passed in the final days of the 105th Congress, to address the concern of the Department of Justice that the prior standard for roving taps was too difficult to meet because it required the government to demonstrate that the subjective intent of the target was to avoid surveillance. However, the modification eliminated virtually any standard at all.

This section would amend the roving wiretap provision by preserving the central rationale for roving taps: that they are only appropriate where the subject is changing facilities in a way that thwarts interception. As amended by this section, (b)(i) does not require the government to prove intent; it only requires the government to show effect. Alternatively, under (b)(ii), the government can obtain a roving tap where it can show the intent of the target, e.g., where an associate of the target informs the government that the target intends to evade surveillance by changing facilities.

SEC. 109. AUTHORITY TO PROVIDE CUSTOMER LOCATION INFORMATION FOR EMERGENCY PURPOSES.—This section amends section 222 of the Communications Act of 1934 (47 U.S.C. 222) to authorize telecommunications carriers to: (1) provide call location information concerning the user of a commercial mobile service to providers of emergency services, to inform such user's legal guardian or family members of the user's location in an emergency situation involving the risk of death or serious bodily injury, or to providers of information services to assist in the delivery of emergency response services; and (2) transmit automatic crash notification system information as part of the operation of such a system. In addition, this amendment requires the express prior customer authorization of the use of either of the above information for other than the stated purposes.

Finally, the amendment requires a telecommunications carrier that provides telephone exchange service to provide subscriber list information (including information on unlisted subscribers) that is in its sole possession or control to providers of emergency services and emergency support services for use solely in delivering, or assisting in delivering, emergency services.

This provision was included by Representative Markey (D-MA) to the ''Wireless Communications and Public Safety Act of 1999,'' H.R. 438, which passed the House on February 23, 1999.

SEC. 110. CONFIDENTIALITY OF SUBSCRIBER INFORMATION.—This section amends section 2703(c) of title 18, United States Code, to protect the confidentiality of information provided to and collected by electronic communication and remote computing services about their subscribers. Under current law, these service providers may disclose a record or other information pertaining to a subscriber or customer to any person other than a governmental entity.

By contrast, cable operators may not release to any person, including the government, ''personally identifiable information''

about a customer'' without the prior written or electronic consent of the subscriber concerned and shall take such actions as are necessary to prevent unauthorized access to such information by a person other than the subscriber or cable operator.'' 47 U.S.C. § 551(c)(1). Similarly, telecommunications carriers are generally barred from using, disclosing or permitting access to individually identifiable customer proprietary network information, such as the services used and billing information, except ''with the approval of the customer.'' 47 U.S.C. § 222(c)(1). Telecommunications carriers are now offering online and Internet access services. In addition, digital convergence is allowing cable operators to provide Internet services. These developments only highlight the disparities in the privacy regimes applicable to different providers.

This section would authorize providers of electronic communication and remote computing services to disclose records or information pertaining to their subscribers or customers only if such disclosure is: (1) necessary in connection with rendering services; (2) necessary to protect the rights or property of the provider; (3) required by law; (4) requested by the subscriber; or (5) if the provider has provided the subscriber with the opportunity in a clear and conspicuous manner, to prohibit such disclosure. In addition, providers of electronic communication and remote computing services are authorized to use aggregate subscriber information from which individual subscriber identities have been removed in any manner they wish.

TITLE II—PROMOTING THE USE OF ENCRYPTION

SEC. 201. FREEDOM TO USE ENCRYPTION.

(A) NO DOMESTIC ENCRYPTION CONTROLS.—The Act legislatively confirms current practice in the United States that any person in this country may lawfully use any encryption method, regardless of encryption algorithm, key length, existence of key recovery or other plaintext access capability, or implementation selected. Specifically, the Act states the freedom of any person in the U.S., as well as U.S. persons in a foreign country, to make, use, import, and distribute any encryption product without regard to its strength or the use of key recovery, subject to the other provisions of the Act.

(B) PROHIBITION ON GOVERNMENT-COMPELLED KEY ESCROW OR KEY RECOVERY ENCRYPTION.—The Act prohibits any federal or state agency from compelling the use of key recovery systems or other plaintext access systems. Agencies may not set standards, or condition approval or benefits, to compel use of these systems. U.S. agencies may not require persons to use particular key recovery products for interaction with the government. These prohibitions do not apply to systems for use solely for the internal operations and telecommunications systems of a U.S. or a State government agency.

(C) USE OF ENCRYPTION FOR AUTHENTICATION OR INTEGRITY PURPOSES.—The Act requires that the use of encryption products shall be voluntary and that no federal or state agency may link the use of encryption for authentication or identity (such as through certificate authority and digital signature systems) to the use of encryption for confidentiality purposes. For example, conditioning receipt of a digital certificate from a licensed certificate authority on the use of key recovery would be prohibited.

SEC. 202. PURCHASE AND USE OF ENCRYPTION PRODUCTS BY THE FEDERAL GOVERNMENT.—The Act authorizes agencies of the United States to purchase encryption products for internal governmental operations and telecommunications systems. To ensure that secure electronic access to the Government is available to persons outside of and not operating under contract with Federal agencies, the Act requires that any key recovery features in encryption products used by the Government interoperate with commercial encryption products.

SEC. 203. LAW ENFORCEMENT DECRYPTION ASSISTANCE.—The Act adds a new chapter 124 to Title 18, Part I, governing the procedures for governmental access, including by foreign governments, to decryption assistance from third parties.

(a) IN GENERAL.—New chapter 124 has four sections. This chapter applies to wire or electronic communications and communications in electronic storage, as defined in 18 U.S.C. § 2510, and to stored electronic data. It proscribes procedures for law enforcement to obtain assistance in decrypting encrypted electronic mail messages, encrypted telephone conversations, encrypted facsimile transmissions, encrypted computer transmissions and encrypted file transfers over the Internet that are lawfully intercepted pursuant to a wiretap order, under 18 U.S.C. § 2518, or obtained pursuant to lawful process, under 18 U.S.C. § 2703, and encrypted information stored on computers that are seized pursuant to a search warrant or other lawful process.

§ 2801. Definitions. Generally, the terms used in the new chapter have the same meanings as in the federal wiretap statute, 18 U.S.C. § 2510. Definitions are provided for ''decryption assistance'', ''decryption key'', ''encrypt; encryption'', ''foreign government'' and ''official request''.

§ 2802. Access to decryption assistance for communications. In the United States today, decryption keys and other decryption assistance held by third parties constitute third party records and may be disclosed to a governmental entity with a subpoena or an administrative request, and without any notice to the owner of the encrypted data. Such a low standard of access creates new problems in the information age because encryption users rely heavily on the integrity of keys to protect personal information or sensitive trade secrets, even when those keys are placed in the hands of trusted agents for recovery purposes.

Under new section 2802, in criminal investigations a third party holding decryption keys or other decryption assistance for wire or electronic communications may be required to release such assistance pursuant to a court order, if the court issuing the order finds that such assistance is needed for the decryption of communications covered by the order. Specifically, such an order for decryption assistance may be issued upon a finding that the key or assistance is necessary to decrypt communications or stored data lawfully intercepted or seized. The standard for release of the key or provision of decryption assistance is tied directly to the problem at hand: the need to decrypt a message or information that the government is otherwise authorized to intercept or obtain.

This will ensure that third parties holding decryption keys or decryption information need respond to only one type of compulsory process—a court order. Moreover, this Act will set a single standard for law enforcement, removing any extra burden on law enforcement to demonstrate, for example, probable cause for two separate orders (i.e., for the encrypted communications or information and for decryption assistance) and possibly before two different judges (i.e., the judge issuing the order for the encrypted communications or information and the judge issuing the order to the third party able to provide decryption assistance).

The Act reinforces the principle of minimization. The decryption assistance provided is limited to the minimum necessary to access the particular communications or information specified by court order. Under some key recovery schemes, release of a key holder's private key—rather than an individual session key—might provide the ability to decrypt every communication or stored file ever encrypted by a particular key owner, or by every user in an entire corporation, or by every user who was ever a customer of the key holder. The Act protects against such over broad releases of keys by requiring the court issuing the order to find that the decryption assistance being sought is necessary. Private keys may only be released if no other form of decryption assistance is available.

Notice of the assistance given will be included as part of the inventory provided to subjects of the interception pursuant to current wiretap law standards.

For foreign intelligence investigations, new section 2802 allows FISA orders to direct third-party holders to release decryption assistance if the court finds the assistance is needed to decrypt covered communications. Minimization is also required, though no notice is provided to the target of the investigation.

Under new section 2802, decryption assistance is only required from third-parties (i.e., other than those whose communications are the subject of interception), thereby avoiding self-incrimination problems.

Finally, new section 2802 generally prohibits any person from providing decryption assistance for another person's communications to a governmental entity, except pursuant to the orders described.

§ 2803. Access to decryption assistance for stored electronic communications or records. New section 2803 governs access to decryption assistance for stored electronic communications and records.

As noted above, under current law third party decryption assistance may be disclosed to a governmental entity with a subpoena or even a mere request and without notice. This standard is particularly problematic for stored encrypted data, which may exist in insecure media but rely on encryption to maintain security; in such cases easy access to keys destroys the encryption security so heavily relied upon.

Under new section 2803, third parties holding decryption keys or other decryption assistance for stored electronic communications may only release such assistance to a governmental entity pursuant to (1) a state or federal warrant (based upon probable cause), with a copy to be served on the record owner at the same time the warrant is served on the record holder; (2) a subpoena that must also be served on the record owner with a meaningful opportunity to challenge the subpoena; or (3) the consent of the record owner. This standard closely mirrors the protection that would be afforded to encryption keys that are actually kept in the possession of those whose records were encrypted. In the specific case of decryption assistance for communications stored incident to transit (such as e-mail), notice may be delayed under the standards laid out for delayed notice under current law in section 2705(a)(2) of title 18, United States Code.

§ 2804. Foreign government access to decryption assistance. New section 2804 creates standards for the U.S. government to provide decryption assistance to foreign governments. No law enforcement officer would be permitted to release decryption keys to a foreign government, but only to provide

decryption assistance in the form of producing plaintext. No officer would be permitted to provide decryption assistance except upon an order requested by the Attorney General or designee. Such an order could require the production of decryption keys or assistance to the Attorney General only if the court finds that (1) the assistance is necessary to decrypt data the foreign government is authorized to intercept under foreign law; (2) the foreign country's laws provide ''adequate protection against arbitrary interference with respect to privacy rights''; and (3) the assistance is sought for a criminal investigation of conduct that would violate U.S. criminal law if committed in the United States.

TITLE III—PRIVACY PROTECTION FOR LIBRARY AND BOOKSTORE RECORDS.

SEC. 301. WRONGFUL DISCLOSURE OF LIBRARY AND BOOKSTORE RECORDS.—The Act amends section 2710 of title 18, United States Code, to extend the privacy protections currently in place for video rental and sale records to library and book sale records, whether the transactions take place on-line or in a physical store.

Section 2710(a) is amended with definitions for the following new terms: (1) ''book seller'' means any person engaged in the business of selling books, magazines or other printed material; (2) ''library'' means an institution which operates as a public, university, college, or school library; and (3) ''patron'' means a person who requests or receives services within, or books or other materials on loan from, a library.

Section 2710(b) is amended by applying the same privacy safeguards that apply to video tape rental and sale records to book sale records. As amended, a book seller who knowingly discloses personally identifiable information about a consumer of such seller is liable to an aggrieved person in a civil action. A book seller is authorized to disclose such information: (1) to the consumer; (2) with the informed, written consent of the consumer; (3) to a law enforcement agency pursuant to a warrant or a court order based upon probable cause to believe a person is engaging in criminal activity and the records sought are material to the investigation of such activity; (4) to any person, if the disclosure is limited to the names and addresses of consumers and these consumers have been given the opportunity to prohibit such disclosure, which does not identify the subject matter of the material purchased or rented by the consumers; (5) to any person, if the disclosure is incident to the ordinary course of business; or (6) pursuant to a court order in a civil proceeding upon a showing of compelling need and if the consumer is given reasonable notice and an opportunity to appear and contest the claim of the person seeking disclosure.

A new section 2710(c) is added to address privacy protections for library records. This new subsection provides that a library which knowingly discloses personally identifiable information about a patron is liable to the aggrieved person in a civil action. A library is authorized to disclose such information: (1) to the patron; (2) with the informed, written consent of the patron; (3) to a law enforcement agency pursuant to a warrant or court order based upon probable cause to believe a person is engaging in criminal activity and the records sought are material to the investigation of such activity; (4) to any person, if the disclosure is limited to the names and addresses of patrons and the patrons have been given the opportunity to prohibit such disclosure, which does not identify the subject matter of the library services used by the patrons; (5) to any person, if the disclosure is necessary for the retrieval of overdue materials or the recoupment of compensation for damaged or lost library materials; or (6) pursuant to a court order in a civil proceeding upon a showing of compelling need and if the patron is given reasonable notice and an opportunity to appear and contest the claim of the person seeking disclosure.

TITLE IV—PRIVACY PROTECTION FOR SATELLITE HOME VIEWERS

SEC. 401. PRIVACY PROTECTION FOR SUBSCRIBERS OF SATELLITE SERVICES FOR PRIVATE HOME VIEWING.—This section amends section 631 of the Communications Act of 1934 (codified at 47 U.S.C. § 551), to extend the privacy protections currently in place for subscribers of cable service to subscribers of satellite home viewing services or other services offered by cable or satellite carriers or distributors.

In the Cable Communications Policy Act of 1984 (''Cable Act''), Congress established a nationwide standard for the privacy protection of cable subscribers. (See H.R. Rep. No. 98–934, at 76, reprinted in 1984 U.S.C.C.A.N. 4655, 4713). Since the Cable Act was adopted, an entirely new form of access to television has emerged—home satellite viewing—which is especially popular in areas not served by cable. Yet there is no statutory privacy protection for information collected by home satellite viewing services about their customers or subscribers. This title fills this gap by amending the privacy provisions of the Cable Act to cover home satellite viewing.

The amendments do not change the rules governing access to cable subscriber information. Instead, they merely rewrite section 631 to add the words ''satellite home viewing service'' and ''satellite carrier or distributor'' where appropriate.

The amendment does not address another inconsistency in the law, which bears mentioning: should a cable company that provides Internet services to its customers be subject to the privacy safeguards in the Cable Act or in the Electronic Communications Privacy (ECPA), which normally applies to Internet service providers and contains obligations regarding the disclosure of personally identifiable information to both governmental and nongovernmental entities different from those in the Cable Act? At least one court has noted the ''statutory riddle raised by the entrance of cable operators into the Internet services market,'' but declined ''to resolve such ephemeral puzzles.'' In re Application of the United States,— F.Supp.2d—, 1999 WL 74192 (D.Mass. Feb. 9, 1999).

---

By Mr. LEAHY:

S. 855. A bill to clarify the applicable standards of professional conduct for attorneys for the Government, and other purposes; to the Committee on the Judiciary.

PROFESSIONAL STANDARDS FOR GOVERNMENT ATTORNEYS ACT OF 1999

Mr. LEAHY. Mr. President, I rise today to introduce legislation that would clarify the professional standards that apply to federal prosecutors and identify who has the authority to set those standards. These are two questions that have cried out for answers for years, and created enormous tension between the Justice Department and virtually everyone else.

The Citizen's Protection Act, which is also known as the ''McDade law,'' was passed last year to address these important questions. This new law was intended to make clear that a State — not the Attorney General— has the authority to make rules of conduct for attorneys practicing before courts of that State. Rather than resolve the long-standing tensions over this issue, the new law has only exacerbated them. At a hearing before a Judiciary Subcommittee last month, a number of law enforcement officials lined up to criticize the new law.

The Justice Department aggressively but unsuccessfully opposed passage of the McDade law last year in favor of continued reliance on controversial Justice Department regulations issued in 1994—regulations which allow contacts with represented persons and parties in certain circumstances, even if such contacts are at odds with state or local ethics rules.

Independent Counsel. The debate over the professional standards that apply to federal prosecutors comes at a time of heightened public concern over the high-profile investigations and prosecutions conducted by independent counsels. Special prosecutors Kenneth Starr and Donald Smaltz are the ''poster boys'' for unaccountable federal prosecutors. They even have their own Web sites to promote their work. By law, these special prosecutors are subject to the ethical guidelines and policies of the Department of Justice, and all of them claim to have conducted their investigations and prosecutions in conformity with Departmental policies. Yet, in practice, even the Department has conceded in its March 1999 responses to my written questions in connection with a July 1998 oversight hearing that ''in general, the Department avoids commenting in any way on how an independent counsel conducts his or her investigation.''

I am not alone in my concerns about the tactics of these special prosecutors and, specifically, requiring a mother to testify about her daughter's intimate relationships, requiring a bookstore to disclose all the books a person may have purchased, and breaching the longstanding understanding of the relationship of trust between the Secret Service and those it protects. I was appalled to hear a federal prosecutor excuse a flimsy prosecution by announcing after the defendant's acquittal that just getting the indictment was a great deterrent. Trophy watches and television talk show puffery should not be the trappings of prosecutors.

One of the core complaints the Justice Department has against the McDade law is that federal prosecutors would be subject to restrictive State ethics rules regarding contacts with represented persons. Yet a letter to The Washington Post from the former Chairman of the ABA ethics committee pointed out:

''[Anti-contact rules are] designed to protect individuals like Monica Lewinsky, who have hired counsel and are entitled to have all contacts with law enforcement officials go through their counsel. As Ms. Lewinsky learned, dealing directly with law enforcement officials can be intimidating and scary, despite the fact that those inquisitors later claimed it was okay for her to leave at any time.''

The McDade Law. This is not to say that the McDade law is the answer. This new law is not a model of clarity. It subjects federal prosecutors to the ''State laws and rules'' governing attorneys where the prosecutor engages in his or her duties. A broad reading of this provision would seem to turn the Supremacy Clause on its head. Does the reference to ''State laws'' mean that federal prosecutors must comply with state laws requiring the consent of all parties before a conversation is recorded, or state laws restricting the use of wiretaps? Furthermore, by referencing only the rules of the state in which the prosecutor is practicing, does the new law remove the traditional authority of a licensing state to discipline a prosecutor in favor of the state in which the prosecutor is

practicing? The new law subjects federal prosecutors not only to the laws and rules of the state in which the attorney is practicing, but also to ''local Federal court rules.'' What is a federal prosecutor supposed to do if the state rules and local federal court rules conflict? Finally, the new law does not address the possibility of a uniform federal rule or set of rules governing attorney conduct in and before the federal courts. Would this oversight inadvertently interfere with the Supreme Court's existing authority to prescribe such rules under the Rules Enabling Act?

These are all significant questions and the lack of clear answers is a significant source of the concern expressed by law enforcement over implementation of the McDade law.

S.250. At least one bill, the ''Federal Prosecutor Ethics Act,'' S.250, has been introduced to repeal the McDade law. This bill is a ''cure'' that could produce a whole new set of problems.

First, this bill would grant the Attorney General broad authority to issue regulations that would supersede any state ethics rules to the extent ''that [it] is inconsistent with Federal law or interferes with the effectuation of Federal law or policy, including the investigation of violations of federal law.'' I am skeptical about granting such broad rulemaking authority to the Attorney General for carte blanche self-regulation.

Moreover, any regulation the Attorney General may issue would generate substantial litigation over whether it is actually ''authorized''. For example, is a state rule requiring prosecutors to disclose exculpatory information to the grand jury ''inconsistent with'' federal law, which permits but does not require prosecutors to make such disclosures? More generally, must there be an actual conflict between the state rule and federal law or policy? Can the Attorney General create conflicts through declarations and clarifications of ''Federal policy''? Does a state rule ''interfere with'' the ''investigation of violations of Federal law'' merely by restricting what federal prosecutors may say or do, or is more required?

In addition to challenges concerning whether a Justice Department regulation was actually authorized, violations of the regulations would invite litigation over whether the remedy is dismissal of the indictment, exclusion of evidence or some other remedy.

Second, S.250 provides nine categories of ''prohibited conduct'' by Justice Department employees, violations of which may be punished by penalties established by the Attorney General. These prohibitions were initially proposed last year as a substitute for McDade's ten commandments, which were extremely problematic and, in the end, not enacted. With that fight already won, there is no useful purpose to be served by singling out a handful of ''prohibitions'' for special treatment, and it may create confusion. For example, one of the commandments prohibits Department of Justice employees from ''offer[ing] or provid[ing] sexual activities to any government witness or potential witness in exchange for or on account of his testimony.'' Does this mean that it is okay for government employees to provide sex for other reasons, say, in exchange for assistance on an investigation? Of course not, but that is the implication by including this unnecessary language.

Although the bill states that the nine ''commandments'' do not establish any substantive rights for defendants and may not be the basis for dismissing any charge or excluding evidence, they would invite defense referrals to the Department's Office of Professional Responsibility to punish discovery or other violations, no matter how minimal. In other words, these ''prohibitions'' and any regulations issued thereunder could provide a forum other than the court for a defendant to assert violations, particularly should defense arguments fail in court. This could be vexatious and harassing for federal prosecutors. The workload could also be overwhelming for OPR, since these sorts of issues arise in virtually every criminal case.

Two of the nine prohibitions are particularly problematic because they undermine the Tenth Circuit's recent en banc decision in United States v. Singleton that the federal bribery statute, 18 U.S.C § 201(c), does not apply to a federal prosecutor functioning within the official scope of his office. The court based its decision on the proposition that the word ''whoever'' in §201(c)—''Whoever . . . gives, offers, or promises anything of value to any person, for or because of [his] testimony'' shall be guilty of a crime—does not include the government. But the bill would expressly prohibit Department employees from altering evidence or attempting corruptly to influence a witness's testimony ''in violation of [18 U.S.C. §§ 1503 or 1512]''—the obstruction of justice and witness tampering statutes. These statutes use the same ''Whoever . . .'' formulation as §201(c). By providing that government attorneys are subject to §§ 1503 and 1512, the bill casts doubt on the Tenth Circuit's reasoning and may lead other courts to conclude that §201(c) does, indeed, apply to federal prosecutors, thereby reopening another can of worms.

Third, S.250 establishes a Commission composed of seven judges appointed by the Chief Justice to study whether there are specific federal prosecutorial duties that are ''incompatible'' with state ethics rules and to report back in one year. The new Commission's report is not due until nine months after the Attorney General is required to issue regulations. Thus, to the extent that the Commission is intended to legitimize the Attorney General's regulations exempting federal prosecutors from certain state ethics rules (by providing the record and basis for the exemption), its purpose is defeated by the timing of its report. In addition, the Commission's report must be submitted only to the Attorney General, who is under no obligation to adopt or even consider its recommendations in formulating her regulations.

For these reasons and others, S.250 is not the answer to resolving the disputes over who sets the professional standards for federal prosecutors and what those standards should be.

Professional Standards for Government Attorneys Act of 1999. The question of what professional standards govern federal prosecutors is only a small part of the broader question of what professional standards govern federal practitioners. The Justice Department has complained loudly about the difficulty in multi-district investigations of complying with the professional standards of more than one state. Yet, private practitioners must do so all the time. No area of local rulemaking has been more fragmented than the overlapping state, federal, and local court rules governing attorney conduct in federal courts.

The Judicial Conference of the United States has been studying this problem for some time. I sent a letter last month to the Chief Justice requesting information on when the Judicial Conference was likely to forward its final recommendations to Congress concerning rules governing attorney conduct in federal court. The Chief Justice responded:

The Judicial Conference Committee on Rules of Practice and Procedure has appointed an ad hoc subcommittee composed of two members each from the Advisory Committees on Appellate, Bankruptcy, Civil, Criminal, and Evidence Rules to make specific recommendations to their respective committees. The subcommittee meets on May 4, 1999, and will meet again later this summer in Washington, D.C. Consideration of any proposed amendments would proceed in accordance with the Rules Enabling Act rulemaking process. 28 U.S.C. §§ 2071–77. Under that process the subcommittee's recommendations are expected to be considered by the respective advisory rules committees at their fall 1999 meetings. The advisory committees' recommendations will in turn be acted on by the Committee on Rules of Practice and Procedure at its January 2000 meeting. If amendments to the Federal Rules of Practice and Procedure are approved, they would likely be published for public comment in August 2000.

Any ethics legislation dealing with the particular problem of federal prosecutors should be sensitive to the broader issues and not foreclose reasonable solutions to these issues on recommendation of the Judicial Conference.

Furthermore, while I respect this Attorney General and the government attorneys at the Department of Justice, I am not alone in my unease at granting the Department authority to regulate the conduct of federal prosecutors in any area the Attorney General may choose or whenever prosecutors confront federal court or State ethics rules with which they disagree.

Therefore, the bill I introduce today would make clear that, with respect to conduct in connection with any matter in or before a federal court or grand jury, attorneys employed by the federal Government are subject to the professional standards established by the rules and decisions of the relevant federal court. For other conduct, government attorneys are subject to the professional standards established by the States in which they are licensed to practice. Beyond this, and consistent with the Rules Enabling Act, this legislation would ask the Supreme Court to prescribe a uniform national rule for government attorneys relating to contacts with represented persons, taking into consideration the special needs and interests of the United States in investigating and prosecuting violations of Federal criminal and civil law.

How would this bill work in practice? It would, for the most part, simply codify existing practices and common-sense choice-of-law principles patterned on Rule 8.5(b) of the American Bar Association's (ABA) Model Rules of Professional Conduct. Consider as an example the three stages of a federal criminal prosecution. Under this legislation, a federal prosecutor who is handling an indicted case before a federal district court would be subject to the standards of attorney conduct established by the rules and decisions of that district court. A prosecutor who is conducting or preparing a federal grand jury presentation would be subject to the standards of the district court under whose authority the grand jury was impanelled. In other circumstances, where no court has clear supervisory authority over particular conduct, a prosecutor would be subject to the standards of the licensing State in which he or she principally practices.

Of course, every one of the 94 federal districts has its own local rules and its own body of judicial decisions interpreting those rules. Some districts have adopted their state's ethics standards; some have adopted

model standards developed by the ABA; some have taken other approaches. As I mentioned, the Judicial Conference has been studying this balkanization among federal court ethics standards, and it may soon recommend changes. Nothing in this bill would interfere with this process; rather, the bill simply makes clear that, in most circumstances, government attorneys are subject to local court rules and decisions, whatever they may be.

Nor would anything in this bill disturb the traditional authority of the state courts to discipline attorneys, including government attorneys, who are licensed to practice in their jurisdictions. The issue here is what standards apply, not who gets to enforce them.

The bill also makes clear that the Department of Justice does not have the authority it has long claimed to write its own ethics rules. This authority properly belongs with the federal courts, and that is where it would stay under this legislation. With one exception, where there is a demonstrated need for a uniform federal rule, the courts would retain their current authority to prescribe rules of professional conduct for the attorneys who practice before them.

It has become clear, in recent years, that effective federal law enforcement is impeded by the proliferation of local rules, and the resulting uncertainty, in the area of contacts with represented persons and parties. Rule 4.2 of the ABA's Model Rules and analogous rules adopted by state courts and bar associations place strict limits on when a lawyer may communicate with a person he knows to be represented by another lawyer. These ''no contact'' rules preserve fairness in the adversarial system and the integrity of the attorney-client relationship by protecting parties, potential parties and witnesses from lawyers who would exploit the disparity in legal skill between attorneys and lay people and damage the position of the represented person. Courts have given a wide variety of interpretations to these rules, however, creating uncertainty and confusion as to how they apply in criminal cases and to government attorneys. For example, courts have disagreed about whether these rules apply to federal prosecutor contacts with represented persons in non-custodial pre-indictment situations, in custodial pre-indictment situations, and in post-indictment situations involving the same or different matters underlying the charges.

We need to ensure that government attorneys can participate in traditionally accepted investigative techniques without undue fear of ethical sanctions arising from perceived violations of the ''no contact'' rule. Absent clear statutory authority to engage in communications with represented persons—when necessary and under limited circumstances carefully circumscribed by law—the government will be significantly hampered in its ability to detect and prosecute federal offenses.

The ''no contact'' rule has been a focus of controversy, study and debate for many years. Given the advanced stage of dialogue among the interested parties—the federal and state courts, the ABA, the Department of Justice, and others—I am confident that a satisfactory uniform federal rule governing contacts with represented persons by government attorneys can be developed, through the Rules Enabling Act, within the time frame established by this bill. Until then, government attorneys would be well advised to seek court approval before engaging in contacts with represented persons, at least in jurisdictions where the relevant standards are uncertain.

The problems posed to federal law enforcement investigations and prosecutions by the McDade law may be real, but resolving those problems in a constructive and fair manner will require thoughtfulness on all sides.

I ask unanimous consent that my full statement, the bill, and the sectional summary of the bill be included in the RECORD.

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

S. 855

*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 ''Professional Standards for Government Attorneys Act of 1999''.

**SEC. 2. PROFESSIONAL STANDARDS FOR ATTORNEYS FOR THE GOVERNMENT.**

(a) IN GENERAL.—Section 530B of title 28, United States Code, is amended to read as follows:

**''§ 530B. Professional standards for attorneys for the Government**

''(a) DEFINITIONS.—In this section—

''(1) the term 'attorney for the Government' means any attorney described in section 77.2 of part 77 of title 28 of the Code of Federal Regulations (as in effect on the date of enactment of the Professional Standards for Government Attorneys Act of 1999) and includes any independent counsel, or employee of such a counsel, appointed under chapter 40;

''(2) the term 'court' means any Federal, State, or local court or other adjudicatory body, including an administrative board or tribunal; and

''(3) the term 'State' means a State of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United States.

''(b) CHOICE OF LAW.—Subject to any uniform national rule prescribed by the Supreme Court under chapter 131, the standards of professional conduct governing an attorney for the Government shall be—

''(1) with respect to conduct in connection with a proceeding in or before a court, the standards established by the rules and decisions of that court;

''(2) with respect to conduct in connection with a pending or contemplated grand jury proceeding, the standards established by the rules and decisions of the court under whose authority the grand jury was impanelled;

''(3) with respect to all other conduct—

''(A) the standards established by the rules and decisions of the State in which the attorney is licensed to practice; or

''(B) if the attorney is licensed to practice in more than 1 State—

''(i) the standards established by the rules and decisions of the licensing State in which the attorney principally practices; or

''(ii) if the conduct has a predominant effect in another State in which the attorney is licensed to practice, the standards established by the rules and decisions of the licensing State so affected.

''(c) UNIFORM NATIONAL RULE.—(1) In order to encourage the Supreme Court to prescribe, under chapter 131, a uniform national rule governing attorneys for the Government with respect to communications with represented persons and parties, not later than 1 year after the date of enactment of the Professional Standards for Government Attorneys Act of 1999, the Judicial Conference of the United States shall submit to the Chief Justice of the United States a report, which shall include recommendations with respect to amending the Federal Rules of Civil and Criminal Procedure to provide for such a uniform national rule.

''(2) In developing the recommendations included in the report under paragraph (1), the Judicial Conference of the United States shall take into consideration, as appropriate—

''(A) the needs and circumstances of multiforum and multijurisdictional litigation;

''(B) the special needs and interests of the United States in investigating and prosecuting violations of Federal criminal and civil law; and

''(C) practices that are approved under Federal statutory or case law or that are otherwise consistent with traditional Federal law enforcement techniques.

''(d) RULE OF CONSTRUCTION.—Nothing in this section may be construed to abridge, enlarge, or modify the power of the Supreme Court or of any court established by an Act of Congress, under chapter 131 or any other provision of law, to prescribe standards of professional conduct for attorneys practicing in and before the Federal courts, including attorneys for the Government.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The analysis for chapter 31 of title 28, United States Code, is amended, in the item relating to section 530B, by striking ''Ethical'' and inserting ''Professional''.

---

SUMMARY OF THE ''PROFESSIONAL STANDARDS FOR GOVERNMENT ATTORNEYS ACT OF 1999''

The Professional Standards for Federal Professional Ethics Act of 1999 would clarify the professional standards that apply to Government attorneys and identify who has the authority to set those standards. Consistent with the Rules Enabling Act, this legislation would further ask the Supreme Court to prescribe a uniform national rule for Government attorneys in an area that has created enormous tension between the Justice Department and virtually everyone else—contacts with represented persons and parties.

More specifically, this bill would substitute for the ''McDade law''—enacted at the end of the last Congress as part of the omnibus appropriations bill—a new 28 U.S.C. §530B governing professional standards for Government attorneys. The new section 530B consists of four subsections:

Subsection (a) defines the term ''attorney for the Government'' in the same manner as it is defined in the McDade law, by reference to existing Federal regulations. It also provides simple definitions for the terms ''court'' and ''State''.

Subsection (b) establishes a clear choice-of-law rule for Government attorneys with respect to standards of professional conduct. Modeled on Rule 8.5(b) of the ABA Model Rules of Professional Conduct, this subsection simply codifies existing practice: for conduct in connection with any matter in or before a court or grand jury, Government attorneys are subject to the professional standards established by the rules and decisions of the relevant court; for all other conduct, Government attorneys are subject to the professional standards established by rules and decisions of the States in which they are licensed to practice.

Because this subsection addresses what standards apply, not who gets to enforce them, nothing in this subsection would disturb the traditional authority of the State courts to discipline attorneys, including Government attorneys, who are licensed to practice in their jurisdictions.

Subsection (c) directs the Judicial Conference of the United States to submit to the Supreme Court a proposed uniform national rule governing the conduct of Government attorneys with respect to communications with represented persons and parties. The Judicial Conference is directed to take various law enforcement concerns into consideration when crafting a proposed rule, and to complete its work within one year.

Subsection (d) provides that nothing in the bill would interfere with the Federal courts' existing authority, under the Rules Enabling Act or any other provision of law, to prescribe standards of attorney conduct for Federal practitioners.

---

By Mr. JEFFORDS (for himself, Mr. WARNER, and Mrs. HUTCHISON):

S. 856. A bill to provide greater options for District of Columbia students in higher education; to the Committee on Governmental Affairs.

EXPANDED OPTIONS IN HIGHER EDUCATION FOR DISTRICT OF COLUMBIA STUDENTS ACT OF 1999

• Mr. JEFFORDS. Mr. President, I am introducing today—along with Senators HUTCHISON and WARNER—the ''Expanded Options in Higher Education for District of Columbia Students Act of 1999.'' The purpose of this measure is to provide citizens of the District with a greater range of options in pursuing postsecondary education by having the Federal government offer support that, in other areas of the country, is provided by State governments.

Our legislation takes a three-pronged approach toward meeting this objective:

First, it offers a broader array of choices available to students who wish to attend public institutions of higher education by picking up the difference in cost between in-state and out-of-state tuition for DC residents who attend public postsecondary institutions in Maryland and Virginia.

Second, it provides additional support to the one public postsecondary education institution in the District, the University of the District of Columbia (UDC), by authorizing funds for the strengthening activities outlined in Part B of Title III of the Higher Education Act.

Third, it offers support to those students choosing to attend private institutions in the District and neighboring counties by providing grants of up to $2,000 to help defray tuition costs.

With respect to public postsecondary education, students exploring their options find they have a more limited set of choices than any other group of students in the country. A student in any of the 50 states who wishes to attend a public institution of higher education has a number of institutions among which to choose. That student can base his or her decision on considerations such as the size of the institution and the strengths of the various programs it offers. A student in the District of Columbia finds that only one public institution is available.

As a practical matter, the District cannot expand its boundaries, nor can it establish a system of public higher education that can offer the diversity of offerings available in the various states. Every State provides support for higher education from which their residents benefit through lower in-state tuition, while out-of-state residents pay a premium to attend. I believe it is appropriate for the Federal government to assume the role of the State, effectively pushing the boundaries to a point where District students are placed on an equal footing in terms of the public education choices available to them.

The legislation also makes additional support available to the District's public institution, UDC. Although UDC is a Historically Black College and University (HBCU), it has been precluded from obtaining the support made available to other HBCUs under Part B of Title III of the Higher Education Act. Part B funds are designed to enable institutions to strengthen their programs through activities such as acquisition of laboratory equipment, renovation and construction of instructional facilities, faculty exchanges, academic instruction, purchase of educational materials, tutoring, counseling, and student activities. The funds made available to UDC under my legislation are to be used for activities authorized under Part B.

Finally, the legislation recognizes that many District residents choose to attend one of the many private postsecondary institutions in the DC area. Many of these institutions have made extraordinary efforts to enable District residents to succeed in their pursuit of advanced education. A number of states have developed programs, such as the Virginia Tuition Assistance Grant (TAG), to assist students at private institutions in defraying costs. The program authorized in this bill is modeled after these initiatives.

An investment in education is one of the most important investments we as a society and we as individuals can make. There are boundless opportunities in the DC area for individuals with education and training beyond high school. DC residents should not be left behind in obtaining the capacity to take advantage of these opportunities.

There is a need at every level of the education system to improve the opportunities available to District students. Throughout my career in Congress, I have made support for education one of my top priorities, and I have regarded the education of DC students as being an important component of my efforts.

The legislation we are introducing today complements not only those programs such as ''Everybody Wins!'' and the Potomac Regional Education Partnership (PREP) with which I have been directly involved, but also the many other initiatives undertaken by individuals and institutions who work tirelessly to nurture the potential of the children of our Nation's capital. Members of the business community have recently launched a program known as the D.C. College Access Program (DC-CAP) which will offer both financial support for students pursuing postsecondary education and assistance to high school students to assure they are prepared to tackle the challenges of higher learning.

I am encouraged by the positive response which I have received in discussing this concept and which has greeted similar legislation put forward by Representative TOM DAVIS. I look forward to working with all my colleagues in advancing this proposal.

Mr. President, I ask that a summary of my legislation appear in the RECORD.

The material follows:

EXPANDED OPTIONS IN HIGHER EDUCATION FOR DISTRICT OF COLUMBIA STUDENTS ACT OF 1999—SUMMARY OF PROVISIONS

PUBLIC INSTITUTION TUITION PROVISIONS

The Secretary of Education is authorized to make payments to public institutions of higher education located in Maryland and Virginia to cover the difference between in-state and out-of-state tuition charged to residents of the District of Columbia attending those institutions. The legislation does not alter in any way the admissions policies or standards of those institutions.

Students eligible to participate in the program include DC residents who begin postsecondary study within 3 years of high school graduation (excluding periods of service in the military, Peace Corps, or national service programs) and who are pursuing a recognized educational credential on at lease a half-time basis.

Individuals who have already obtained an undergraduate baccalaureate degree or whose family income exceeds the level at which eligibility for the Hope Scholarship tax credit is set are not eligible to participate.

The program will be administered by the Secretary of Education, in consultation with the Mayor of the District of Columbia. The Secretary is authorized to delegate the administration of the program to another public or private entity if he determines it would be more efficient to do so. The Secretary will report annually to Congress regarding the operation of the program.

Funding of $20 million in fiscal year 2000 and ''such sums as may be necessary'' for each of the 5 succeeding fiscal years are authorized for the program.

UNIVERSITY OF THE DISTRICT OF COLUMBIA

Funding of $20 million in fiscal year 2000 and ''such sums as may be necessary'' for each of the 5 succeeding fiscal years authorized to enable UDC to carry out activities authorized under Part B of Title III of the Higher Education Act.

PRIVATE INSTITUTION PROVISIONS

The Secretary of Education is authorized to make awards of up to $2,000 per academic year on behalf of students to help defray tuition costs for attendance at private postsecondary education institutions.

The student eligibility requirements are identical to those provided for the public institution tuition program.

Private postsecondary education institutions which are eligible to participate in the program include non-profit institutions of higher education and degree-granting proprietary institutions which are located in the District of Columbia or in neighboring counties.

The program will be administered by the Secretary of Education, in consultation with the Mayor of the District of Columbia. The Secretary is authorized to delegate the administration of the program to another public or private entity if he determines it would be more efficient to do so.

Funding of $10 million in fiscal year 2000 and ''such sums as may be necessary'' for each of the 5 succeeding fiscal years are authorized for the program.•

• Mr. WARNER. Mr. President, I am pleased to join as an original cosponsor

of this important legislation offered by Senator JAMES JEFFORDS, Chairman of the Senate Committee on Health, Education, Labor and Pensions. Through this proposal, we seek to significantly expand post-secondary educational opportunities for high school graduates residing in the District of Columbia through the provision of financial aid to compensate for non-resident tuition rates at colleges and universities in Maryland and the Commonwealth of Virginia.

This legislation is comparable in many ways to the highly innovative bill put forth in the House of Representatives by Congressman TOM DAVIS of the 11th Congressional District of Virginia. Mr. DAVIS' bill, H.R. 974, is different in scope, with national rather than regional college access, but our intent is the same. District of Columbia high school students need a broader horizon of more affordable public colleges and universities.

We would assist those students who have been admitted on the basis of their own academic achievement, and once admitted, as an example, to George Mason University or James Madison University, the U.S. Department of Education would make funding available so that the student's net cost would be the same as that of an in-state resident. I want to stress that these students would not receive preference in anyway in the admissions procedure.

I believe this is an exciting concept for the youth of the nation's capital, and one which has already been embraced by a number of important local community figures who wish to further strengthen the program with private donations.

Mr. DAVIS' legislation is on a fast track in the House Government Reform Committee, and I understand that our bill will be referred to the Senate Committee on Government Affairs. I look forward to working with our Senate Chairman FRED THOMPSON, our D.C. Subcommittee Chairman GEORGE VOINOVICH, as well as D.C. Appropriations Chairman KAY BAILEY HUTCHISON as we work our way through the legislative process.

I believe if we can all keep our focus on the common goal of improving college access for D.C. students, our local youth will turn up winners. I commend Senator JEFFORDS and Congressman DAVIS for their leadership in this endeavor, and I look forward to a healthy and productive debate as we hammer out the final form of the legislation.●

---

By Ms. SNOWE (for herself, Mr. SARBANES, Mr. CONRAD, Mr. ASHCROFT, Mr. HUTCHINSON, Mr. GREGG, Mr. WELLSTONE, Mr. SCHUMER, Mr. WARNER, Mr. LUGAR, Mr. HAGEL, Mr. CRAPO, Mrs. MURRAY, Mr. BIDEN, Mr. FEINGOLD, Ms. COLLINS, Mr. DEWINE, and Mr. MCCAIN):

S.J. Res. 21. A joint resolution to designate September 29, 1999, as ''Veterans of Foreign Wars of the United States Day''; to the Committee on the Judiciary.

VETERANS OF FOREIGN WARS OF THE UNITED STATES DAY

Ms. SNOWE. Mr. President, I rise today to introduce a joint resolution honoring the Veterans of Foreign Wars (VFW) of the United States.

This resolution designates September 29, 1999, as Veterans of Foreign Wars of the United States Day, and urges the President to issue a proclamation in observance of this important day. September 29, 1999 marks the centennial of the VFW. As veterans of the Spanish American War and the Philippine Insurrection of 1899 and the China Relief Expedition of 1900 returned home, they drew together in order to preserve the ties of comradeship forged in service to their country, forming what we know today as the VFW.

Mr. President, when many of us think about war veterans, we think about the tremendous sacrifices these defenders of freedom made to safeguard the democracy we cherish, especially those who made the ultimate sacrifice. My resolution recognizes those contributions and sacrifices. It also recognizes the contributions that VFW members continue to make day-in and day-out in our communities—the youth activities and scholarships programs, the Special Olympics, homeless assistance initiatives, efforts to reach out to fellow veterans in need, national leadership on issues of importance to veterans and all Americans, and others too numerous to mention. Over the last 100 years, members of the VFW have contributed greatly to our nation both in and out of uniform in many ways.

I have nothing but the utmost respect for those who have served their country. This is an opportunity to honor the men and women and their families who have served this country with courage, honor and distinction. They answered the call to duty when their country needed them, and this is a small token of our appreciation.

The centennial of the founding of the VFW presents all Americans with an opportunity to honor and pay tribute to the more than two million active members of the VFW and to all veterans, as well as to the ideals for which many made the ultimate sacrifice. I urge my colleagues to join me in a strong show of support and an expression of appreciation for the VFW and all veterans.

Mr. President, I yield the floor.

Mr. BIDEN. Mr. President, I am proud to join today with my colleague, the Senator from Maine, Mrs. SNOWE, in introducing a resolution honoring the Veterans of Foreign Wars (VFW) of the United States and commemorating the 100th Anniversary of the founding of the VFW, by declaring September 29, 1999 as Veterans of Foreign Wars of the United States Day.

Since its inception after the Spanish-American War in 1899, the VFW has dedicated itself and its members to improving twentieth century America. The value of the contributions that members of the VFW and its Ladies Auxiliary have made to their communities and to this nation cannot be overstated. After returning home from foreign service during times of war and armed conflict, these men and women have continued to give of themselves to ensure that this nation protects and maintains the democratic ideals upon which it was founded, and that the veterans and their dependents are cared for. From providing services for veterans and their families, to sponsoring community action and charity projects, the VFW strengthens not only its members, but each and every American as well.

On a personal note, I have had the unique pleasure of sharing the floor of the United States Senate with several decorated veterans, as well as enjoying the privilege of having several veterans of American conflicts on my own staff. I've also enjoyed the ongoing opportunity of meeting and working with the very patriotic citizens of Delaware whom this resolution honors. Throughout my entire tenure in the United States Senate, the members of Delaware's VFW have been, for me, a continued source of knowledge, insight, and inspiration.

Particularly with the members of our armed forces currently serving in the Balkans in mind, whom I just visited, I offer my humble recognition to all of those who have so bravely and selflessly served America in the past. I sincerely trust that my colleagues will join me in acknowledging the courage, the sacrifice, and, frequently, the sheer bravery of our members of the Veterans of Foreign Wars, whose contributions to this country will be reaped for generations to come. I want to both demonstrate and convey to them my profound gratitude.

---

## ADDITIONAL COSPONSORS

S. 13

At the request of Mr. SESSIONS, the name of the Senator from Washington (Mr. GORTON) was added as a cosponsor of S. 13, a bill to amend the Internal Revenue Code of 1986 to provide additional tax incentives for education.

S. 14

At the request of Mr. GRAMM, his name was added as a cosponsor of S. 14, a bill to amend the Internal Revenue Code of 1986 to expand the use of education individual retirement accounts, and for other purposes.

S. 39

At the request of Mr. STEVENS, the names of the Senator from Georgia (Mr. COVERDELL), the Senator from Delaware (Mr. ROTH), and the Senator from New Mexico (Mr. BINGAMAN) were added as cosponsors of S. 39, a bill to provide a national medal for public safety officers who act with extraordinary valor above the call of duty, and for other purposes.

S. 59

At the request of Mr. BREAUX, the name of the Senator from Virginia (Mr. ROBB) was added as a cosponsor of S. 59, a bill to provide Government-wide accounting of regulatory costs and benefits, and for other purposes.

S. 171

At the request of Mr. MOYNIHAN, the name of the Senator from Rhode Island (Mr. CHAFEE) was added as a cosponsor of S. 171, a bill to amend the Clean Air Act to limit the concentration of sulfur in gasoline used in motor vehicles.

S. 218

At the request of Mr. MOYNIHAN, the name of the Senator from Oklahoma (Mr. NICKLES) was added as a cosponsor of S. 218, a bill to amend the Harmonized Tariff Schedule of the United States to provide for equitable duty treatment for certain wool used in making suits.

S. 322

At the request of Mr. DEWINE, his name was added as a cosponsor of S. 322, a bill to amend title 4, United States Code, to add the Martin Luther King Jr. holiday to the list of days on which the flag should especially be displayed.

S. 343

At the request of Mr. BOND, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 343, a bill to amend the Internal Revenue Code of 1986 to allow a deduction for 100 percent of the health insurance costs of self-employed individuals.

S. 401

At the request of Mr. CAMPBELL, the name of the Senator from Minnesota (Mr. WELLSTONE) was added as a cosponsor of S. 401, a bill to provide for business development and trade promotion for native Americans, and for other purposes.

S. 414

At the request of Mr. GRASSLEY, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 414, a bill to amend the Internal Revenue Code of 1986 to provide a 5-year extension of the credit for producing electricity from wind, and for other purposes.

S. 434

At the request of Mr. BREAUX, the name of the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor of S. 434, a bill to amend the Internal Revenue Code of 1986 to simplify the method of payment of taxes on distilled spirits.

S. 459

At the request of Mr. BREAUX, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 459, a bill to amend the Internal Revenue Code of 1986 to increase the State ceiling on private activity bonds.

S. 462

At the request of Mr. DEWINE, the names of the Senator from Arkansas (Mr. HUTCHINSON), the Senator from Kentucky (Mr. BUNNING), and the Senator from Alabama (Mr. SHELBY) were added as cosponsors of S. 462, a bill to amend the internal Revenue Code of 1986, the Social Security Act, the Wagner-Peyser Act, and the Federal-State Extended Unemployment Compensation Act of 1970 to improve the method by which Federal unemployment taxes are collected and to improve the method by which funds are provided from Federal unemployment tax revenue for employment security administration, and for other purposes.

S. 471

At the request of Mr. GRASSLEY, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 471, a bill to amend the Internal Revenue Code of 1986 to eliminate the 60-month limit on student loan interest deductions.

S. 484

At the request of Mr. CAMPBELL, the name of the Senator from Florida (Mr. MACK) was added as a cosponsor of S. 484, a bill to provide for the granting of refugee status in the United States to nationals of certain foreign countries in which American Vietnam War POW/MIAs or American Korean War POW/MIAs may be present, if those nationals assist in the return to the United States of those POW/MIAs alive.

S. 556

At the request of Mr. BAUCUS, the names of the Senator from Vermont (Mr. LEAHY) and the Senator from California (Mrs. BOXER) were added as cosponsors of S. 556, a bill to amend title 39, United States Code, to establish guidelines for the relocation, closing, consolidation, or construction of post offices, and for other purposes.

S. 569

At the request of Mr. GRASSLEY, the name of the Senator from Pennsylvania (Mr. SANTORUM) was added as a cosponsor of S. 569, a bill to amend the Internal Revenue Code of 1986 to exclude certain farm rental income from net earnings from self-employment if the taxpayer enters into a lease agreement relating to such income.

S. 579

At the request of Mr. BROWNBACK, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 579, a bill to amend the Foreign Assistance Act of 1961 to target assistance to support the economic and political independence of the countries of the South Caucasus and Central Asia.

S. 638

At the request of Mr. ROBB, his name was added as a cosponsor of S. 638, a bill to provide for the establishment of a School Security Technology Center and to authorize grants for local school security programs, and for other purposes.

S. 661

At the request of Mr. ABRAHAM, the names of the Senator from Colorado (Mr. ALLARD) and the Senator from Kentucky (Mr. MCCONNELL) were added as cosponsors of S. 661, a bill to amend title 18, United States Code, to prohibit taking minors across State lines in circumvention of laws requiring the involvement of parents in abortion decisions.

S. 665

At the request of Mr. COVERDELL, the name of the Senator from Minnesota (Mr. GRAMS) was added as a cosponsor of S. 665, a bill to amend the Congressional Budget and Impoundment Control Act of 1974 to prohibit the consideration of retroactive tax increases.

S. 680

At the request of Mr. HATCH, the names of the Senator from Nevada (Mr. REID) and the Senator from Nevada (Mr. BRYAN) were added as cosponsors of S. 680, a bill to amend the Internal Revenue Code of 1986 to permanently extend the research credit, and for other purposes.

S. 779

At the request of Mr. ABRAHAM, the names of the Senator from Pennsylvania (Mr. SANTORUM) and the Senator from Oregon (Mr. SMITH) were added as cosponsors of S. 779, a bill to provide that no Federal income tax shall be imposed on amounts received by Holocaust victims or their heirs.

S. 784

At the request of Mr. ROCKEFELLER, the name of the Senator from Pennsylvania (Mr. SANTORUM) was added as a cosponsor of S. 784, a bill to establish a demonstration project to study and provide coverage of routine patient care costs for medicare beneficiaries with cancer who are enrolled in an approved clinical trial program.

S. 789

At the request of Mr. MCCAIN, the name of the Senator from Florida (Mr. MACK) was added as a cosponsor of S. 789, a bill to amend title 10, United States Code, to authorize payment of special compensation to certain severely disabled uniformed services retirees.

S. 791

At the request of Mr. KERRY, the names of the Senator from Maine (Ms. SNOWE), the Senator from Texas (Mrs. HUTCHISON), and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S. 791, a bill to amend the Small Business Act with respect to the women's business center program.

S. 796

At the request of Mr. DOMENICI, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 796, a bill to provide for full parity with respect to health insurance coverage for certain severe biologically-based mental illnesses and to prohibit limits on the number of mental illness-related hospital days and outpatient visits that are covered for all mental illnesses.

S. 819

At the request of Mr. GRAHAM, the name of the Senator from Florida (Mr. MACK) was added as a cosponsor of S.

819, a bill to provide funding for the National Park System from Outer Continental Shelf revenues.

S. 820

At the request of Mr. CHAFEE, the name of the Senator from Alaska (Mr. MURKOWSKI) was added as a cosponsor of S. 820, a bill to amend the Internal Revenue Code of 1986 to repeal the 4.3-cent motor fuel excise taxes on railroads and inland waterway transportation which remain in the general fund of the Treasury.

SENATE RESOLUTION 22

At the request of Mr. CAMPBELL, the name of the Senator from Missouri (Mr. BOND) was added as a cosponsor of Senate Resolution 22, a resolution commemorating and acknowledging the dedication and sacrifice made by the men and women who have lost their lives serving as law enforcement officers.

SENATE RESOLUTION 29

At the request of Mr. ROBB, the names of the Senator from South Dakota (Mr. JOHNSON), the Senator from Nevada (Mr. BRYAN), the Senator from Louisiana (Ms. LANDRIEU), and the Senator from Wisconsin (Mr. KOHL) were added as cosponsors of Senate Resolution 29, a resolution to designate the week of May 2, 1999, as ''National Correctional Officers and Employees Week.''

SENATE RESOLUTION 33

At the request of Mr. MCCAIN, the name of the Senator from Tennessee (Mr. FRIST) was added as a cosponsor of Senate Resolution 33, a resolution designating May 1999 as ''National Military Appreciation Month.''

SENATE RESOLUTION 34

At the request of Mr. TORRICELLI, the names of the Senator from West Virginia (Mr. ROCKEFELLER) and the Senator from Illinois (Mr. FITZGERALD) were added as cosponsors of Senate Resolution 34, a resolution designating the week beginning April 30, 1999, as ''National Youth Fitness Week.''

## SENATE CONCURRENT RESOLUTION 28—URGING THE CONGRESS AND THE PRESIDENT TO INCREASE FUNDING FOR THE PELL GRANT PROGRAM AND EXISTING CAMPUS-BASED AID PROGRAMS

Mr. JEFFORDS (for himself, Ms. COLLINS, Mr. KENNEDY, Mr. DEWINE, Mr. DODD, Mr. HUTCHINSON, Mr. HARKIN, and Mr. REED) submitted the following concurrent resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. CON. RES. 28

Whereas the Basic Educational Opportunity Grant Program, now known as the Pell Grant Program in honor of Senator Claiborne Pell of Rhode Island, was first authorized in the 1972 amendments to the Higher Education Act of 1965;

Whereas the Pell Grant Program has become the largest need-based Federal higher education scholarship program and is considered the foundation for all Federal student aid;

Whereas the purpose of the program is to assist students from low income families who would not otherwise be financially able to attend a postsecondary institution by providing grants to students to be used to pay the costs of attending the postsecondary institution of their choice;

Whereas in the late 1970's, the Pell Grant covered seventy-five percent of the average cost of attending a public four-year college; by the late 1990's, it only covered thirty-six percent of the cost of attending a public four-year college;

Whereas families across the country are concerned about the rising cost of a college education, and for children from low income families, the cost of college continues to be an overwhelming factor in their decision to forego a college education;

Whereas children from high income families are almost twice as likely to enroll in college as children from low income families;

Whereas higher education promotes economic opportunity for individuals and economic competitiveness for our Nation;

Whereas the Pell Grant and Campus-Based Aid Programs target aid to low income students as effectively as any programs administered by the Federal government; and

Whereas student borrowing to finance a postsecondary education has increased to an average indebtedness of $9,700, and therefore increased grant aid is more important than ever: Now, therefore, be it

*Resolved by the Senate (the House of Representatives concurring),* That the Congress and the President, should, working within the constraints of the balanced budget agreement, make student scholarship aid the highest priority for higher education funding by increasing the maximum Pell Grant awarded to low income students by $400 and increasing other existing campus-based aid programs that serve low-income students.

Ms. JEFFORDS. Mr. President, ''Education is a social process . . . Education is growth . . . . Education is, not a preparation for life; education is life itself.''

John Dewey, a distinguished Vermonter, philosopher and educator wrote these words decades ago, yet they ring true today. Education provides us with opportunities to explore, to experience, to grow, and to improve. Education is a great equalizer—it affords these positive opportunities to anyone who is able and interested in pursuing knowledge. Yet often times, young people in our country are discouraged from engaging themselves in learning because of financial hardship.

It is with these thoughts in mind that I rise today to submit this Senate Concurrent Resolution—a resolution that calls on the Congress and the President to increase funding for the Pell grant program and for campus based student aid programs—programs that provide assistance to individuals with financial need to participate in higher education. I am pleased to be joined by Senators COLLINS, KENNEDY, DEWINE, DODD, HUTCHINSON, HARKIN and REED in this effort.

Last Congress we had a number of great successes in the area of education. Passage of the Higher Education Amendments of 1998 is high on that list of important education bills that the Congress authored. With bi-partisan backing and unanimous support, the Senate adopted the conference report to accompany the Higher Education bill. It is my belief that we achieved broad agreement on this bill because we all kept focused on the ultimate goal of crafting a bill that offered all our nation's students more opportunities to pursue post-secondary study.

And in fact, as a result of this legislation, the window of opportunity for students has been opened wider than ever before. The Higher Education Amendments of 1998 lowered the interest rate for new students to the lowest level they have been in 17 years. It strengthened and improved grant aid and campus based programs. It will improve the delivery of financial aid for all students through the newly created performance based organization housed in the Department of Education. It invests in programs like TRIO and GEAR UP so that many more of our nation's young people who aspire to getting a college education will be able to pursue their dream. Finally, the bill reaffirms and strengthens the federal government's small but important commitment to graduate studies and will provide important support for our nation's neediest graduate students.

In submitting this resolution today, we have taken another step forward in meeting the goals that we set out in the Higher Education Amendments of 1998. Our resolution follows the blueprint that was laid out during reauthorization. It follows up on the important work of Senator COLLINS who sponsored the Sense of the Senate amendment on Pell grants, campus based aid and TRIO that was included in the final budget resolution.

As some of my colleagues may recall, in February I called for a $400 increase in the maximum Pell grant. The importance of this program cannot be overstated—it is the cornerstone of our federal investment in need-based grant aid. It has helped millions of young people obtain a degree. The Pell grant has made a positive difference in the lives of individual students who received it and it had made a positive difference in the well being of our nation. Thanks to the Pell grant, more Americans have received a post secondary degree, the knowledge base of our nation has been expanded and the earnings base of our nation has increased.

Our resolution also calls on Congress and the President to boost funds for other programs that complement the Pell grant and provide needed supplementary aid to our nation's neediest students. The campus based programs are targeted to provide additional assistance to students who really need it the most. These funds often times make the difference for a student between making it through school or dropping out. Therefore, our efforts today in support of these programs are critical.

It is my hope that we will be able to work together, in a bi-partisan fashion,

as we did during consideration of the Higher Education Act and pass this resolution. It is my hope that in adopting this resolution, it will bring us one step closer to adopting higher levels of funding for these important programs. In funding these programs at a higher level we will be making the dream of college a reality for so many young people. We will be helping motivated and engaged young people to achieve to the full level of their potential.

I urge my colleagues to join us in sponsoring this resolution.

## SENATE RESOLUTION 81—DESIGNATING THE YEAR OF 1999 AS ''THE YEAR OF SAFE DRINKING WATER'' AND COMMEMORATING THE 25th ANNIVERSARY OF THE ENACTMENT OF THE SAFE DRINKING WATER ACT

Mr. CRAPO (for himself, Mr. CHAFEE, Mr. BAUCUS, and Mr. REID) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 81

Whereas clean and safe drinking water is essential to every American;

Whereas the health, comfort, and standard of living of all people in this Nation depends upon a sufficient supply of safe drinking water;

Whereas behind every drop of clean water are the combined efforts of thousands of water plant operators, engineers, scientists, public and environmental advocacy groups, legislators, and regulatory officials;

Whereas public health protection took an historic leap when society began treating water to remove disease-causing organisms;

Whereas over 180,000 individual water systems in the United States serve over 250,000,000 Americans;

Whereas the Safe Drinking Water Act is one of the most significant legislative landmarks in 20th century public health protection;

Whereas the enactment of the Safe Drinking Water Act on December 16, 1974, enabled the United States to take great strides toward the protection of public health by treating and monitoring drinking water, protecting sources of drinking water, and providing consumers with more information regarding their drinking water;

Whereas Americans rightfully expect to drink the best water possible, and expect advances in the public health sciences, water treatment methods, and the identification of potential contaminants; and

Whereas the continued high quality of drinking water in this country depends upon advancing drinking water research, vigilantly monitoring current operations, increasing citizen understanding, investing in infrastructure, and protecting sources of drinking water: Now, therefore, be it

*Resolved,* That the Senate—

(1) designates the year of 1999 as ''The Year of Safe Drinking Water'';

(2) commemorates the 25th anniversary of the enactment of the Safe Drinking Water Act; and

(3) requests that the President issue a proclamation calling upon the people of the United States to observe the year with appropriate programs that enhance public awareness of—

(A) drinking water issues;

(B) the advancements made by the United States in the quality of drinking water during the past 25 years; and

(C) the challenges that lie ahead in further protecting public health.

## AMENDMENTS SUBMITTED

## LEGISLATION TO PROVIDE GUIDANCE FOR THE DESIGNATION OF EMERGENCIES AS A PART OF THE BUDGET PROCESS

### LOTT AMENDMENTS NOS. 256–258

(Ordered to lie on the table.)

Mr. LOTT submitted three amendments intended to be proposed by him to the bill (S. 557) to provide guidance for the designation of emergencies as a part of the budget process; as follows:

AMENDMENT NO. 256

At the end of the instructions add the following:

with an amendment as follows:

At the end of the bill, add the following:

**TITLE II—SOCIAL SECURITY SURPLUS PRESERVATION AND DEBT REDUCTION ACT**

**SEC. 201. SHORT TITLE.**

This title may be cited as the ''Social Security Surplus Preservation and Debt Reduction Act''.

**SEC. 202. FINDINGS.**

Congress finds that—

(1) the $69,246,000,000 unified budget surplus achieved in fiscal year 1998 was entirely due to surpluses generated by the social security trust funds and the cumulative unified budget surpluses projected for subsequent fiscal years are primarily due to surpluses generated by the social security trust funds;

(2) Congress and the President should balance the budget excluding the surpluses generated by the social security trust funds;

(3) according to the Congressional Budget Office, balancing the budget excluding the surpluses generated by the social security trust funds will reduce the debt held by the public by a total of $1,723,000,000,000 by the end of fiscal year 2009; and

(4) social security surpluses should be used for social security reform or to reduce the debt held by the public and should not be spent on other programs.

**SEC. 203. PROTECTION OF THE SOCIAL SECURITY TRUST FUNDS.**

(a) PROTECTION BY CONGRESS.—

(1) REAFFIRMATION OF SUPPORT.—Congress reaffirms its support for the provisions of section 13301 of the Budget Enforcement Act of 1990 that provides that the receipts and disbursements of the social security trust funds shall not be counted for the purposes of the budget submitted by the President, the congressional budget, or the Balanced Budget and Emergency Deficit Control Act of 1985.

(2) PROTECTION OF SOCIAL SECURITY BENEFITS.—If there are sufficient balances in the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund, the Secretary of Treasury shall give priority to the payment of social security benefits required to be paid by law.

(b) POINTS OF ORDER.—Section 301 of the Congressional Budget Act of 1974 is amended by adding at the end the following:

''(j) SOCIAL SECURITY POINT OF ORDER.—It shall not be in order in the Senate to consider a concurrent resolution on the budget, an amendment thereto, or a conference report thereon that violates section 13301 of the Budget Enforcement Act of 1990.

''(k) DEBT HELD BY THE PUBLIC POINT OF ORDER.—It shall not be in order in the Senate to consider any bill, joint resolution, amendment, motion, or conference report that would—

''(1) increase the limit on the debt held by the public in section 253A(a) of the Balanced Budget and Emergency Deficit Control Act of 1985; or

''(2) provide additional borrowing authority that would result in the limit on the debt held by the public in section 253A(a) of the Balanced Budget and Emergency Deficit Control Act of 1985 being exceeded.

''(l) SOCIAL SECURITY SURPLUS PROTECTION POINT OF ORDER.—

''(1) IN GENERAL.—It shall not be in order in the Senate to consider a concurrent resolution on the budget, an amendment thereto, or a conference report thereon that sets forth a deficit in any fiscal year.

''(2) EXCEPTION.—Paragraph (1) shall not apply if—

''(A) the limit on the debt held by the public in section 253A(a) of the Balanced Budget and Emergency Deficit Control Act of 1985 is suspended; or

''(B) the deficit for a fiscal year results solely from the enactment of—

''(i) social security reform legislation, as defined in section 253A(e)(2) of the Balanced Budget and Emergency Deficit Control Act of 1985; or

''(ii) provisions of legislation that are designated as an emergency requirement pursuant to section 251(b)(2)(A) or 252(e) of the Balanced Budget and Emergency Deficit Control Act of 1985.''.

(c) SUPERMAJORITY WAIVER AND APPEAL.—Subsections (c)(1) and (d)(2) of section 904 of the Congressional Budget Act of 1974 are amended by striking ''305(b)(2),'' and inserting ''301(k), 301(l), 305(b)(2), 318,''.

(d) CONFORMING AMENDMENT.—Section 318 of the Congressional Budget Act of 1974, as added by this Act, is amended by adding at the end the following:

''(c) EXCEPTION FOR DEFENSE SPENDING.—Subsection (b) shall not apply against an emergency designation for a provision making discretionary appropriations in the defense category.''.

**SEC. 204. DEDICATION OF SOCIAL SECURITY SURPLUSES TO REDUCTION IN THE DEBT HELD BY THE PUBLIC.**

(a) AMENDMENTS TO THE CONGRESSIONAL BUDGET ACT OF 1974.—The Congressional Budget Act of 1974 is amended—

(1) in section 3, by adding at the end the following:

''(11)(A) The term 'debt held by the public' means the outstanding face amount of all debt obligations issued by the United States Government that are held by outside investors, including individuals, corporations, State or local governments, foreign governments, and the Federal Reserve System.

''(B) For the purpose of this paragraph, the term 'face amount', for any month, of any debt obligation issued on a discount basis that is not redeemable before maturity at the option of the holder of the obligation is an amount equal to the sum of—

''(i) the original issue price of the obligation; plus

''(ii) the portion of the discount on the obligation attributable to periods before the beginning of such month.

''(12) The term 'social security surplus' means the amount for a fiscal year that receipts exceed outlays of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund.'';

(2) in section 301(a) by—

(A) redesignating paragraphs (6) and (7) as paragraphs (7) and (8), respectfully; and

(B) inserting after paragraph (5) the following:

''(6) the debt held by the public; and''; and

(3) in section 310(a) by—

(A) striking ''or'' at the end of paragraph (3);

(B) by redesignating paragraph (4) as paragraph (5); and

(C) inserting the following new paragraph;

''(4) specify the amounts by which the statutory limit on the debt held by the public is to be changed and direct the committee having jurisdiction to recommend such change; or''.

(b) AMENDMENTS TO THE BALANCED BUDGET AND EMERGENCY DEFICIT CONTROL ACT OF 1985.—The Balanced Budget and Emergency Deficit Control Act of 1985 is amended—

(1) in section 250, by striking subsection (b) and inserting the following:

''(b) GENERAL STATEMENT OF PURPOSE.—This part provides for the enforcement of—

''(1) a balanced budget excluding the receipts and disbursements of the social security trust funds; and

''(2) a limit on the debt held by the public to ensure that social security surpluses are used for social security reform or to reduce debt held by the public and are not spent on other programs.'';

(2) in section 250(c)(1), by inserting '' ' debt held by the public', 'social security surplus' '' after ''outlays', ''; and

(3) by inserting after section 253 the following:

**''SEC. 253A. DEBT HELD BY THE PUBLIC LIMIT.**

''(a) LIMIT.—The debt held by the public shall not exceed—

''(1) for the period beginning May 1, 2000 through April 30, 2001, $3,628,000,000,000;

''(2) for the period beginning May 1, 2001 through April 30, 2002, $3,512,000,000,000;

''(3) for the period beginning May 1, 2002 through April 30, 2004, $3,383,000,000,000;

''(4) for the period beginning May 1, 2004 through April 30, 2006, $3,100,000,000,000;

''(5) for the period beginning May 1, 2006 through April 30, 2008, $2,775,000,000,000; and,

''(6) for the period beginning May 1, 2008 through April 30, 2010, $2,404,000,000,000.

''(b) ADJUSTMENTS FOR ACTUAL SOCIAL SECURITY SURPLUS LEVELS.—

''(1) ESTIMATED LEVELS.—The estimated level of social security surpluses for the purposes of this section is—

''(A) for fiscal year 1999, $127,000,000,000;

''(B) for fiscal year 2000, $137,000,000,000;

''(C) for fiscal year 2001, $145,000,000,000;

''(D) for fiscal year 2002, $153,000,000,000;

''(E) for fiscal year 2003, $162,000,000,000;

''(F) for fiscal year 2004, $171,000,000,000;

''(G) for fiscal year 2005, $184,000,000,000;

''(H) for fiscal year 2006, $193,000,000,000;

''(I) for fiscal year 2007, $204,000,000,000;

''(J) for fiscal year 2008, $212,000,000,000; and

''(K) for fiscal year 2009, $218,000,000,000.

''(2) ADJUSTMENT TO THE LIMIT FOR ACTUAL SOCIAL SECURITY SURPLUSES.—After October 1 and no later than December 31 of each year, the Secretary shall make the following calculations and adjustments:

''(A) CALCULATION.—After the Secretary determines the actual level for the social security surplus for the current year, the Secretary shall take the estimated level of the social security surplus for that year specified in paragraph (1) and subtract that actual level.

''(B) ADJUSTMENT.—

''(i) 2000 THROUGH 2004.—With respect to the periods described in subsections (a)(1), (a)(2), and (a)(3), the Secretary shall add the amount calculated under subparagraph (A) to—

''(I) the limit set forth in subsection (a) for the period of years that begins on May 1st of the following calendar year; and

''(II) each subsequent limit.

''(ii) 2004 THROUGH 2010.—With respect to the periods described in subsections (a)(4), (a)(5), and (a)(6), the Secretary shall add the amount calculated under subparagraph (A) to—

''(I) the limit set forth in subsection (a) for the period of years that includes May 1st of the following calendar year; and

''(II) each subsequent limit.

''(c) ADJUSTMENT TO THE LIMIT FOR EMERGENCIES.—

''(1) ESTIMATE OF LEGISLATION.—

''(A) CALCULATION.—If legislation is enacted into law that contains a provision that is designated as an emergency requirement pursuant to section 251(b)(2)(A) or 252(e), OMB shall estimate the amount the debt held by the public will change as a result of the provision's effect on the level of total outlays and receipts excluding the impact on outlays and receipts of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund.

''(B) BASELINE LEVELS.—OMB shall calculate the changes in subparagraph (A) relative to baseline levels for each fiscal year through fiscal year 2010 using current estimates.

''(C) ESTIMATE.—OMB shall include the estimate required by this paragraph in the report required under section 251(a)(7) or section 252(d), as the case may be.

''(2) ADJUSTMENT.—After January 1 and no later than May 1 of each calendar year beginning with calendar year 2000—

''(A) with respect to the periods described in subsections (a)(1), (a)(2), and (a)(3), the Secretary shall add the amounts calculated under paragraph (1)(A) for the current year included in the report referenced in paragraph (1)(C) to—

''(i) the limit set forth in subsection (a) for the period of years that begins on May 1 of that calendar year; and

''(ii) each subsequent limit; and

''(B) with respect to the periods described in subsections (a)(4), (a)(5), and (a)(6), the Secretary shall add the amounts calculated under paragraph (1)(A) for the current year included in the report referenced in paragraph (1)(C) to—

''(i) the limit set forth in subsection (a) for the period of years that includes May 1 of that calendar year; and

''(ii) each subsequent limit.

''(3) EXCEPTION.—The Secretary shall not make the adjustments pursuant to this section if the adjustments for the current year are less than the on-budget surplus for the year before the current year.

''(d) ADJUSTMENT TO THE LIMIT FOR LOW ECONOMIC GROWTH AND WAR.—

''(1) SUSPENSION OF STATUTORY LIMIT ON DEBT HELD BY THE PUBLIC.—

''(A) LOW ECONOMIC GROWTH.—If the most recent of the Department of Commerce's advance, preliminary, or final reports of actual real economic growth indicate that the rate of real economic growth for each of the most recently reported quarter and the immediately preceding quarter is less than 1 percent, the limit on the debt held by the public established in this section is suspended.

''(B) WAR.—If a declaration of war is in effect, the limit on the debt held by the public established in this section is suspended.

''(2) RESTORATION OF STATUTORY LIMIT ON DEBT HELD BY THE PUBLIC.—

''(A) RESTORATION OF LIMIT.—The statutory limit on debt held by the public shall be restored on May 1 following the quarter in which the level of real Gross Domestic Product in the final report from the Department of Commerce is equal to or is higher than the level of real Gross Domestic Product in the quarter preceding the first two quarters that caused the suspension of the pursuant to paragraph (1).

''(B) ADJUSTMENT.—

''(i) CALCULATION.—The Secretary shall take level of the debt held by the public on October 1 of the year preceding the date referenced in subparagraph (A) and subtract the limit in subsection (a) for the period of years that includes the date referenced in subparagraph (A).

''(ii) ADJUSTMENT.—The Secretary shall add the amount calculated under clause (i) to—

''(I) the limit in subsection (a) for the period of fiscal years that includes the date referenced in subparagraph (A); and

''(II) each subsequent limit.

''(e) ADJUSTMENT TO THE LIMIT FOR SOCIAL SECURITY REFORM PROVISIONS THAT AFFECT ON-BUDGET LEVELS.—

''(1) ESTIMATE OF LEGISLATION.—

''(A) CALCULATION.—If social security reform legislation is enacted, OMB shall estimate the amount the debt held by the public will change as a result of the legislation's effect on the level of total outlays and receipts excluding the impact on outlays and receipts of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund.

''(B) BASELINE LEVELS.—OMB shall calculate the changes in subparagraph (A) relative to baseline levels for each fiscal year through fiscal year 2010 using current estimates.

''(C) ESTIMATE.—OMB shall include the estimate required by this paragraph in the report required under section 252(d) for social security reform legislation.

''(2) ADJUSTMENT TO LIMIT ON THE DEBT HELD BY THE PUBLIC.—If social security reform legislation is enacted, the Secretary shall adjust the limit on the debt held by the public for each period of fiscal years by the amounts determined under paragraph (1)(A) for the relevant fiscal years included in the report referenced in paragraph (1)(C).

''(e) DEFINITIONS.—In this section:

''(1) SECRETARY.—The term 'Secretary' means the Secretary of the Treasury.

''(2) SOCIAL SECURITY REFORM LEGISLATION.—The term 'social security reform legislation' means a bill or joint resolution that is enacted into law and includes a provision stating the following:

'' '( ) SOCIAL SECURITY REFORM LEGISLATION.—For the purposes of the Social Security Surplus Preservation and Debt Reduction Act, this Act constitutes social security reform legislation.'

This paragraph shall apply only to the first bill or joint resolution enacted into law as described in this paragraph.

''(3) SOCIAL SECURITY REFORM PROVISIONS.—The term 'social security reform provisions' means a provision or provisions identified in social security reform legislation stating the following:

'' '( ) SOCIAL SECURITY REFORM PROVISIONS.—For the purposes of the Social Security Surplus Preservation and Debt Reduction Act, _____ of this Act constitutes or constitute social security reform provisions.', with a list of specific provisions in that bill or joint resolution specified in the blank space.''.

**SEC. 205. PRESIDENT'S BUDGET.**

Section 1105(f) of title 31, United States Code, is amended by striking ''in a manner consistent'' and inserting ''in compliance''.

**SEC. 206. SUNSET.**

This title and the amendments made by this title shall expire on April 30, 2010.

AMENDMENT NO. 257

At the end of the instructions add the following:

with an amendment as follows:

At the end of the bill, add the following:

**TITLE II—SOCIAL SECURITY SURPLUS PRESERVATION AND DEBT REDUCTION ACT**

**SEC. 201. SHORT TITLE.**

This title may be cited as the ''Social Security Surplus Preservation and Debt Reduction Act''.

**SEC. 202. FINDINGS.**

Congress finds that—

(1) the $69,246,000,000 unified budget surplus achieved in fiscal year 1998 was entirely due to surpluses generated by the social security trust funds and the cumulative unified budget surpluses projected for subsequent fiscal years are primarily due to surpluses generated by the social security trust funds;

(2) Congress and the President should balance the budget excluding the surpluses generated by the social security trust funds;

(3) according to the Congressional Budget Office, balancing the budget excluding the surpluses generated by the social security trust funds will reduce the debt held by the public by a total of $1,723,000,000,000 by the end of fiscal year 2009; and

(4) social security surpluses should be used for social security reform or to reduce the debt held by the public and should not be spent on other programs.

**SEC. 203. PROTECTION OF THE SOCIAL SECURITY TRUST FUNDS.**

(a) PROTECTION BY CONGRESS.—

(1) REAFFIRMATION OF SUPPORT.—Congress reaffirms its support for the provisions of section 13301 of the Budget Enforcement Act of 1990 that provides that the receipts and disbursements of the social security trust funds shall not be counted for the purposes of the budget submitted by the President, the congressional budget, or the Balanced Budget and Emergency Deficit Control Act of 1985.

(2) PROTECTION OF SOCIAL SECURITY BENEFITS.—If there are sufficient balances in the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund, the Secretary of Treasury shall give priority to the payment of social security benefits required to be paid by law.

(b) POINTS OF ORDER.—Section 301 of the Congressional Budget Act of 1974 is amended by adding at the end the following:

''(j) SOCIAL SECURITY POINT OF ORDER.—It shall not be in order in the Senate to consider a concurrent resolution on the budget, an amendment thereto, or a conference report thereon that violates section 13301 of the Budget Enforcement Act of 1990.

''(k) DEBT HELD BY THE PUBLIC POINT OF ORDER.—It shall not be in order in the Senate to consider any bill, joint resolution, amendment, motion, or conference report that would—

''(1) increase the limit on the debt held by the public in section 253A(a) of the Balanced Budget and Emergency Deficit Control Act of 1985; or

''(2) provide additional borrowing authority that would result in the limit on the debt held by the public in section 253A(a) of the Balanced Budget and Emergency Deficit Control Act of 1985 being exceeded.

''(l) SOCIAL SECURITY SURPLUS PROTECTION POINT OF ORDER.—

''(1) IN GENERAL.—It shall not be in order in the Senate to consider a concurrent resolution on the budget, an amendment thereto, or a conference report thereon that sets forth a deficit in any fiscal year.

''(2) EXCEPTION.—Paragraph (1) shall not apply if—

''(A) the limit on the debt held by the public in section 253A(a) of the Balanced Budget and Emergency Deficit Control Act of 1985 is suspended; or

''(B) the deficit for a fiscal year results solely from the enactment of—

''(i) social security reform legislation, as defined in section 253A(e)(2) of the Balanced Budget and Emergency Deficit Control Act of 1985; or

''(ii) provisions of legislation that are designated as an emergency requirement pursuant to section 251(b)(2)(A) or 252(e) of the Balanced Budget and Emergency Deficit Control Act of 1985.''.

(c) SUPERMAJORITY WAIVER AND APPEAL.—Subsections (c)(1) and (d)(2) of section 904 of the Congressional Budget Act of 1974 are amended by striking ''305(b)(2),'' and inserting ''301(k), 301(l), 305(b)(2), 318,''.

(d) CONFORMING AMENDMENT.—Section 318 of the Congressional Budget Act of 1974, as added by this Act, is amended by adding at the end the following:

''(c) EXCEPTION FOR DEFENSE SPENDING.—Subsection (b) shall not apply against an emergency designation for a provision making discretionary appropriations in the defense category.''.

**SEC. 204. DEDICATION OF SOCIAL SECURITY SURPLUSES TO REDUCTION IN THE DEBT HELD BY THE PUBLIC.**

(a) AMENDMENTS TO THE CONGRESSIONAL BUDGET ACT OF 1974.—The Congressional Budget Act of 1974 is amended—

(1) in section 3, by adding at the end the following:

''(11)(A) The term 'debt held by the public' means the outstanding face amount of all debt obligations issued by the United States Government that are held by outside investors, including individuals, corporations, State or local governments, foreign governments, and the Federal Reserve System.

''(B) For the purpose of this paragraph, the term 'face amount', for any month, of any debt obligation issued on a discount basis that is not redeemable before maturity at the option of the holder of the obligation is an amount equal to the sum of—

''(i) the original issue price of the obligation; plus

''(ii) the portion of the discount on the obligation attributable to periods before the beginning of such month.

''(12) The term 'social security surplus' means the amount for a fiscal year that receipts exceed outlays of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund.'';

(2) in section 301(a) by—

(A) redesignating paragraphs (6) and (7) as paragraphs (7) and (8), respectfully; and

(B) inserting after paragraph (5) the following:

''(6) the debt held by the public; and''; and

(3) in section 310(a) by—

(A) striking ''or'' at the end of paragraph (3);

(B) by redesignating paragraph (4) as paragraph (5); and

(C) inserting the following new paragraph;

''(4) specify the amounts by which the statutory limit on the debt held by the public is to be changed and direct the committee having jurisdiction to recommend such change; or''.

(b) AMENDMENTS TO THE BALANCED BUDGET AND EMERGENCY DEFICIT CONTROL ACT OF 1985.—The Balanced Budget and Emergency Deficit Control Act of 1985 is amended—

(1) in section 250, by striking subsection (b) and inserting the following:

''(b) GENERAL STATEMENT OF PURPOSE.—This part provides for the enforcement of—

''(1) a balanced budget excluding the receipts and disbursements of the social security trust funds; and

''(2) a limit on the debt held by the public to ensure that social security surpluses are used for social security reform or to reduce debt held by the public and are not spent on other programs.'';

(2) in section 250(c)(1), by inserting ''' debt held by the public', 'social security surplus' '' after ''outlays', ''; and

(3) by inserting after section 253 the following:

**''SEC. 253A. DEBT HELD BY THE PUBLIC LIMIT.**

''(a) LIMIT.—The debt held by the public shall not exceed—

''(1) for the period beginning May 1, 2000 through April 30, 2001, $3,628,000,000,000;

''(2) for the period beginning May 1, 2001 through April 30, 2002, $3,512,000,000,000;

''(3) for the period beginning May 1, 2002 through April 30, 2004, $3,383,000,000,000;

''(4) for the period beginning May 1, 2004 through April 30, 2006, $3,100,000,000,000;

''(5) for the period beginning May 1, 2006 through April 30, 2008, $2,775,000,000,000; and,

''(6) for the period beginning May 1, 2008 through April 30, 2010, $2,404,000,000,000.

''(b) ADJUSTMENTS FOR ACTUAL SOCIAL SECURITY SURPLUS LEVELS.—

''(1) ESTIMATED LEVELS.—The estimated level of social security surpluses for the purposes of this section is—

''(A) for fiscal year 1999, $127,000,000,000;

''(B) for fiscal year 2000, $137,000,000,000;

''(C) for fiscal year 2001, $145,000,000,000;

''(D) for fiscal year 2002, $153,000,000,000;

''(E) for fiscal year 2003, $162,000,000,000;

''(F) for fiscal year 2004, $171,000,000,000;

''(G) for fiscal year 2005, $184,000,000,000;

''(H) for fiscal year 2006, $193,000,000,000;

''(I) for fiscal year 2007, $204,000,000,000;

''(J) for fiscal year 2008, $212,000,000,000; and

''(K) for fiscal year 2009, $218,000,000,000.

''(2) ADJUSTMENT TO THE LIMIT FOR ACTUAL SOCIAL SECURITY SURPLUSES.—After October 1 and no later than December 31 of each year, the Secretary shall make the following calculations and adjustments:

''(A) CALCULATION.—After the Secretary determines the actual level for the social security surplus for the current year, the Secretary shall take the estimated level of the social security surplus for that year specified in paragraph (1) and subtract that actual level.

''(B) ADJUSTMENT.—

''(i) 2000 THROUGH 2004.—With respect to the periods described in subsections (a)(1), (a)(2), and (a)(3), the Secretary shall add the amount calculated under subparagraph (A) to—

''(I) the limit set forth in subsection (a) for the period of years that begins on May 1st of the following calendar year; and

''(II) each subsequent limit.

''(ii) 2004 THROUGH 2010.—With respect to the periods described in subsections (a)(4), (a)(5), and (a)(6), the Secretary shall add the amount calculated under subparagraph (A) to—

''(I) the limit set forth in subsection (a) for the period of years that includes May 1st of the following calendar year; and

''(II) each subsequent limit.

''(c) ADJUSTMENT TO THE LIMIT FOR EMERGENCIES.—

''(1) ESTIMATE OF LEGISLATION.—

''(A) CALCULATION.—If legislation is enacted into law that contains a provision that is designated as an emergency requirement pursuant to section 251(b)(2)(A) or 252(e), OMB shall estimate the amount the debt held by the public will change as a result of the provision's effect on the level of total outlays and receipts excluding the impact on outlays and receipts of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund.

''(B) BASELINE LEVELS.—OMB shall calculate the changes in subparagraph (A) relative to baseline levels for each fiscal year through fiscal year 2010 using current estimates.

''(C) ESTIMATE.—OMB shall include the estimate required by this paragraph in the report required under section 251(a)(7) or section 252(d), as the case may be.

''(2) ADJUSTMENT.—After January 1 and no later than May 1 of each calendar year beginning with calendar year 2000—

''(A) with respect to the periods described in subsections (a)(1), (a)(2), and (a)(3), the Secretary shall add the amounts calculated under paragraph (1)(A) for the current year included in the report referenced in paragraph (1)(C) to—

''(i) the limit set forth in subsection (a) for the period of years that begins on May 1 of that calendar year; and

''(ii) each subsequent limit; and

''(B) with respect to the periods described in subsections (a)(4), (a)(5), and (a)(6), the Secretary shall add the amounts calculated under paragraph (1)(A) for the current year included in the report referenced in paragraph (1)(C) to—

''(i) the limit set forth in subsection (a) for the period of years that includes May 1 of that calendar year; and

''(ii) each subsequent limit.

''(3) EXCEPTION.—The Secretary shall not make the adjustments pursuant to this section if the adjustments for the current year are less than the on-budget surplus for the year before the current year.

''(d) ADJUSTMENT TO THE LIMIT FOR LOW ECONOMIC GROWTH AND WAR.—

''(1) SUSPENSION OF STATUTORY LIMIT ON DEBT HELD BY THE PUBLIC.—

''(A) LOW ECONOMIC GROWTH.—If the most recent of the Department of Commerce's advance, preliminary, or final reports of actual real economic growth indicate that the rate of real economic growth for each of the most recently reported quarter and the immediately preceding quarter is less than 1 percent, the limit on the debt held by the public established in this section is suspended.

''(B) WAR.—If a declaration of war is in effect, the limit on the debt held by the public established in this section is suspended.

''(2) RESTORATION OF STATUTORY LIMIT ON DEBT HELD BY THE PUBLIC.—

''(A) RESTORATION OF LIMIT.—The statutory limit on debt held by the public shall be restored on May 1 following the quarter in which the level of real Gross Domestic Product in the final report from the Department of Commerce is equal to or is higher than the level of real Gross Domestic Product in the quarter preceding the first two quarters that caused the suspension of the pursuant to paragraph (1).

''(B) ADJUSTMENT.—

''(i) CALCULATION.—The Secretary shall take level of the debt held by the public on October 1 of the year preceding the date referenced in subparagraph (A) and subtract the limit in subsection (a) for the period of years that includes the date referenced in subparagraph (A).

''(ii) ADJUSTMENT.—The Secretary shall add the amount calculated under clause (i) to—

''(I) the limit in subsection (a) for the period of fiscal years that includes the date referenced in subparagraph (A); and

''(II) each subsequent limit.

''(e) ADJUSTMENT TO THE LIMIT FOR SOCIAL SECURITY REFORM PROVISIONS THAT AFFECT ON-BUDGET LEVELS.—

''(1) ESTIMATE OF LEGISLATION.—

''(A) CALCULATION.—If social security reform legislation is enacted, OMB shall estimate the amount the debt held by the public will change as a result of the legislation's effect on the level of total outlays and receipts excluding the impact on outlays and receipts of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund.

''(B) BASELINE LEVELS.—OMB shall calculate the changes in subparagraph (A) relative to baseline levels for each fiscal year through fiscal year 2010 using current estimates.

''(C) ESTIMATE.—OMB shall include the estimate required by this paragraph in the report required under section 252(d) for social security reform legislation.

''(2) ADJUSTMENT TO LIMIT ON THE DEBT HELD BY THE PUBLIC.—If social security reform legislation is enacted, the Secretary shall adjust the limit on the debt held by the public for each period of fiscal years by the amounts determined under paragraph (1)(A) for the relevant fiscal years included in the report referenced in paragraph (1)(C).

''(e) DEFINITIONS.—In this section:

''(1) SECRETARY.—The term 'Secretary' means the Secretary of the Treasury.

''(2) SOCIAL SECURITY REFORM LEGISLATION.—The term 'social security reform legislation' means a bill or joint resolution that is enacted into law and includes a provision stating the following:

''( ) SOCIAL SECURITY REFORM LEGISLATION.—For the purposes of the Social Security Surplus Preservation and Debt Reduction Act, this Act constitutes social security reform legislation.'

This paragraph shall apply only to the first bill or joint resolution enacted into law as described in this paragraph.

''(3) SOCIAL SECURITY REFORM PROVISIONS.—The term 'social security reform provisions' means a provision or provisions identified in social security reform legislation stating the following:

''( ) SOCIAL SECURITY REFORM PROVISIONS.—For the purposes of the Social Security Surplus Preservation and Debt Reduction Act, _____ of this Act constitutes or constitute social security reform provisions.', with a list of specific provisions in that bill or joint resolution specified in the blank space.''.

**SEC. 205. PRESIDENT'S BUDGET.**

Section 1105(f) of title 31, United States Code, is amended by striking ''in a manner consistent'' and inserting ''in compliance''.

**SEC. 206. SUNSET.**

This title and the amendments made by this title shall expire on April 30, 2010.

---

AMENDMENT NO. 258

At the end of the instructions add the following:

with an amendment as follows:

At the end of the bill, add the following:

## TITLE II—SOCIAL SECURITY SURPLUS PRESERVATION AND DEBT REDUCTION ACT

**SEC. 201. SHORT TITLE.**

This title may be cited as the ''Social Security Surplus Preservation and Debt Reduction Act''.

**SEC. 202. FINDINGS.**

Congress finds that—

(1) the $69,246,000,000 unified budget surplus achieved in fiscal year 1998 was entirely due to surpluses generated by the social security trust funds and the cumulative unified budget surpluses projected for subsequent fiscal years are primarily due to surpluses generated by the social security trust funds;

(2) Congress and the President should balance the budget excluding the surpluses generated by the social security trust funds;

(3) according to the Congressional Budget Office, balancing the budget excluding the surpluses generated by the social security trust funds will reduce the debt held by the public by a total of $1,723,000,000,000 by the end of fiscal year 2009; and

(4) social security surpluses should be used for social security reform or to reduce the debt held by the public and should not be spent on other programs.

**SEC. 203. PROTECTION OF THE SOCIAL SECURITY TRUST FUNDS.**

(a) PROTECTION BY CONGRESS.—

(1) REAFFIRMATION OF SUPPORT.—Congress reaffirms its support for the provisions of section 13301 of the Budget Enforcement Act of 1990 that provides that the receipts and disbursements of the social security trust funds shall not be counted for the purposes of the budget submitted by the President, the congressional budget, or the Balanced Budget and Emergency Deficit Control Act of 1985.

(2) PROTECTION OF SOCIAL SECURITY BENEFITS.—If there are sufficient balances in the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund, the Secretary of Treasury shall give priority to the payment of social security benefits required to be paid by law.

(b) POINTS OF ORDER.—Section 301 of the Congressional Budget Act of 1974 is amended by adding at the end the following:

''(j) SOCIAL SECURITY POINT OF ORDER.—It shall not be in order in the Senate to consider a concurrent resolution on the budget, an amendment thereto, or a conference report thereon that violates section 13301 of the Budget Enforcement Act of 1990.

''(k) DEBT HELD BY THE PUBLIC POINT OF ORDER.—It shall not be in order in the Senate to consider any bill, joint resolution, amendment, motion, or conference report that would—

''(1) increase the limit on the debt held by the public in section 253A(a) of the Balanced Budget and Emergency Deficit Control Act of 1985; or

''(2) provide additional borrowing authority that would result in the limit on the debt held by the public in section 253A(a) of the Balanced Budget and Emergency Deficit Control Act of 1985 being exceeded.

''(l) SOCIAL SECURITY SURPLUS PROTECTION POINT OF ORDER.—

''(1) IN GENERAL.—It shall not be in order in the Senate to consider a concurrent resolution on the budget, an amendment thereto, or a conference report thereon that sets forth a deficit in any fiscal year.

''(2) EXCEPTION.—Paragraph (1) shall not apply if—

''(A) the limit on the debt held by the public in section 253A(a) of the Balanced Budget and Emergency Deficit Control Act of 1985 is suspended; or

''(B) the deficit for a fiscal year results solely from the enactment of—

''(i) social security reform legislation, as defined in section 253A(e)(2) of the Balanced Budget and Emergency Deficit Control Act of 1985; or

''(ii) provisions of legislation that are designated as an emergency requirement pursuant to section 251(b)(2)(A) or 252(e) of the Balanced Budget and Emergency Deficit Control Act of 1985.''.

(c) SUPERMAJORITY WAIVER AND APPEAL.—Subsections (c)(1) and (d)(2) of section 904 of the Congressional Budget Act of 1974 are amended by striking ''305(b)(2),'' and inserting ''301(k), 301(l), 305(b)(2), 318,''.

(d) CONFORMING AMENDMENT.—Section 318 of the Congressional Budget Act of 1974, as added by this Act, is amended by adding at the end the following:

''(c) EXCEPTION FOR DEFENSE SPENDING.—Subsection (b) shall not apply against an emergency designation for a provision making discretionary appropriations in the defense category.''.

**SEC. 204. DEDICATION OF SOCIAL SECURITY SURPLUSES TO REDUCTION IN THE DEBT HELD BY THE PUBLIC.**

(a) AMENDMENTS TO THE CONGRESSIONAL BUDGET ACT OF 1974.—The Congressional Budget Act of 1974 is amended—

(1) in section 3, by adding at the end the following:

''(11)(A) The term 'debt held by the public' means the outstanding face amount of all debt obligations issued by the United States Government that are held by outside investors, including individuals, corporations, State or local governments, foreign governments, and the Federal Reserve System.

''(B) For the purpose of this paragraph, the term 'face amount', for any month, of any debt obligation issued on a discount basis that is not redeemable before maturity at the option of the holder of the obligation is an amount equal to the sum of—

''(i) the original issue price of the obligation; plus

''(ii) the portion of the discount on the obligation attributable to periods before the beginning of such month.

''(12) The term 'social security surplus' means the amount for a fiscal year that receipts exceed outlays of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund.'';

(2) in section 301(a) by—

(A) redesignating paragraphs (6) and (7) as paragraphs (7) and (8), respectfully; and

(B) inserting after paragraph (5) the following:

''(6) the debt held by the public; and''; and

(3) in section 310(a) by—

(A) striking ''or'' at the end of paragraph (3);

(B) by redesignating paragraph (4) as paragraph (5); and

(C) inserting the following new paragraph;

''(4) specify the amounts by which the statutory limit on the debt held by the public is to be changed and direct the committee having jurisdiction to recommend such change; or''.

(b) AMENDMENTS TO THE BALANCED BUDGET AND EMERGENCY DEFICIT CONTROL ACT OF 1985.—The Balanced Budget and Emergency Deficit Control Act of 1985 is amended—

(1) in section 250, by striking subsection (b) and inserting the following:

''(b) GENERAL STATEMENT OF PURPOSE.—This part provides for the enforcement of—

''(1) a balanced budget excluding the receipts and disbursements of the social security trust funds; and

''(2) a limit on the debt held by the public to ensure that social security surpluses are used for social security reform or to reduce debt held by the public and are not spent on other programs.'';

(2) in section 250(c)(1), by inserting '' ' debt held by the public', 'social security surplus' '' after ''outlays', ''; and

(3) by inserting after section 253 the following:

**''SEC. 253A. DEBT HELD BY THE PUBLIC LIMIT.**

''(a) LIMIT.—The debt held by the public shall not exceed—

''(1) for the period beginning May 1, 2000 through April 30, 2001, $3,628,000,000,000;

''(2) for the period beginning May 1, 2001 through April 30, 2002, $3,512,000,000,000;

''(3) for the period beginning May 1, 2002 through April 30, 2004, $3,383,000,000,000;

''(4) for the period beginning May 1, 2004 through April 30, 2006, $3,100,000,000,000;

''(5) for the period beginning May 1, 2006 through April 30, 2008, $2,775,000,000,000; and,

''(6) for the period beginning May 1, 2008 through April 30, 2010, $2,404,000,000,000.

''(b) ADJUSTMENTS FOR ACTUAL SOCIAL SECURITY SURPLUS LEVELS.—

''(1) ESTIMATED LEVELS.—The estimated level of social security surpluses for the purposes of this section is—

''(A) for fiscal year 1999, $127,000,000,000;

''(B) for fiscal year 2000, $137,000,000,000;

''(C) for fiscal year 2001, $145,000,000,000;

''(D) for fiscal year 2002, $153,000,000,000;

''(E) for fiscal year 2003, $162,000,000,000;

''(F) for fiscal year 2004, $171,000,000,000;

''(G) for fiscal year 2005, $184,000,000,000;

''(H) for fiscal year 2006, $193,000,000,000;

''(I) for fiscal year 2007, $204,000,000,000;

''(J) for fiscal year 2008, $212,000,000,000; and

''(K) for fiscal year 2009, $218,000,000,000.

''(2) ADJUSTMENT TO THE LIMIT FOR ACTUAL SOCIAL SECURITY SURPLUSES.—After October 1 and no later than December 31 of each year, the Secretary shall make the following calculations and adjustments:

''(A) CALCULATION.—After the Secretary determines the actual level for the social security surplus for the current year, the Secretary shall take the estimated level of the social security surplus for that year specified in paragraph (1) and subtract that actual level.

''(B) ADJUSTMENT.—

''(i) 2000 THROUGH 2004.—With respect to the periods described in subsections (a)(1), (a)(2), and (a)(3), the Secretary shall add the amount calculated under subparagraph (A) to—

''(I) the limit set forth in subsection (a) for the period of years that begins on May 1st of the following calendar year; and

''(II) each subsequent limit.

''(ii) 2004 THROUGH 2010.—With respect to the periods described in subsections (a)(4), (a)(5), and (a)(6), the Secretary shall add the amount calculated under subparagraph (A) to—

''(I) the limit set forth in subsection (a) for the period of years that includes May 1st of the following calendar year; and

''(II) each subsequent limit.

''(c) ADJUSTMENT TO THE LIMIT FOR EMERGENCIES.—

''(1) ESTIMATE OF LEGISLATION.—

''(A) CALCULATION.—If legislation is enacted into law that contains a provision that is designated as an emergency requirement pursuant to section 251(b)(2)(A) or 252(e), OMB shall estimate the amount the debt held by the public will change as a result of the provision's effect on the level of total outlays and receipts excluding the impact on outlays and receipts of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund.

''(B) BASELINE LEVELS.—OMB shall calculate the changes in subparagraph (A) relative to baseline levels for each fiscal year through fiscal year 2010 using current estimates.

''(C) ESTIMATE.—OMB shall include the estimate required by this paragraph in the report required under section 251(a)(7) or section 252(d), as the case may be.

''(2) ADJUSTMENT.—After January 1 and no later than May 1 of each calendar year beginning with calendar year 2000—

''(A) with respect to the periods described in subsections (a)(1), (a)(2), and (a)(3), the Secretary shall add the amounts calculated under paragraph (1)(A) for the current year included in the report referenced in paragraph (1)(C) to—

''(i) the limit set forth in subsection (a) for the period of years that begins on May 1 of that calendar year; and

''(ii) each subsequent limit; and

''(B) with respect to the periods described in subsections (a)(4), (a)(5), and (a)(6), the Secretary shall add the amounts calculated under paragraph (1)(A) for the current year included in the report referenced in paragraph (1)(C) to—

''(i) the limit set forth in subsection (a) for the period of years that includes May 1 of that calendar year; and

''(ii) each subsequent limit.

''(3) EXCEPTION.—The Secretary shall not make the adjustments pursuant to this section if the adjustments for the current year are less than the on-budget surplus for the year before the current year.

''(d) ADJUSTMENT TO THE LIMIT FOR LOW ECONOMIC GROWTH AND WAR.—

''(1) SUSPENSION OF STATUTORY LIMIT ON DEBT HELD BY THE PUBLIC.—

''(A) LOW ECONOMIC GROWTH.—If the most recent of the Department of Commerce's advance, preliminary, or final reports of actual real economic growth indicate that the rate of real economic growth for each of the most recently reported quarter and the immediately preceding quarter is less than 1 percent, the limit on the debt held by the public established in this section is suspended.

''(B) WAR.—If a declaration of war is in effect, the limit on the debt held by the public established in this section is suspended.

''(2) RESTORATION OF STATUTORY LIMIT ON DEBT HELD BY THE PUBLIC.—

''(A) RESTORATION OF LIMIT.—The statutory limit on debt held by the public shall be restored on May 1 following the quarter in which the level of real Gross Domestic Product in the final report from the Department of Commerce is equal to or is higher than the level of real Gross Domestic Product in the quarter preceding the first two quarters that caused the suspension of the pursuant to paragraph (1).

''(B) ADJUSTMENT.—

''(i) CALCULATION.—The Secretary shall take level of the debt held by the public on October 1 of the year preceding the date referenced in subparagraph (A) and subtract the limit in subsection (a) for the period of years that includes the date referenced in subparagraph (A).

''(ii) ADJUSTMENT.—The Secretary shall add the amount calculated under clause (i) to—

''(I) the limit in subsection (a) for the period of fiscal years that includes the date referenced in subparagraph (A); and

''(II) each subsequent limit.

''(e) ADJUSTMENT TO THE LIMIT FOR SOCIAL SECURITY REFORM PROVISIONS THAT AFFECT ON-BUDGET LEVELS.—

''(1) ESTIMATE OF LEGISLATION.—

''(A) CALCULATION.—If social security reform legislation is enacted, OMB shall estimate the amount the debt held by the public will change as a result of the legislation's effect on the level of total outlays and receipts excluding the impact on outlays and receipts of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund.

''(B) BASELINE LEVELS.—OMB shall calculate the changes in subparagraph (A) relative to baseline levels for each fiscal year through fiscal year 2010 using current estimates.

''(C) ESTIMATE.—OMB shall include the estimate required by this paragraph in the report required under section 252(d) for social security reform legislation.

''(2) ADJUSTMENT TO LIMIT ON THE DEBT HELD BY THE PUBLIC.—If social security reform legislation is enacted, the Secretary shall adjust the limit on the debt held by the public for each period of fiscal years by the amounts determined under paragraph (1)(A) for the relevant fiscal years included in the report referenced in paragraph (1)(C).

''(e) DEFINITIONS.—In this section:

''(1) SECRETARY.—The term 'Secretary' means the Secretary of the Treasury.

''(2) SOCIAL SECURITY REFORM LEGISLATION.—The term 'social security reform legislation' means a bill or joint resolution that is enacted into law and includes a provision stating the following:

'' '( ) SOCIAL SECURITY REFORM LEGISLATION.—For the purposes of the Social Security Surplus Preservation and Debt Reduction Act, this Act constitutes social security reform legislation.'

This paragraph shall apply only to the first bill or joint resolution enacted into law as described in this paragraph.

''(3) SOCIAL SECURITY REFORM PROVISIONS.—The term 'social security reform provisions' means a provision or provisions identified in social security reform legislation stating the following:

'' '( ) SOCIAL SECURITY REFORM PROVISIONS.—For the purposes of the Social Security Surplus Preservation and Debt Reduction Act, _____ of this Act constitutes or constitute social security reform provisions.', with a list of specific provisions in that bill or joint resolution specified in the blank space.''.

**SEC. 205. PRESIDENT'S BUDGET.**

Section 1105(f) of title 31, United States Code, is amended by striking ''in a manner consistent'' and inserting ''in compliance''.

**SEC. 206. SUNSET.**

This title and the amendments made by this title shall expire on April 30, 2010.

## NOTICES OF HEARINGS

COMMITTEE ON RULES AND ADMINISTRATION

Mr. McCONNELL. Mr. President, I wish to announce that the Committee on Rules and Administration will meet on Wednesday, April 28, 1999 at 9:30 a.m. in Room SR–301 Russell Senate Office Building, to receive testimony on the operations of the Architect of the Capitol.

For further information concerning this meeting, please contact Tamara Somerville at the Rules Committee on 4–6352.

COMMITTEE ON INDIAN AFFAIRS

Mr. CAMPBELL. Mr. President, I would like to announce that the Senate Committee on Indian Affairs will meet during the session of the Senate on Wednesday, April 28, 1999 at 9:30 a.m. to conduct an Oversight Hearing on Bureau of Indian Affairs Capacity and Mission. The hearing will be held in Room 485, Russell Senate Building.

## AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be allowed to meet during the session of the Senate on Wednesday, April 21, 1999. The purpose of this meeting will be to review the USDA Office of the Inspector General's report on crop insurance reform.

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Wednesday, April 21, for purposes of conducting a full committee hearing which is scheduled to begin at 9:30 a.m. The purpose of this oversight hearing is to receive testimony on whether the United States has the natural gas supply and infrastructure necessary to meet projected demand.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on April 21, 1999 at 10 a.m. to hold a markup.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on April 21, 1999 at 2 p.m. to hold a hearing.

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

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. JEFFORDS. Mr. President, I ask unanimous consent on behalf of the Governmental Affairs Committee to meet on April 21, 1999, at 9:30 a.m. for a hearing on S. 746, the Regulatory Improvement Act of 1999.

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

COMMITTEE ON THE JUDICIARY

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Wednesday, April 21, 1999 at 10 a.m. in room 226 of the Senate Dirksen Office Building to hold a hearing on: ''Privacy in the Digital Age: Discussion of Issues Surrounding the Internet.''

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Wednesday, April 21, 1999 at 3 p.m. to hold a closed hearing on intelligence matters.

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

SUBCOMMITTEE ON FOREST AND PUBLIC LAND MANAGEMENT

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the Subcommittee on Forests & Public Land Management of the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Wednesday, April 21, for purposes of conducting a hearing Subcommittee on Forests & Public Lands Management hearing which is scheduled to begin at 2 p.m. The purpose of this oversight hearing is to discuss the Memorandum of Understanding signed by multiple agencies regarding the Lewis and Clark bicentennial celebration.

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

SUBCOMMITTEE ON READINESS AND MANAGEMENT SUPPORT

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the Subcommittee on Readiness and Management Support of the Committee on Armed Services be authorized to meet at 9:30 A.M. on Wednesday, April 21, 1999, in open session, to review the readiness of the United States Navy and Marines operating forces.

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

SUBCOMMITTEE ON SCIENCE, TECHNOLOGY AND SPACE

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the Subcommittee on Science, Technology, and Space of the Senate Committee on Commerce, Science, and Transportation be authorized to meet on Wednesday, April 21, 1999, at 2 p.m. on the technology administration FY/2000 Budget.

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

SUBCOMMITTEE ON SEA POWER

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the Subcommittee on Seapower be authorized to meet on Wednesday, April 21, 1999, at 2:30 p.m., in open session, to receive testimony on ship acquisition programs and policy.

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

SUBCOMMITTEE ON THE CONSTITUTION, FEDERALISM AND PROPERTY RIGHTS

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the Subcommittee on the Constitution, Federalism and Property Rights of the Committee on the Judiciary, be authorized to hold an executive business meeting during the session of the Senate on Wednesday, April 21, 1999, at 2 p.m., in room 226 of the Senate Dirksen Office Building.

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

## ADDITIONAL STATEMENTS

### GRASSLEY-TORRICELLI HEALTH CARE BANKRUPTCY BILL

• Mr. TORRICELLI. Mr. President, it is an unfortunate result of today's modern health care system that many health care providers face serious financial difficulties. Increasingly, these health care providers are filing for the protection of the bankruptcy system. This reality was demonstrated recently in New Jersey where the parent company of the HIP Health Care Plan went bankrupt, leaving the plan's 194,000 subscribers in health care limbo.

The bankruptcy system, for all of the benefits it provides to debtors, creditors and the public, does little to protect patients of insolvent health care providers. These patients have no choice when their provider files for bankruptcy, they are, quite literally, innocent victims. In some cases such as the HIP HMO in New Jersey, state insurance commissioners have stepped in to manage failing providers. However, such steps will not always be possible,

and in those cases patients must have adequate protections. Furthermore, this bill applies not only to HMOs, but also to hospitals, nursing homes, and long term care providers.

Senator GRASSLEY and I have worked diligently to craft a fair bankruptcy bill that addresses the true problems of the bankruptcy system. We believe that the increasing frequency of health care bankruptcy and the problems it creates for patients is a serious problem that deserves to be addressed in our bankruptcy reform effort.

Our bill would create several important patient protections. It would provide for the appointment of an ombudsman to monitor and assure continued quality of the care being provided to patients. The bill would set up procedures to ensure that the confidentiality of patient records is strictly maintained as a health care provider closes its operation.

Our legislation would also raise the priority in bankruptcy of the costs associated with closing a health care business. Those cost are often incurred by state agencies, and thus the taxpayers. Finally, the bill would require a bankruptcy trustee to use best efforts to transfer patients to alternative providers when a health care business fails.

The reality of today's health care system is that there will inevitably be providers who fall upon financial difficulties and seek the protection of the bankruptcy system. Given that reality, we must take the steps today to ensure that the patients of these providers have adequate protections.●

## BILL McSWEENY

● Mr. LEAHY. Mr. President, since coming to Washington, Marcelle and I have had an opportunity to meet very special people who have become special friends. Among those are Bill and Dorothy McSweeny.

A great regret I had was having to miss Bill's surprise 70th birthday party recently, but it showed the genius of Dorothy that she was able to keep it a secret. That so many turned out shows a great respect for this multi-faceted man—people across the political spectrum and including some of the best representatives of arts and entertainment. It definitely reflected all of his background.

I would ask unanimous consent that an article in Monday, March 15th Washington Post be included in the RECORD at this point.

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

[From the Washington Post, Mar. 15, 1999]

A FULL-BLOWN SURPRISE FOR BILL McSWEENY'S BIRTHDAY, 70 CANDLES AND 200 FRIENDS

(By Roxanne Roberts)

Some men think birthdays are depressing. Some think getting older is preferable to the alternative, but nonetheless annoying. Then there are the few, the happy few, who think each birthday is a passport to wonderful new opportunities.

''The great thing about being 70 is that you get to kiss all the beautiful ladies,'' said. Bill McSweeny with only a slightly wicked grin. ''When you're 70, you don't look dangerous. Little do they know.''

The local businessman, arts advocate and community leader was the guest of honor at a surprise party Friday night at Ford's Theatre. What started out as a small gathering for family ballooned into a celebration with more than 200 friends and longtime fans. Everyone was sworn to not drop a single, solitary hint—and judging by the look at McSweeny's face when he walked into the theater, they succeeded.

''Who said people couldn't keep secrets in Washington?'' said his wife, Dorothy.

This was no small feat, considering the guest list included the likes of Mayor Anthony Williams, former mayor Marion Barry, Education Secretary Richard Riley, Dorothy Height, Veterans Affairs Secretary Togo West, comedian Mark Russell, WJLA anchor Paul Berry, talk show host Diane Rehm, NASA administrator Dan Goldin, media moguls Arnaud de Borchgrave and Phil Merrill, and former FBI director Bill Sessions. The crowd was full of prominent Washingtonians—LaSalle Leffall, John Hechinger, Esther Coopersmith, Marshall Coyne, Peggy Cafritz and Frankie Hewitt, to name a few—a testament to McSweeny's lifelong involvement with his adopted home town.

''I met him more than 40 years ago and we've been friends ever since,'' said Height, the president emerita of the National Council of Negro Women. ''He's so genuine. And in addition to everything else, he's lots of fun.''

''When you think about people who have done something for the community, you think about Bill,'' said Leffall. ''He's always been there.''

McSweeny, former president of Occidental International, has spent most of his life trying to make Washington a better place to live. He was crucial in reopening Ford's Theatre and has served on the boards of the Kennedy Center, Folger Shakespeare Theatre and Helen Hayes Awards. He's been a longtime advocate for the D.C. schools, housing and inner-city youth, and a key fundraiser for the Lombardi Cancer Center and other charities.

''Bill is a real inspiration for this city,'' Williams said. ''I think he's a real role model for every American citizen to contribute to Washington, D.C.''

''I think Bill McSweeny is one of God's special people on Earth,'' said Cora Masters Barry.

They like him. They really, really like him. So his wife and friends wanted to do something special for his 70th birthday this month.

Problem was that the birthday boy already had decided how he was going to celebrate. McSweeny made a deal with his wife to bring their four children and grandchildren down to Mexico for two weeks. The official birthday is March 31, and he planned to scuba-dive and have a nice, low-key party on the beach.

So, naturally, his wife of more than three decades decided that a huge bash was exactly what he needed.

Dorothy McSweeny proceeded to issue invitations, juggle a thousand details, lie sweetly when her husband walked in on telephone conversations and lure her unsuspecting spouse to the theater with the help of pals Leon and Lynn Fuerth. It was natural to go to Ford's, where McSweeny—a longtime member of the board—thought he was going to see ''Eleanor: An American Love Story,'' a musical based on the marriage of Eleanor and Franklin Roosevelt.

The hardest part for the guests was remembering not to blurt out something stupid in advance: ''When you see someone an awful lot, it's hard not to let the cat out of the bag,'' said Victor Shargai, who serves with McSweeny at the Kennedy Center and Hayes awards.

The surprise worked, it seems, because the party took place two weeks before his actual birth date. McSweeny walked in, did a double take and slapped hand to forehead as his friends sang a ragged rendition of ''Happy Birthday.'' There was much hugging and kissing. Everyone looked terribly pleased, probably because the surprise was not on them.

''I love surprise parties—for others,'' said Leon Fuerth.

''I want to choose the people who come to my birthday party,'' said Diane Rehm.

''It's about control,'' Rehm's husband, John, said knowingly.

Luckily, McSweeny is one of those rare creatures who like surprise parties. ''I think it's the most wonderful way of all,'' he said. ''You don't have to worry about anything. It's a very emotional thing to walk in and see all your friends.''

In this case, he also got to see ''Eleanor''—any resemblance to the current first lady is strictly coincidental: Then the party moved downstairs to the Lincoln Museum, where there were more hugs and kisses, a telegram from Vice President Gore, a medal from the VA's West and a presentation and testimonial by NASA's Goldin.

''He helps people,'' Goldin said of McSweeny. ''In addition to knowing people, he helps people.''

The menu consisted of McSweeny's favorite foods: hot dogs, Boston baked beans, corn pudding and Black Forest cake. McSweeny was having such a good time he kept inviting everybody to his 100th birthday party.

No wonder they like him: This is an optimist, count-your-blessings, look-to-the-future kind of guy. ''Hey, Bill!'' shouted Mark Russell. ''Seven more years and you'll be old enough to be an astronaut!''

Meanwhile, there are plenty of ladies to kiss.●

## RHODE ISLAND RESERVE OFFICERS ASSOCIATION 75TH ANNIVERSARY

● Mr. REED. Mr. President, I rise to congratulate the Rhode Island Department of the Reserve Officers Association of the United States (RIROA) on the 75th Anniversary of its founding.

The Reserve Officers Association was established in 1922 to link together Reserves from each of the armed services. The fighting force of the 21st century is a joint force, yet Rhode Island's Reserves implemented this concept 75 years ago when the Army, Navy Reserve, and National Guard joined together to form the RIROA.

The purpose of the Reserve Officers Association is to support a military policy for the United States that will provide, promote, and develop the execution of adequate national security. The RIROA has dedicated itself to this purpose and to bringing all military services closer in a common bond. The RIROA is a leading proponent of developing strong Reserve forces in each of the uniformed services to work for the welfare of citizen soldiers in Rhode Island and the interests of the national security of the entire country.

The Reserves are essential members of the national security force, facing greater challenges than ever before. Today's military is leaner, yet the number of missions has steadily increased. Therefore, the services are relying more and more on reserve forces to carry out the task of protecting the U.S. and its principles. Reservists are not only an integral part of any mobilization overseas, but are increasingly on the front lines of protecting the home front from terrorist acts, information warfare, and attacks on our critical infrastructure.

With over 85,000 members nationwide, and over 600 members from Rhode Island, today's Reserves are a significant and vital part of the United States' military force. The United States military would not be the finest fighting force in the world without the commitment and professionalism of the Reserves, an integral part of the Total Force.

I commend the Reserves' commitment to the nation's defense, and I salute the dedicated members of the RIROA on this historic occasion.●

## FOCUS: HOPE

● Mr. LEVIN. Mr. President, I ask to have printed in the CONGRESSIONAL RECORD an article which appears in the April 19, 1999, edition of Forbes magazine regarding Focus: HOPE, an extraordinary organization in Detroit, Michigan which is dedicated to human development.

The article follows.

[From Forbes, Apr. 19, 1999]

TEACH A MAN TO FISH

(By Srikumar S. Rao)

Eleanor Josaitis can remember the moment in March 1965 her life changed. She was in her comfortable home in a Detroit suburb watching a television program on the Nuremberg trials. A news flash cut in: Selma, Ala. Mounted troopers, wielding electric cattle prods, charged peaceful protesters. Minutes earlier she was pondering what she would have done if she had been in Nazi Germany. A new question intruded: ''What will I do now?''

Two years later Detroit exploded in flames. Touring the decimated area with Father William Cunningham, her weekend parish priest, they swore to alleviate the suffering. But what could be accomplished by a housewife with two young children and a radical priest trained as an English professor?

Quite a bit, actually. Focus: Hope, the nonprofit organization they birthed in Detroit's rubble, today occupies well over a million square feet on 40 acres of that once-devastated area. It started with urgent but limited goals—feeding poor mothers and their infants. Now it has grown into a powerful and world-recognized job-training machine. An education boot camp has lifted nearly 5,000 city residents to high school equivalence and placed them in real jobs. A machinist institute has trained 1,800 urban youngsters in reading blueprints and operating numerically controlled machine tools, and put them in high-paying positions with outfits like GM, Ford and Chrysler. A Center for Advanced Technologies has just started to churn out engineers with bachelor's degrees. Next up: an information technology center, funded by the likes of Microsoft and Cisco Systems, to teach computer skills.

Josaitis, age 67, built Focus: Hope on the simple proposition that many of the chronically underemployed yearn for an opportunity to haul themselves into the middle class. She says: ''We are failing our poorest citizens when we don't provide them the means to break out of their poverty.''

What welfare official has not echoed precisely that thought? The Focus: Hope difference is one of execution. Josaitis runs the centers with businesslike efficiency and sets demanding standards for the students. She coddles no one: Use profane language after two warnings and you're out. Steal something and you're out immediately. She believes that discipline and responsibilitly are keys to improvement. Rewards must be earned.

That philosophy has made Focus: Hope a landmark in Detroit. It has attracted more than 50,000 Detroit-area volunteers, including big names at the car companies, like Ford Chief Executive Jacques Nasser. A sizable business itself, Focus: Hope employs more than 800 people and has a budget of $68 million, half from government, a third from contracts with for-profit companies and the rest from private contributions.

That's eons away from the rather inauspicious beginnings. To get closer to the problem, Eleanor and her husband, the owner of a chain of hobby shops, sold their house and moved into an integrated neighborhood in 1968. Her mother, alarmed for their safety, even hired a lawyer to try to wrest custody of her children away. Eleanor retained custody and bears no animosity toward her mother.

She and Father Cunningham, who died of cancer in 1997, began with food. Tapping federal funding, they launched a tiny program to distribute food to pregnant women and small children. It still does that, at last count for 46,000 people a month (half the peak in 1991). The program succeeded so well that it became a model for similar efforts in other states. A food program for senior citizens followed.

But Josaitis and Father Cunningham wanted to turn the recipients into productive jobholders. They browbeat and cajoled federal agencies and private foundations to raise $250,000 to start a job-training program. In 1981 they opened the Machinist Training Institute to train Detroit's youths in machining and metalworking, especially for the automobile industry.

It's an intensive program that can last for 57 weeks if students choose the entire curriculum. Students spend the first 5 weeks, eight hours a day, learning blueprint reading and some math and working the lathe. On the shop floor they later learn to work with mills, grinders and computer-controlled machine tools. In the classroom they learn more about manufacturing theory and quite a bit about computer-aided design and manufacturing.

In a more advanced program they work on commercial production contracts for about $7 an hour in between doses of classroom instruction.

Among the students who start the machinist school, 70% stay to the end. For those that do, the job placement rate is 100%. ''We have placed our graduates in all sorts of machine shops,'' says Josaitis. ''Some had never previously hired a minority or a female.''

Josaitis has structured tuition to reflect her philosophy: a helping hand—with strings attached. Tuition for MTI is $14,500. Government grants pay about half that, depending on income. The balance is paid through a 5% loan from Focus: Hope. Repayment begins 90 days after graduation—by which time most students have jobs. A further incentive to land and keep a job is that many employers, like General Motors, will pick up half of the student's loan payments.

William Motts is one of the success stories. He dropped out of high school in the 11th grade and got his girlfriend pregnant at 18. He pulled in $6 an hour as a maintenance worker at a hotel, struggling to help support his daughter.

But he caught a break. He was steered to MTI by his father's friend who knew Father Cunningham. He entered the program in 1992 and never looked back. In 1998, he got a bachelor's degree in manufacturing engineering from the University of Detroit, Mercy. Today Motts, 25, is an engineer at General Motors earning around $45,000, and married to a dental hygienist.

''Focus: Hope challenged me to push my boundaries,'' Motts says. ''It forced me to be disciplined. It gave me very marketable skills.''

Focus: Hope helps students surmount practical problems. For examples, it runs a day care center and before- and after-school programs, so parents can attend classes without worry.

Josaitis also doesn't want to discard potential candidates who don't have the math, reading or social skills to succeed in a program for machinists. So for the past ten years an educational boot camp called Fast Track has taken students—average age 26—with 8th grade math and reading skills and brought them up two grade levels. And two years ago, realizing some students needed even more help, she started First Step, to offer more remedial works.

More than 80% of those who enter Fast Track finish the program and go on the Machinist Training Institute. Thomas Murphy, a former sergeant major for American troops in Europe who runs Fast Track, can take some credit for that. He is bluff, tough and good-natured. The seven-week Fast Track program runs all day Monday through Friday, and Saturday mornings.

''Saturday classes serve clear notice that we expect real hard work and commitment from them in return for the opportunity we provide,'' Murphy says. Clock in at 8:01 and you get a demerit. Enough demerits and you get booted out.

Murphy was initially shocked when a candidate asked him if there was a place where he could nap during breaks. Turned out that he left the institute at 4 p.m., worked an eight-hour shift at a job to support his family and was back at 8 a.m. the next day. Murphy found him a place to nap and overlooked occasional tardiness.

''One of our graduates called me up the other day to announce that he was missing his first day of work in years,'' says Murphy. ''He was closing on a brand new home. His home. The first home anyone in his family had ever owned.''

Josaitis also understands that getting and holding a job requires certain social skills. Thus trainees are taught how to shake hands, make eye contact and absolutely, positively get to jobs on time.

Every month Josaitis brings a group of students to a formally laid out dining room where she teaches table manners, from which fork to use to how to make small talk. ''I want you to feel comfortable when you are invited to the White House,'' she tells them. She also takes trainees to formal affairs, such as the opening of the Michigan Opera hosted by Ford's Nasser.

In 1993 Focus: Hope decided to offer its best and brightest students a further step up the ladder. It opened the Center for Advanced Technologies, which, in collaboration with local colleges, offers bachelor and associate degrees in manufacturing engineering and technology. The executive dean is Lloyd

Reuss, who took the nonpaying job after he was ousted as president of General Motors in 1993.

CAT students get classroom instruction plus work in a for-profit manufacturing company located on Focus: Hope grounds. Using next-generation equipment from Cincinnati Milacron, says Reuss, students produce machined parts for outfits including GM, Ford and the Department of Defense. Students accept a below-market $8 an hour on these contracts. In return, they get free tuition.

The hands-on part of this apprenticeship is as important as the classroom instruction. Denise Ankofski, candidate for an associate degree and single mother of a 6-year-old son, was milling brake shoes for 5-ton trucks on a defense contract and figured she could do it better by splitting operations and performing them on different machines. She was encouraged to give a technical presentation and her suggestion reduced cycle time on some operations by 80%.

When they graduate, CAT students do extremely well. Last year the six CAT bachelor graduates were paid an average of $47,200, compared with the $45,300 earned by Massachusetts Institute of Technology mechanical engineering graduates. ''Graduates are not hired for diversity reasons or charity,'' says Reuss. ''They are hired because they are skilled workers with an excellent ethic.''●

## TRIBUTE TO JEFFREY POLLOCK, OF BEDFORD, NEW HAMPSHIRE

● Mr. SMITH of New Hampshire. Mr. President, I rise today to honor Jeffrey Pollock on being named ''New Hampshire's 1999 Small Business Financial Services Advocate of the Year'' by the Small Business Association.

As President of New Hampshire Business Development Corporation in Manchester, New Hampshire, Jeffrey was selected for this award for his outstanding advocacy for entrepreneurs in New Hampshire. In fact, Jeffrey's strong support and dedication to small businesses has been a pivotal force in helping many small businesses succeed.

During the banking crisis of the early 1990's Jeffrey worked alongside the Small Business Administration and state leaders to revive the New Hampshire Development Corporation for the purpose of providing loans to credit-starved small businesses in New Hampshire.

Today, the New Hampshire Development Corporation offers a wide array of financial products and services aimed at helping small businesses succeed. Over the past nine years, Jeffrey has been instrumental in providing $12 million of investment to New Hampshire businesses.

In 1995, Jeffrey represented New Hampshire as a delegate to the White House Conference on Small Business, and in 1998 New Hampshire's current Governor appointed him to the State Board of Education. In addition, Jeffrey has also served on numerous state and congressional boards and advisory committees.

As a former small business owner, I recognize the important contributions that Jeffrey has made to the Small Business Administration and, especially, to small businesses across the Granite State. Mr. President, small business is the backbone of our economy in the United States. I am proud to honor and congratulate Jeffrey for receiving this award and it is an honor to represent him in the United States Senate.●

## TRIBUTE TO FREDERICK LOEFFLER

● Mr. SMITH of New Hampshire. Mr. President, I rise today to pay tribute to Rick Loeffler, on being named the ''New Hampshire 1999 Small Business Person of the Year'' by the U.S. Small Business Administration. This recognition is a great achievement.

Rick is the CEO of Shorty's Mexican Roadhouse, a successful chain of restaurants in New Hampshire. Rick started his business ten years ago, with thirty five employees and one restaurant. Today, Shorty's employs over four hundred and fifty people and has five locations.

Rick attributes the success of his chain to his partners and employees; always stressing the importance of attention to the customer. Rick and his employees are also involved in the community in other positive ways. Rick is a member of a number of civic organizations and serves on many charitable organization's board of directors.

As a former small business owner, I understand the difficulties of starting a business. Rick demonstrates excellent entrepreneurial spirit and management skills. New Hampshire has always been a state that prides itself on the success of small businesses and Rick is an excellent example.

Once again, I would like to congratulate Rick on receiving this prestigious award. It must have been a great sacrifice and risk to Rick as well as his wife Maureen and two daughters, to undertake the effort of starting up a new business. His dedication paid off and he has been a great asset to the state of New Hampshire. It is an honor to represent him in the United States Senate.●

## TRIBUTE TO THE UNIVERSITY OF NEW HAMPSHIRE'S HOCKEY TEAM

● Mr. SMITH of New Hampshire. Mr. President, I rise today to pay tribute to the University of New Hampshire's hockey team, the Wildcats, on their outstanding season. Their stellar performance was a great accomplishment.

The University of New Hampshire hockey team had the best record in NCAA hockey this season. They were ranked number one in the nation in college hockey. Senior Captain Jason Krog was the winner of the Hobey Baker Award, the most prestigious award in college hockey. In short, they had a tremendous season.

The Wildcats competed in the NCAA final four tournament (the Frozen Four) in Anaheim, California. The team went into the final round of the tournament as the favorite. They beat Michigan on April 1 by a score of five to three. They advanced to the finals to face the University of Maine. The game between the University of Maine and the University of New Hampshire was extremely exciting. The game went into sudden death over time before the University of Maine ultimately prevailed. Although they were not successful, the team showed true sportsmanship and team spirit in the wake of an amazing season.

Once again, I would like to pay tribute to the University of New Hampshire Wildcats hockey team, as well as their coach, Dick Umile. I wish them luck in the future and their following seasons. It is an honor to represent them in the United States Senate.●

## TRIBUTE TO ARLENE MAGOON

● Mr. SMITH of New Hampshire. Mr. President, I rise today to pay tribute to Arlene Magoon for being named 1999 ''New Hampshire Women in Business Advocate of the Year'' by the U.S. Small Business Administration. This award is a great accreditation to her work.

Arlene is a childcare advocate and the founder and operator of American Nanny and Family Care Services, an Amherst-based child and elderly care referral agency. She founded her organization to provide family child care after she had difficulty finding childcare for her own three young children. Arlene's business offers a referral service, as well as training for child care providers in the state. Her service is an asset to the state of New Hampshire.

Arlene founded her business in 1990. She personally met with 300 New Hampshire family care providers in the process of deciding which child care facilities she feels are deserving of referrals. Over 65 percent of the childcare providers she has assisted in the past decade are still in business. Many of her business colleagues have commended her dedication and professionalism of her work.

Her service to the children of New Hampshire is a gift. I wish to thank her for her efforts and wish the best of luck in her future endeavors. It is an honor to represent her in the United States Senate.●

## TRIBUTE TO CHRISTOPHER NORWOOD ON ACHIEVING THE RANK OF EAGLE SCOUT

● Mr. SMITH of New Hampshire. Mr. President, I rise today to honor Christopher Norwood, of New Hampshire, on achieving the rank of Eagle Scout. This first-rate young man was awarded the rank of Eagle Scout in March of 1999.

Through his final project, Christopher has demonstrated his unwavering dedication to his community and country. I wish to commend Christopher for receiving the highest award that is attainable in Scouting.

Christopher's good natured volunteerism and commitment to Scouting exemplifies the qualities for which all Scouts strive: Honor, Loyalty, Courage, Cheerfulness and Service. For all of Christopher's hard work and devotion to these ideals, he has earned this coveted recognition.

As the father of two former Scouts, I understand the time and effort that is involved in fulfilling the ideals of being a Scout. I know that Christopher will continue to be a positive role model among his peers, a leader in his community, a friend to those in need and an inspiration to all. I want to extend my sincerest congratulations and best wishes to Christopher. His achievement of Eagle Scout and significant contributions to his community are truly outstanding. It is an honor to represent him in the United States Senate.●

## TRIBUTE TO CHRISTINE GILLETTE

● Mr. SMITH of New Hampshire. Mr. President, I rise today to pay tribute to Christine Gillette on being named the U.S. Small Business Administration's ''1999 Small Business Media Advocate of the Year'' for New Hampshire. This is a very commendable honor.

Christine is a journalist for the Portsmouth Herald. Her responsibilities entail covering business related news stories in the State. She produces two weekly business sections and covers business stories of local and regional interest.

She has received awards for her coverage of business in New Hampshire, including from New Hampshire Press Association for business and economic reporting and the New England Press Association. She has constantly shown a knack for reporting on the business community.

Her business associates commend Christine's dedication and enthusiasm about her job. They describe her as highly motivated, knowledgeable and talented. She has shown an ability to interpret change on a local scale as well as an international scale, and how it will affect Portsmouth area businesses. Her hard work and talent are commendable.

Once again, I wish to commend Christine on her receiving this award. I wish her the best of luck in her future endeavors. It is a pleasure to represent her in the United States Senate.●

## EXECUTIVE SESSION

### EXECUTIVE CALENDAR

Mr. VOINOVICH. Mr. President, I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nominations on the Executive Calendar: Nos. 1 through 4, Nos. 37 through 43, and all nominations on the Secretary's desk in the Public Health Service.

I further ask unanimous consent that the nominations be confirmed, the motion to reconsider be laid upon the table, any statements relating to the nominations be printed at the appropriate place in the RECORD, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

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

The nominations considered and confirmed en bloc are as follows:

EXECUTIVE OFFICE OF THE PRESIDENT

Susan G. Esserman, of Maryland, to be Deputy United States Trade Representative, with the rank of Ambassador.

DEPARTMENT OF THE TREASURY

Timothy F. Geithner, of New York, to be an Under Secretary of the Treasury.

Gary Gensler, of Maryland, to be an Under Secretary of the Treasury.

Edwin M. Truman, of Maryland, to be a Deputy Under Secretary of the Treasury.

NATIONAL SCIENCE FOUNDATION

George M. Langford, of New Hampshire, to be a Member of the National Science Foundation, for a term expiring May 10, 2004.

Joseph A. Miller, Jr., of Delaware, to be a Member of the National Science Board, National Science Foundation, for a term expiring May 10, 2004.

Robert C. Richardson, of New York, to be a Member of the National Science Board, National Science Foundation, for a term expiring May 10, 2004.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Cleo Parker Robinson, of Colorado, to be a Member of the National Council on the Arts for a term expiring September 3, 2004.

NATIONAL SCIENCE FOUNDATION

Maxine L. Savitz, of California, to be a Member of the National Science Board, National Science Foundation, for a term expiring May 10, 2004.

Luis Sequeira, of Wisconsin, to be a Member of the National Science Board, National Science Foundation, for a term expiring May 10, 2004.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Alice Rae Yelen, of Louisiana, to be a Member of the National Museum Services Board for a term expiring December 6, 2001.

NOMINATIONS PLACED ON THE SECRETARY'S DESK

IN THE PUBLIC HEALTH SERVICE

Publc Health Service nominations beginning Roger I.M. Glass, and ending Richard C. Whitmire, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of January 19, 1999.

Public Health Service nominations beginning Grant L. Campbell, and ending Ann M. Witherspoon, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of January 19, 1999.

## LEGISLATIVE SESSION

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

## ORDERS FOR THURSDAY, APRIL 22, 1999

Mr. VOINOVICH. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:30 a.m. on Thursday, April 22. I further ask that on Thursday, immediately following the prayer, the Journal of proceedings be approved to date, the morning hour be deemed to have expired, the time for the two leaders be reserved for their use later in the day, and the Senate begin 2 hours of debate, equally divided, on the lockbox amendment, with a vote taking place on cloture at 11:30 a.m.

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

## PROGRAM

Mr. VOINOVICH. For the information of all Senators, the Senate will convene at 9:30 a.m., and immediately resume debate on the Social Security lockbox legislation, with a vote on cloture at approximately 11:30 a.m. If cloture is not invoked, it is the intention of the leader to proceed to the important Y2K legislation following the vote. Interested Senators should be prepared to stay for the debate. The Senate may also consider other legislative or executive items cleared for action.

## ORDER FOR ADJOURNMENT

Mr. VOINOVICH. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent the Senate stand in adjournment under the previous order, following the remarks of Senator FEINGOLD.

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

## EARTH DAY 1999

Mr. FEINGOLD. Mr. President, today, as a part of the celebration of Earth Week, I join with my other colleagues who have come to the floor calling for a renewal of this body's longstanding bipartisan commitment to the Nation's environment. I am doing so because, following the 29th Earth Day celebration tomorrow, the Nation and the 106th Congress will begin planning to commemorate three decades of Earth Days this time next year.

We need to begin now to shape and bring forward a positive environmental agenda which will earn the support of both political parties so that when the 30th Earth Day arrives, our actions to protect the environment will not be viewed as falling short of the mark.

At the beginning of this Congress, I wrote to the majority leader and the Democratic leader with suggestions of legislative areas where I believe significant opportunities actually exist for bipartisan cooperation. Among the areas I highlighted was the environment; specifically, the protection of public lands, such as passing comprehensive natural resources funding legislation which would allow the States and the Federal Government to

protect our land resources, designating new wilderness areas on our public lands, and reforming environmentally harmful subsidies that damage our lands and also hurt the American taxpayer.

I also think opportunities exist to try to work together to reauthorize several of our major environmental protection laws, such as Superfund, the Clean Water and Air Acts, and the Endangered Species Act. We have struggled with the reauthorization of these laws for several Congresses, and the time has come to look for ways to break the impasse on these very important issues.

We have also struggled, frankly, with getting more Senators involved in environmental issues as well. Several of my colleagues have remarked that with the retirement last Congress of our colleague from Arkansas, Mr. Bumpers, we on the Democratic side of the aisle find ourselves having lost a consistent and persistent champion of the environment. Fortunately, we still have wonderful leaders, and I have been pleased to support the efforts of my Democratic colleagues, such as the Senator from Montana, Mr. BAUCUS, and the Senator from New Mexico, Mr. BINGAMAN, and many others of my colleagues who have stepped forward to take up these issues. But, frankly, Mr. President, none of us can do this alone.

Not only are environmental issues by their nature complicated and technical, but they are critically important to the American people who overwhelmingly support environmental protection. We need Senators from both parties to take up these issues and move them forward, and we are having some bipartisan successes on environmental issues where Members are working together.

For example, I will have the pleasure later this week of joining with my colleague, the Senator from Delaware, Mr. ROTH, in being an original cosponsor of legislation to designate the coastal plain of the Arctic National Wildlife Refuge as a wilderness area. I have had the opportunity to be a cosponsor of this legislation since I joined the Senate in 1993.

In addition, this week I was delighted when the junior Senator from Maine, Ms. COLLINS, decided to join me as a cosponsor of legislation I introduced to eliminate the percentage depletion allowance tax subsidy for mining on public lands subject to the 1872 mining law.

Mr. President, part of the legacy of Earth Day is a commitment to bipartisanship, and a review of the history reveals that fact.

For me, celebrations of Earth Day are always intertwined with thoughts of the day's founder, former Senator Gaylord Nelson from my home State of Wisconsin. I am extremely proud to hold the Senate seat he held with distinction from 1963 to 1981. Not only did Senator Nelson help to set aside a day for the Nation to think and learn more about the environment, he acted by using the power of his office to work with colleagues to protect the environment.

Senator Nelson was a two-term Governor. During his gubernatorial tenure, the environment became a priority for the State of Wisconsin with the creation of the State's stewardship program, one of the important models for the Federal Land and Water Conservation Fund, putting Wisconsin far ahead in recreational opportunities for the general public.

During his 18 years in the Senate, he saw, as he is still quick to remind me, great proenvironmental change under both Republican and Democratic administrations. The Senate created the Environment and Public Works Committee, passed the majority of our Federal environmental statutes with significant bipartisan support, and created the Environmental Protection Agency. Senator Nelson himself was the author of the Wild and Scenic Rivers Act, which passed the Senate by a vote of 84–0. He was also the primary sponsor of the Apostle Islands National Lakeshore Act, one of northern Wisconsin's most beautiful areas, at which I spend a portion of my vacation time with my family every year.

I am now the author of legislation to provide some improvements to Apostle Islands and to review these lands for their wilderness potential. In his 1969 book on the environment entitled ''America's Last Chance,'' Senator Nelson issued a political challenge which I find relevant today. He said:

> The number one domestic problem facing this country is the threatened destruction of our natural resources and the disaster which would confront mankind should such destruction occur. There is a real question as to whether the nation, which has spent some two hundred years developing an intricate system of local, State and Federal Government to deal with the public's problems, will be bold, imaginative and flexible enough to meet this supreme test.

I believe Senator Nelson meant two things by his challenge. Not only did he mean that government must act immediately and decisively to protect resources in crisis, but he also meant that politicians must maintain that commitment over the long term. A renewal of this body's commitment to work together to protect the environment, fully respecting the commitment former Members of the Senate have made to us by placing us in the position of being vigilant stewards of Federal environmental laws, is an appropriate way on the eve of Earth Day to celebrate the true nature of ecological stewardship.

Mr. President, I urge my colleagues to be committed to that endeavor.

I yield the floor.

## ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

The PRESIDING OFFICER (Mr. BROWNBACK). The Senate stands adjourned under the previous order.

Thereupon, the Senate, at 7:07 p.m., adjourned until Thursday, April 22, 1999, at 9:30 a.m.

## NOMINATIONS

Executive nominations received by the Senate April 21, 1999:

### DEPARTMENT OF STATE

GWEN C. CLARE, OF SOUTH CAROLINA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF ECUADOR.

OLIVER P. GARZA, OF TEXAS, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF NICARAGUA.

RICHARD L. MORNINGSTAR, OF MASSACHUSETTS, TO BE THE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE EUROPEAN UNION, WITH THE RANK AND STATUS OF AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY.

### IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS THE CHIEF OF STAFF, UNITED STATES ARMY, AND APPOINTMENT TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTIONS 601 AND 3033:

*To be general*

GEN. ERIC K. SHINSEKI, 0000.

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADES INDICATED IN THE UNITED STATES ARMY AND FOR REGULAR APPOINTMENT (IDENTIFIED BY AN ASTERISK (*)) UNDER TITLE 10, U.S.C., SECTIONS 531, 624, AND 628:

*To be colonel*

PAUL C. PROFFITT, 0000

*To be lieutenant colonel*

JOHN E. SIGGELOW, 0000

*To be major*

*PHILLIP R. ADAMS, 0000
FRANK D. BEESLEY, 0000
MICHAEL D. ZABRZESKI, 0000

### IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS COMMANDANT OF THE MARINE CORPS, AND APPOINTMENT TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTIONS 601 AND 5043:

*To be general*

LT. GEN. JAMES L. JONES, 0000.

### IN THE NAVY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVAL RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

*To be rear admiral*

REAR ADM. (LH) JOHN F. BRUNELLI, 0000.
REAR ADM. (LH) JOHN N. COSTAS, 0000.
REAR ADM. (LH) JOSEPH C. HARE, 0000.
REAR ADM. (LH) DANIEL L. KLOEPPEL, 0000.

### IN THE NAVY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

*To be captain*

SYLVESTER P. ABRAMOWICZ, JR., 0000
LUTHER C. ALEXANDER, JR., 0000
SAMUEL P. ALFORD, 0000
ALLEN C. ALLEN, 0000
ERNEST G. ANASTOS, 0000
MICHAEL H. ANDERSON, 0000
BRIAN S. APRILL, 0000
RONALD G. ARINGTON, 0000
MARK W. AUSTIN, 0000
JOHN M. AVALLONE, 0000
WILLIAM H. AYERS III, 0000
ALBERT J. BANKS, JR., 0000
THOMAS M. BARANSKY, 0000
ANGELE W. BARROW, 0000
MARSHA J. BEAUGRAND, 0000
RICHARD A. BECKER, 0000
CURTIS R. BERGEY, 0000
RAYMOND E. BERUBE, 0000
TIMOTHY F. BIGGINS, 0000
RONALD L. BIXLER, 0000
JAMES R. BLOOM, 0000
RAQUEL C. BONO, 0000
PAUL BOSCO, 0000
KER BOYCE, 0000
JEFFREY D. BRADEN, 0000
TIMOTHY J. BRADY, 0000
JAMES R. BROOKS, 0000
JAMES P. BURANS, 0000
JAMES A. BUTLER, 0000
KENNETH P. BUTRYM, 0000
GORDON A. BYRNES, 0000
GREGORY G. CAIAZZO, 0000
CYNTHIA S. CAPPELLO, 0000
WILLIAM B. CARROLL, 0000
LAURA A. CASTLEBERRY, 0000
EDWARD CHEESEMAN, 0000
THOMAS G. CHULSKI, 0000
MICHAEL J. CHUTICH, 0000
MARTIN T. CLARK, 0000
RONALD J. CLARK, 0000
STEVEN R. CLARKE, 0000
GEORGE M. CLIFFORD III, 0000
HENRY CONDE, 0000
GERARD R. COX, 0000
RAYMOND G. CRAIGMILES, 0000
JOHN W. CROWLEY, 0000
WILLIAM E. CURTIS, JR., 0000
PETER H. CUSTIS, 0000

JONATHAN P. CUTTING, 0000
WARREN R. DALTON, 0000
PAUL R. DAVID, 0000
DAVID A. DAVIS, 0000
ANTHONY W. DEAN, 0000
JEFFREY W. DEMPSKI, 0000
JOHN W. DENOBILE, 0000
MICHAEL P. DOYLE, 0000
ALMOND J. DRAKE III, 0000
WILLIAM S. DUFFY, 0000
CHARLES L. EDWARDS, 0000
RYAN B. EICHNER, 0000
JAMES D. ELLISON, 0000
CYNTHIA M. FELLER, 0000
JOHN FIDLER, 0000
FREDERICK FISCHER III, 0000
DAVID M. FITZGERALD, 0000
CLINTON L. FLETCHER, 0000
RICHARD C. FOSTER, 0000
ROBERT K. FRISK, 0000
GODFREY J. FUNARI, 0000
JOHN V. GARAFFA, 0000
MARK B. GEMENDER, 0000
PAUL B. GILLOOLY, 0000
GLENN M. GOLDBERG, 0000
JEFFREY R. GREENWALD, 0000
SCOTT C. HANEY, 0000
GERARD R. HARMS, 0000
VATHRICE H. HARTWELL, 0000
LOREN V. HECKELMAN, 0000
JAMES R. HEMP, 0000
PAUL M. HOFFMAN, 0000
DONALD B. HOFFMANN, 0000
JAMES F. HOLLAND, 0000
THOMAS S. HOLLINBERGER, 0000
KARL A. HOLZINGER, 0000
ROBERT E. HOOD, JR., 0000
STEPHEN G. HOOKER, 0000
ROGER A. HOUK, 0000
JANE K. HOURIGAN, 0000
LEROY T. JACKSON, 0000
WOLLOM A. JENSEN, 0000
ELAINE M. KAIME, 0000
KIRK D. KALLANDER, 0000
KEVIN S. KAMINSKE, 0000
EDWARD J. KANE, JR., 0000
GREGORY V. KEATING, 0000
ROBERT M. KELLOGG, 0000
ROBERT L. KENNEY, 0000
STEVEN S. KERRICK, 0000
KHALID C. R. KHAN, 0000
TODD C. KINCER, 0000
ROBERT H. KING, 0000
SHARI H. KIRSHNER, 0000
MARY A. KLINE, 0000
KEVIN J. KNOOP, 0000
KENT G. KNUDSON, 0000
ROBERT L. KOFFMAN, 0000
PAUL M. KUZIO, 0000
ARMAND D. LAMBERT, JR., 0000
EDWARD M. LANE, 0000
JOYCE A. LAPA, 0000
PATRICK W. LAPPERT, 0000
CHRISTOPHER L. LAURENT, 0000
TERRANCE C. LEARY, 0000
MARCIA H. LEMON, 0000
EVELYN L. LEWIS, 0000
JOHN A. LEWIS, 0000
CHARLES M. LILLI, 0000
JAMES E. LONGSTAFF, 0000
TRACY A. MALONE, 0000
JAMES K. MARKWELL, 0000
RICHARD L. MARRS, 0000
JOHN J. MARTIN, 0000
DAVID W. MATHIAS, 0000
JAMES S. MATTHEWS, 0000
MICHAEL D. MC CARTEN, 0000
KELLY J. MC CONVILLE, 0000
DEBORAH A. MC KAY, 0000
LAURIE A. MC KEE, 0000
MICHAEL F. MC NAMARA, 0000
PAUL L. MC NEILL, 0000
TERRENCE R. MC WILLIAMS, 0000
WALTER L. MELVIN, 0000
SONIA R. MENENBERG, 0000
RONALD F. MEYER, 0000
JACQUELINE A. MITCHELL, 0000
JOSEPH F. MONDSCHEIN, 0000
JEAN C. MONTGOMERY, 0000
EDWARD MORGAN, 0000
JANE M. MORGAN, 0000
OLLIS J. MOZON, JR., 0000
THOMAS E. MURPHY, 0000
ELIZABETH A. NOLAN, 0000
JAMES B. NORMAN, 0000
KENNETH W. NORWOOD, 0000
DIANA M. NOVAK, 0000
MARK C. OLESEN, 0000
KEVIN M. ONEIL, 0000
JOHN C. OSGOOD, 0000
CLAIRE M. PAGLIARA, 0000
BEVERLY PAIGEDOBSON, 0000
ROBERT J. PALMQUIST, 0000
MARILYN R. PAST, 0000
JAMES E. PASTOR, 0000
MICHAEL D. PATTISON, 0000
SCOTT R. PECK, 0000
SAMUEL J. PENA, 0000
ANDREW D. PETERS, 0000
ROGER E. PIGEON, 0000
DENNIS J. PLAJA, 0000
MICHAEL J. PLUNKETT, 0000
JOHN J. PRENDERGAST III, 0000
LEO PRUSINSKI, 0000
JAMES T. PULLEN, 0000
ROBERTO QUINONES, JR., 0000
JAMES C. RAGAIN, JR., 0000
ROBERT B. RAINES, 0000
MARK E. RALSTON, 0000
SANDRA L. REED, 0000
CHARLES A. REESE, 0000
ROBERT S. RHODES, 0000
CAROL G. RICCIARDELLO, 0000
JAMES P. RICE, 0000
THOMAS L. RICHIE, 0000
ROBERT J. RITCHIE, 0000
WAYNE L. RITTER, JR., 0000
ALLEN H. ROBERTS II, 0000
WILLIAM H. ROBERTS, JR., 0000
DON E. ROBINSON, 0000
WILLIAM G. RUDOLPH, 0000
DAVID A. RUSSELL, 0000
JOSEPH E. RUSZ, JR., 0000
WILLIAM S. SAGEMAN, 0000
DIANE L. SAGGUS, 0000
STEPHEN J. SAVARINO, 0000
DOUGLAS SCHALL, 0000
DALE K. SCHEFFS, 0000
KENNETH W. SCHOR, 0000
ROBERT L. SCHWANEKE, 0000
JOEL L. SCHWARTZ, 0000
DANIEL A. SCOTT, 0000
GERALD D. SEELY, 0000
WAYNE G. SHEAR, 0000
ROBERT G. SHERMAN, 0000
SCOTT W. SHIFFER, 0000
ELENOR M. SHIGLEY, 0000
DAVID L. SHIVELEY, 0000
ROSALIND SLOAN, 0000
WILLIAM F. SMITH, JR., 0000
MARTIN L. SNYDER, 0000
AL L. SORENSEN, 0000
STEVEN M. SOVICH, 0000
PAUL C. STANFIELD, 0000
THOMAS E. STEFFEN, 0000
ALTON L. STOCKS, 0000
WILLIAM R. STOVER, 0000
ERNEST L. STYRON, 0000
ROBERT TAFT, 0000
JESSIE R. TATE, 0000
CHARLES E. TAYLOR, 0000
DARRYL L. TAYLOR, 0000
PAUL V. TOMASIC, 0000
JOSEPH C. TORKILDSON, 0000
SCOTT A. TREZZA, 0000
LYNN M. UTECHT, 0000
FREDA K. VAUGHAN, 0000
BENJAMIN L. VIELLIEU, 0000
STEPHEN J. WAITE, 0000
KEVIN R. WALTER, 0000
JAMES J. WARE, 0000
DANIEL A. WASNEECHAK, 0000
JULIE E. WEBB, 0000
PATRICK J. WELTER, 0000
CYNTHIA M. WILLIAMS, 0000
JOHN P. WILLIAMS, 0000
LARRY N. WILLIAMS, JR., 0000
HENRY A. WOJTCZAK, 0000
STEVEN M. WOLFF, 0000
DANIEL L. WONDERLICH, 0000
ROGER D. WRAY, 0000
ROBERT L. WREN, 5092
WILLIAM F. YAUNERIDGE, 0000
ANDREW K. YORK II, 0000
LORENZO C. YORK, 0000
FREDERICK G. YOUNG, 0000
SHELLEY W. S. YOUNG, 0000

IN THE NAVY

THE FOLLOWING NAMED OFFICERS TO THE GRADE INDICATED IN THE RESERVE OF THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 12203:

*To be Captain*

BRUCE A. ABBOTT, 0000
JOHN J. J. ACLIN, 0000
RAYMUNDO AGUILAR, 0000
FREDERIC ALLEN, 0000
THOMAS G. ALLEN, 0000
FORREST H. ALLISON II, 0000
DEBRA K. ANDERSON, 0000
RAYMOND V. ANDERSON, JR., 0000
DOUGLAS M. ANDREWS, 0000
JOSEPH T. ARCANO, 0000
JEFFREY A. ARD, 0000
WILLIAM ATWILL, 0000
EDWARD C. BADEN, 0000
KAREN L. BAETZEL, 0000
MARK A. BALASKA, 0000
MARY E. J. BALE, 0000
GREGORY W. BARAN, 0000
DEBORAH E. BARNHART, 0000
JON W. BAYLESS, JR., 0000
RONALD A. BEASLEY, 0000
TERREL V. BECKHAM, JR., 0000
RAYMOND E. BELLANT, JR., 0000
JUDITH J. BENDIG, 0000
TOMMIE D. BENEFIELD, JR., 0000
DAVID R. BENNETT, 0000
GERALD L. BENNETT, 0000
ROGER E. BENTLAGE, 0000
PAUL D. BERG, 0000
ELWOOD J. BERZINS, 0000
LOUIS J. BEYER, 0000
GREGGORY D. BOATRIGHT, 0000
CLINTON S. BOLTON, JR., 0000
RONALD E. BOWDEN, 0000
PAULINE M. BOZDECHVEATER, 0000
DEAN A. BRAZIER, 0000
BENJAMIN M. BRINK, 0000
KEITH S. BROCKER, 0000
DAVID L. BROWN, 0000
MICHAEL R. BRUNSKILL, 0000
TOBY J. BUEL, 0000
KEITH E. BURTNER, 0000
CAREY R. BUTLER, 0000
DANIEL E. CANNAN, 0000
MICHAEL D. CARATHERS, 0000
M. K. CARLOCK, 0000
LAWRENCE R. CARLSON, 0000
STANLEY D. CARPENTER, 0000
PETER L. CARRIER, 0000
ROBERT CARROLL, JR., 0000
EDWARD J. CHOMAS, 0000
IRVIN W. CHRISTOPHER, 0000
GEORGE L. CLARDY, 0000
MICHAEL P. CLARK, 0000
MICHAEL D. COLEMAN, 0000
DAVID L. COLES, 0000
JACK P. CONNELLY, 0000
THOMAS P. CONNOLLY, 0000
RICHARD B. COOPER, 0000
LAUREL M. COSTEN, 0000
DALE R. CURTISS, 0000
FRANCIS C. DACHILLE, 0000
RICHARD C. DALE, 0000
JACK F. DALRYMPLE, JR., 0000
PETER W. DAMISCH, 0000
PAUL L. E. DAVIS, 0000
PIERS L. DAWSON, 0000
LOUIS N. DECUIR III, 0000
CHARLES R. DEDRICKSON, 0000
ROCKIE J. DELOACH, 0000
HARRY S. DENSON, 0000
JILL N. DEPPE, 0000
DONALD C. DEVRIES, 0000
DENNIS D. DEWULF, 0000
RICHARD G. DODSON, 0000
MARK P. DOEHNERT, 0000
JOHN G. DONAHUE, 0000
PATRICK J. DONOVAN, 0000
DAVID H. DOULONG, 0000
LARRY E. DOVE, 0000
NORMAN B. DUPRE, 0000
WILLIAM H. DUXBURY, 0000
MICHAEL M. EAGEN, 0000
RUSTIN ECKSTROM, 0000
MEREDITH A. EDWARDS, 0000
ROBERT EHRHARDT, 0000
JOHN S. ELLIOTT, 0000
MARK S. ELLIS, 0000
ROLAND L. ELLIS, 0000
ROBERT J. ENGEL, 0000
DANIEL T. ENLOE, 0000
CHARLES E. ENOS, 4892
RICHARD C. ENSZ, 0000
CHARLES A. FARRELL, 0000
CHRISTOPHER G. FENNIG, 0000
PAUL P. FILIAK, 0000
MICHAEL S. FINLEY, 0000
MARCUS J. FISK, 0000
BETSY A. FITZGEREL, 0000
JOYCE D. FLEISCHMAN, 0000
GLENN A. FLETCHER, 0000
JOHN A. FLORIO, 0000
CHARLES T. FLOYD, 0000
DUNCAN K. FOBES, 0000
RICHARD E. FORMAN, Jr., 0000
JEFFREY W. FRANKLIN, 0000
VICENTE C. GARCIA, 0000
JOHN E. GARDNER, 0000
ANN D. GILBRIDE, 0000
PATRICK F. GILDEA, 0000
TAEYONG W. GINN, 0000
DEAN A. GLACE, 0000
LANNY B. GLOVER, 0000
KENNETH I. GOLDBERG, 0000
KEITH B. GOOD, 0000
GORDON W. GOSS, 0000
RANDY L. GRIFFIN, 0000
DAVID B. GRIMLAND, 0000
MICHAEL C. GRISCHY, 0000
ROBERT B. GULLEY, 0000
ROBERT E. GUMPRIGHT, Jr., 0000
ERIC M. HAAS, 0000
PETER M. HACKETT, 0000
DALE V. HAFER, 0000
EARL K. HAMILTON, 0000
STEVEN W. HAMILTON, 0000
RONALD S. HANDROP, 0000
MARC A. HARRISON, 0000
MICHAEL J. HAUBNER, 0000
RONALD G. HAVLICK, 0000
RICHARD A. HAYES, 0000
RONALD E. HECOX, 0000
THOMAS HERRMANN, 0000
GEORGE A. HILDEBRAND II, 0000
ROGER C. HINE, 0000
CHERYL D. HOLE, 0000
WILLIAM W. HOLMES, 0000
ROBERT D. HOWELL, Jr., 0000
STANLEY P. HUDSON, 0000
CHRISTOPHER J. HUNSAKER, 0000
ROBERT A. HUNT, 0000
GEORGE W. HYNES, Jr., 0000
ALFRED E. IKELER, Jr., 0000
ANDRE A. JALBERT, 0000
FRED M. JAMES, Jr., 0000
LINDA C. JANIKOWSKY, 0000
JOHN E. JOLLIFFE, 0000
KENNETH L. JONES, 0000
JOHN P. KAISER, 0000
ROBERT J. KAMENSKY, 0000
JAMES W. KELLEY, Jr., 0000
DONNA C. G. KELSEY, 0000
ROBERT M. KESLINKE, 0000
EDWARD H. KIESSLING, 0000
RONALD H. Y. KIM, 0000
BRUCE W. KIRCHENHEITER, 0000
MARK L. KIRKLEY, 0000
HAROLD L. KNISLEY III, 0000
JUSTINE F. G. KOSCIELNY, 0000
STEPHEN R. KRAUSE, Jr., 0000
PETER J. KRUG, 0000
GARY L. LABUDA, 0000
EDDY W. LAI, 0000
ROBERT A. LAKIS, 0000
JOHN M. LANDON II, 0000
KEVIN J. LASHER, 0000
THOMAS K. LAWMAN, 0000
GREGORY K. LEGGETT, 0000
MICHAEL A. LEIGH, 0000
JEFFREY A. LEMMONS, 0000
DANIEL J. LOWEN, 0000
KEVIN S. LYLES, 0000
CHARLES J. MARK, 0000
CHARLES F. MARKS, Jr., 0000
JAMES R. MARTIN, 0000
JOHN C. MARTIN, 0000
RICHARD P. MARTINEZ, 0000
DOUGLAS A. MARTONE, 0000
CHARLES H. MAYNARD, 0000
RICHARD C. MAZZA, 0000
EDWARD G. MC ANANEY, 0000
WARREN MC AULIFFE, 0000
MICHAEL E. MC CAFFREY, 0000
WILLIAM D. MC CAIN, 0000
WILLIAM M. MC KINLEY, 0000
DAVID L. MC KINNEY, 0000
JOHN J. MC NAMARA, 0000
JAMES A. MC NITT, 0000
MICHAEL L. MEANEY, 0000
FRANK B. MEASE, 0000
CORBY J. MEGORDEN, 0000
KENNETH L. MERRICK, 0000
JAMES MESSENGER, 0000
JOHN G. MESSERSCHMIDT, 0000
CHARLES T. MILLER, 0000
CHRISTINE M. MILLER, 0000
MARY H. MILLER, 0000
ROBERT H. MITCHELL, 0000
NICHOLAS L. MONROE, 0000
DAVID L. MONTGOMERY, 0000
TIMOTHY D. MOON, 0000
KATHY R. MOORE, 0000
DOUGLAS H. MORET, 0000
BARBARA P. MORGAN, 0000
PATRICK D. MORGANELLI, 0000
SAVINO N. MOSCARIELLO, 0000
DAVID R. MUENKEL, 0000
JOHN J. MULDOON, 0000
JAMES E. MUSICK, 0000
DONALD F. NAKAMURA, 0000
GREGORY D. NEARY, 0000
RUSSELL D. NEVITT, 0000
HERMAN A. NICHOLS, 0000
DOUGLAS W. OARD, 0000
THOMAS O. O'BRYANT, 0000
JOHN J. O'KEEFE III, 0000
RAYMOND OKIMURA, 0000
EARLE Z. OLSON, 0000
TIMOTHY L. O'NEIL, 0000
JOHNNY R. OSBORN, 0000
CHARLES E. OVERCASH, Jr., 0000
PAUL J. PACE, 0000
PAUL F. PAINE, 0000
KENNETH J. PANOS, 0000
PATRICK R. PARIS, 0000
JAMES C. PARKS, 0000
DANIEL F. PARRILLO, 0000
HILLMAN PATTEN, 0000
RUSSELL S. PENNIMAN, 0000
DAVID M. PERDUE, 0000
RAY A. PIETRZAK, 0000
JOHN C. PIPER, 0000
VENTZEL J. POTOCHNIK, 0000
TEN E. B. POWELL III, 0000
SAMUEL D. PRATTON, 0000
RONALD W. PRINDLE, 0000
ANTHONY F. QUIDATANO, Jr., 0000
MICHAEL K. RAAB, 0000
DOUGLAS R. RALPH, 0000
WILLIAM P. RAMSEY, 0000
KIRK S. REDWINE, 0000
JAMES N. REED, 0000
G. R. REINHARDT, 0000
STEVEN W. RESS, 0000
STANLEY R. RICHARDSON, 0000
TIMOTHY L. RIGGINS, 0000
WILLIAM C. ROBERTS, 0000
SUSAN L. ROCKWELL, 0000
JOHN H. ROGERS, 0000
GEORGE H. ROSE, 0000
DONALD L. ROY, 0000
FERNANDO A. RUIZ, 0000
STEPHEN D. RUTTER, 0000
PATRICK W. RYAN, 0000
ROGER W. SASSMAN, 0000
MARTIN B. SATTISON, 0000
THOMAS R. SCHAEFER, 0000
HENRY R. SCHELLER, Jr., 0000
ALAN T. SCHERER, 0000
PAUL S. SCHMITT, 0000
JOSEPH E. SCHMITZ, 0000
ALAN K. SCHNEIDER, 0000
WILLIAM J. SCHNEIDER, 0000
FREDERICK F. SCHOCK, IV, 0000
EDWARD A. SCHUNK, 0000
GEORGE J. SCOTT III, 0000
CHESTER J. SETO, 0000
RICHARD C. SEVERS, 0000
DONALD R. SEXTON, 0000
MICHAEL M. SHATYNSKI, 0000
MICHAEL J. SHEWCHUK, 0000
ROBERT K. SHIFLET, 0000
KEVIN P. SINNETT, 0000
BARBARA A. SISCO, 0000
VICTORIA G. SKINNER, 0000
RANDELL C. SMITH, Jr., 0000
SELVEN L. SMITH, 0000
STEVEN D. SMITH, 0000
ROGER P. SNEDEN II, 0000
CRAIG M. SOBE, 0000
WILLIAM T. SPOSATO, 0000
ERIC N. SPRINGER, 0000
CLIFTON E. W. SPRUILL, 0000
RICHARD P. SPURR, 0000
MARK B. STEELMAN, 0000
KEITH E. STEIGER, 0000
RON J. STICINSKI, 0000
KIRBY A. STROSS, 0000
JEFFREY B. SUBKO, 0000
KATHRYN D. SULLIVAN, 0000
ROBERT J. SWANSON, 0000
DUANE E. SZALWINSKI, 0000
JOHN F. TAFT, 0000
ROBERT J. TATE, 0000
WILLIAM H. TATE, 0000
ROBERT E. TEMPLETON, 0000
BRADLEY THOMANN, 0000
COLLEEN C. THOMAS, 0000
CRAIG H. THOMAS, 0000
KEITH D. TINDALL, 0000
JERRY TRUDELL, 0000
DANIEL E. TURBEVILLE III, 0000
DIANA M.L. TURONIS, 0000
ANTHONY J. VELLUCCI, 0000
DONALD W. VINCI, 0000
MICHAEL H. VINEYARD, 0000
DANIEL R. VORTHERMS, 0000
RICHARD A. VOYTEK, 0000
ANNA T. WAGGENER, 0000
DALE A. WAPPES, 0000
ROBERT F. WARTHER, 0000
EDMOND D. WATSON, 0000
DOUGLAS E. WERTZ, 0000
RANDALL T. WESTHAUS, 0000
GEORGE E. WESTWOOD III, 0000
WILLIAM T. WHALE III, 0000
MACUSHLA M. WIEDORN, 0000
THEODORE A. WILCOX, 0000
DAVID S. WILSON, 0000
JAMES A. WILTSHIRE, 0000
ROBERT J. WISEMAN, 0000
JAMES A. WOMBWELL, 0000
ROBERT O. WRAY, JR., 0000
ROBERT P. WRIGHT, 0000
WILLIAM A. WRIGHT, 0000
ROBERT WUESTNER, 0000
BENJAMIN S. YATES, 0000
FRANCES YATES, 0000
ALLEN C. YOUNG, 0000
BERTRAND L. ZELLER, 0000

IN THE NAVY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

*To be captain*

THOMAS ABERNETHY, 0000
ALLAN A. ADELL, 0000
DONALD W. AIKEN, 0000
TONY L. ALBANO, 0000
GEORGE S. ALBERTSON, 0000
KEVIN C. ALBRIGHT, 0000
JOHN D. ALEXANDER, 0000
THEODORE P. ALGIRE, 0000
MARK A. ANDERSON, 0000
THOMAS R. ANDRESS, 0000
CRAIG K. AUSTAD, 0000
NANCY L. AVILA, 0000
JEFFREY L. BACON, 0000
GEORGE H. BAKER, 0000
DAVID BARANEK, 0000
RICHARD S. BARCUS, 0000
ROBERT L. BEATTIE, 0000
DAVID J. BECK, 0000
DAVID W. BELLA, 0000
TIMOTHY L. BENHAM, 0000
JON F. BERGJOHNSEN, 0000
DUDLEY B. BERTHOLD, 0000
DAVID D. BIGELOW, 0000
STEPHEN P. BLACK, 0000
ROBERT A. BOGDANOWICZ, 0000
WILLIAM G. BOND, 0000
WILLIAM H. BORGER, 0000
JOHN C. BOYCE, 0000
MICHAEL E. BOYD, 0000
MICHAEL E. BRADY, 0000
MICHAEL W. BRANNON, 0000
MARTIN P. BRICKER, 0000
JOHN A. BROWN, JR., 0000
DAVID A. BURKHARD, 0000
DANIEL W. BURSCH, 0000
MARK H. BUZBY, 0000
DANNIE L. CAIN, 0000
VALERIE E. CARPENTER, 0000
NEVIN P. CARR, JR., 0000
DALE E. CARSON, 0000
BRUCE W. CARTER, 0000
CHRISTOPHER B. CHACE, 0000
JOHN H. CHASE, JR., 0000
MARTIN E. CHURCH, 0000
JAMES D. CLOYD, 0000
CHARLIE C. CODE, JR., 0000
JAMES J. COLGARY, 0000
TONYA J. CONCANNON, 0000
DAVID M. COONEY, JR., 0000
GARRAT E. COOPER, 0000
MAUREEN T. COPELOF, 0000
ANTHONY T. CORTESE, 0000
TONY L. COTHRON, 0000
JAMES C. COX, 0000
RONALD R. COX, 0000
BERNARD J. CRAMP, 0000
ROBERT K. CRUMPLAR, 0000
GREGORY S. CRUZE, 0000
ROBERT L. CULLINAN, 0000
PHILIP H. CULLOM, 0000
STEPHEN P. CURTIS, 0000
TERRANCE A. CUSH, 0000
STEVEN M. DALLAIRE, 0000
DAN W. DAVENPORT, 0000
JERRY S. DAVIDSON, 0000
MICHAEL D. DAVIS, 0000
GERALD F. DECONTO, 0000
STANLEY V. DEGEUS, 0000

JAMES J. DEGREE, 0000
PHILIP M. DELPERO, 0000
DONALD G. DIGGS, 0000
KATHRYN A. DIMAGGIO, 0000
CHARLES B. DIXON, 0000
MARTIN A. DRAKE, 0000
PATRICK DRISCOLL, 0000
KIM M. DRURY, 0000
RICKEY L. DUBBERLY, 0000
DRU M. DUBUQUE, 0000
JOHN T. DUGENE, 0000
RICHARD W. DURHAM, 0000
MICHAEL A. DURNAN, 0000
ANTHONY J. DZIELSKI, 0000
GERDA W. EDWARDS, 0000
RONALD R. EVANS, 0000
DAVID W. FAASSE, 0000
DANIEL P. FARSON, 0000
MICHAEL J. FISCHER, 0000
R.D. FITZPATRICK, 0000
MOIRA N. FLANDERSWURZEL, 0000
JAMES K. FOLEY, 0000
JAMES M. FORDICE, 0000
DENNIS R. FOX, 0000
DOUGLAS FREMONT, 0000
DAVID J. FROST, 0000
GEORGE J. FULLERTON, 0000
STEPHEN G. GABRIELE, 0000
DANIEL R. GAHAGAN, 0000
BEULAH C. GALVIN, 0000
DAVID C. GEER, 0000
GERALD W. GELETZKE, 0000
TIMOTHY M. GIARDINA, 0000
DAVID W. GILLARD, 0000
JEFFREY R. GINNOW, 0000
STEVEN D. GNASSI, 0000
DANIEL A. GOMRICK, 0000
THOMAS D. GOODALL, 0000
EDWARD R. GOODMAN, 0000
DOMINIC L. GORIE, 0000
KENNETH S. GRAESER, 0000
FRANK J. GRANDAU, 0000
STEVEN D. GRANT, 0000
WALTER S. GRAY, 0000
FRANCIS J. GRECO, 0000
CHARLES W. GREEN, 0000
JAMES K. GREENE, 0000
PHILIP H. GREENE, 0000
MARK F. GREER, 0000
MARK E. GUNGGOLL, 0000
ROBERT H. GUY, JR., 0000
TERRY W. HAGGARD, 0000
DEON A. HARKEY, 0000
ROY H. HARKINS, 0000
BASIL N. HARRIS, 0000
JOSEPH C. HARRISS, 0000
ROBERT S. HARWARD, 0000
PETER J. HEALEY, 0000
MICHAEL A. HECKER, 0000
ZACHARY A. HENRY, 0000
GARY B. HICKS, 0000
ROBIN L. HIDDEMEN, 0000
PAUL D. HILL, 0000
JAMES B. HILLAN, 0000
PAULA H. HINGER, 0000
FRANCIS A. HISER III, 0000
ALEXANDER B. HNARAKIS, 0000
KATHRYN M. HOBBS, 0000
JOHN S. HOEFEL, 0000
THOMAS K. HOHL, 0000
WILLIAM P. HOKER, 0000
JOHN B. HOLLYER, 0000
JACK W. HOLT, 0000
PATRICK C. HOPFINGER, 0000
ROBERT HUDDLESTON, 0000
JERRY L. HYDE, JR., 0000
VINCENT S. IFILL, 0000
JANEEN W. IGOU, 0000
DONALD S. INBODY, 0000
JOHN D. INGRAM, JR., 0000
GLEN R. IVES, 0000
BERNARD L. JACKSON, 0000
DAVID M. JACKSON, 0000
GREGG S. JACKSON, 0000
MICHAEL L. JAMES, 0000
ROGER D. JASKOT, 0000
DAVID J. JERABEK, 0000
JOSEPH E. JOHANNES, JR., 0000
ARTHUR J. JOHNSON, JR., 0000
DAVID C. JOHNSON, 0000
EDWARD A. JOHNSON, JR., 0000
STEPHEN J. JOHNSON, 0000
MICHAEL JOHNSTON, 0000
LEONARD B. JONES, 0000
PAULA L. JORDANEK, 0000
THOMAS M. JOYCE, 0000
ANDREW T. KARAKOS, 0000
TIMOTHY P. KEATING, 0000
DOUGLAS W. KEILER, 0000
RUSSEL C. KELLER, 0000
STUART O. KENDRICK, 0000
RICHARD J. KISER, 0000
DEAN M. KIYOHARA, 0000
FRANCIS V. KLEIN, 0000
TOMMY D. KLEPPER, 0000
JEFFREY E. KLINE, 0000
KARL E. KOLESNIKOFF, 0000
STEVEN R. KREMER, 0000
JOHN A. KUNERT, 0000
DAVID A. LEARY, 0000
ROBERT G. LEEDS, 0000
STEVEN E. LEHR, 0000
SHARON M. LEONARD, 0000
LINDA M. LEWANDOWSKI, 0000
SUSAN M. LIBBY, 0000
DAVID E. LIENARD, 0000
STEPHEN C. LINNELL, 0000
DANIEL J. LOONEY, 0000
JOHN R. LOYER, 0000
CARLOS LOZANO, 0000
MICHAEL C. LUCARELLI, 0000
STEVEN E. LUCE, 0000
KEITH O. LYLES, 0000
ARCHER M. MACY, JR., 0000
MICHAEL K. MAHON, 0000
RUDOLPH E. MALUSH, 0000
STUART B. MARKEY, 0000
WILLIAM P. MARRIOTT II, 0000
JOSEPH R. MARTIN, 0000
STEPHEN E. MARTIN, 0000
RICARDO MARTINEZ, 0000
CHARLES W. MARTOGLIO, 0000
JAMES S. MAYNARD, 0000
GEORGE A. MCCAFFREY, 0000
THOMAS R. MCCARTHY, 0000
BRIAN J. MCCORMACK, 0000
LARRY S. MCCRACKEN, 0000
TERRY L. MCCREARY, 0000
THOMAS F. MCGUIRE, 0000
THOMAS MCKEON, 0000
CLARENCE W. MCKOWN, JR., 0000
JOHN C. MCLAWHORN, 0000
MARY B. MCLENDON, 0000
EDWARD P. MCNAMEE III, 0000
KEVIN K. MCNEES, 0000
JERRY L. MCWITHEY, 0000
MARK S. MEREDITH, 0000
SHERMAN G. METCALF, 0000
JOHN C. MICKEY, 0000
KENNETH MILHOAN, 0000
JAMES D. MILLER, 0000
ROBERT A. MIRICK, 0000
MAURICE M. MONTANA, 0000
LESTER L. MOORE, JR., 0000
PAULA L. MOORE, 0000
JANE B. MORGAN, 0000
DAVID B. MORRISON, 0000
GLEN E. MOWBRAY, 0000
MICHAEL G. MULCAHY, 0000
ROLAND J. MULLIGAN, 0000
JOSEPH P. MULLOY, 0000
CHRISTOPHER C. MURRAY, 0000
MICHAEL J. MURRAY, 0000
DALE M. NEES, 0000
MICHAEL E. NELLER, 0000
GLEN A. NIEDERHAUSER, 0000
FRANCIS J. NINER, 0000
RICHARD J. NOLAN, JR., 0000
JOHN C. NOULIS, JR., 0000
ALFRED S. NUGENT III, 0000
EUGENE T. OBRIEN, 0000
PETER A. OBRIEN, 0000
JAMES W. OCONNELL, 0000
JAMES L. OKEEFE III, 0000
RYNN B. OLSEN, 0000
JOHN H. OREM, 0000
JOHN C. ORZALLI, 0000
CATHERINE H. OSMAN, 0000
ANTONY F. PAPAPIETRO, JR., 0000
RAYMOND PARA, 0000
SETH F. PARADISE, 0000
GREGORY S. PARKER, 0000
JOHN A. PASKO, 0000
MATTHEW S. PASZTALANIEC, 0000
JAMES V. PENDLEY, 0000
PATRICK K. PEPPE, 0000
MARK D. PETERSENOVERTON, 0000
JOSEPH C. PETERSON, JR., 0000
THOMAS P. PHELAN, 0000
DAVID L. PHILMAN, 0000
CHARLES J. PIERCE, JR., 0000
PAUL M. PIETSCH, 0000
GEORGE L. PONSOLLE, JR., 0000
WILLIAM L. PORTER, 0000
CHRISTOPHER L. POWERS, 0000
DENNIS M. PRICOLO, 0000
BRIAN C. PRINDLE, 0000
DAVID W. PROTHERO, 0000
JOHN M. PRUITT, JR., 0000
MILES C. QUIGLEY III, 0000
DONALD P. QUINN, 0000
MICHAEL V. RABENS, 0000
ROBERT W. RADLOFF, 0000
JAMES E. RATTE, JR., 0000
JOHN R. REICHL, 0000
WILLIAM F. REISKE, 0000
JAMES M. RENNIE, 0000
LAWRENCE S. RICE, 0000
WANDA L. RIDDLE, 0000
JAN G. RIVENBURG, 0000
TIMOTHY C. RIVERS, 0000
BRIAN M. ROBY, 0000
ERNEST J. ROESKE, 0000
KENNETH P. ROEY, 0000
JAMES E. ROGER, 0000
KENT V. ROMINGER, 0000
DONALD L. ROOT, 0000
STEPHEN S. ROSS, 0000
STEVEN H. ROSS, 0000
THOMAS A. RUSSELL, 0000
JANET S. RUSTCHAK, 0000
ROBERT H. RUTHERFORD, 0000
ROBERT W. RYAN, 0000
ROBERT C. SAIN, 0000
STEPHEN B. SALE, 0000
DAVID T. SAPONE, 0000
MATTHEW E. SCHELLHORN, 0000
JAMES K. SCHOLL, 0000
KURT D. SCHULZE, 0000
JAMES M. SEAGLE, 0000
MARK D. SEAMAN, 0000
VICTOR C. SEE, JR., 0000
MARK K. SEGLEM, 0000
ROBERT R. SENTER, JR., 0000
GRACE V. SHEEHAN, 0000
JUSTIN M. SHERIN, JR., 0000
WILLIAM O. SHEWCHUK, 0000
ANTHONY A. SHUTT, 0000
CARY A. SILVERS, 0000
MARLENE A. SIMMONSTREFETHEN, 0000
DARRELL T. SINK, 0000
RICHARD E. SMETHERS, JR., 0000
STEPHEN T. SMIETANA, 0000
CHARLES E. SMITH, 0000
STEVEN P. SMOLINSKI, 0000
RAY L. SNELL, 0000
JOHN A. SOKOLOWSKI, 0000
CARLOS A. SOTOMAYOR, 0000
ROBERTA SPILLANE, 0000
TIMOTHY P. SPRAGUE, 0000
DANIEL L. SQUIRES, 0000
STEPHEN G. SQUIRES, 0000
WILLIAM B. STEDMAN, 0000
JEFFREY M. STEELE, 0000
ROBERT R. STERLING, JR., 0000
HOWARD L. STONE III, 0000
STEVEN R. STRAUSSER, 0000
ROBERT M. STUART, 0000
JOHN B. STURGES III, 0000
CHRISTOPHER J. SULLIVAN, 0000
PAUL K. SUSALLA, 0000
ERIC L. SWEIGARD, 0000
MICHAEL J. SZOSTAK, 0000
SHAWN R. TALLANT, 0000
RICHARD R. TAYLOR, 0000
MARK TEMPESTILLI, 0000
RONALD L. THOMAS, 0000
DAVID N. THORSON, 0000
PAMELA E. THROWERLESESNE, 0000
SPENCER P. TOLIS, 0000
RAYMOND F. TOLL, JR., 0000
WILLIAM J. TOTI, 0000
WILLIAM T. TRAINER, 0000
HOWARD F. TROST, 0000
DAVID W. TUNGETT, 0000
ALEXANDER L. URRUTIA, 0000
WILLIAM D. VALENTINE, JR., 0000
SCOTT R. VANBUSKIRK, 0000
THOMAS M. VANDENBERG, 0000
JAN M. VANTOL, 0000
DAVID A. VEATCH, 0000
DAVID M. VOLONINO, 0000
CONSTANCE A. WALKER, 0000
THOMAS L. WALSTON III, 0000
THOMAS S. WARD, 0000
THEODORE J. WASYLKIW, 0000
WALTER B. WATSON, JR., 0000
JAMES M. WECKERLY, 0000
MARK S. WELCH, 0000
RICHARD C. WEST, 0000
THOMAS S. WETHERALD, 0000
WILLIAM G. WILCOX, JR., 0000
THOMAS R. WILLIAMS, 0000
MICHAEL L. WILLIAMSON, 0000
CHARLES E. WILSON, JR., 0000
JEFFERY W. WILSON, 0000
DAVID L. WIRT, 0000
JAMES E. WISE II, 0000
JAMES G. WOOLWAY, 0000
MARK A. WOOTTEN, 0000
KEITH L. WRAY, 0000
CHARLES R. WRIGHT, 0000
ERIC J. WRIGHT, 0000
STUART A. YAAP, 0000
WILLIAM E. YEAGER, 0000
KARL E. YEAKEL, 0000
EARLE S. YERGER, 0000
ROLF A. YNGVE, 0000
WILLIAM D. YOPP, 0000
DAVID G. YOSHIHARA, 0000
ORRIN W. YOUNG, 0000
RANDOLPH K. YOUNG, 0000
ROBERT A. YOUNG, 0000
RONALD W. ZAPERACH, 0000
PAUL M. ZIEGLER, 0000