



United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 106th CONGRESS, SECOND SESSION

Vol. 146

WASHINGTON, MONDAY, MAY 15, 2000

No. 59

Senate

The Senate met at 1:01 p.m. and was called to order by the Honorable JON KYL, a Senator from the State of Arizona.

PRAYER

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

Holy Father, we join with Americans across this land in the celebration of National Police Week. We thank You for police officers who serve in sheriff and police forces in cities and counties across this land. They serve in harm's way, facing constant danger, so that we may live with security and safety. We gratefully remember the law enforcement officers, Jacob Chestnut and John Gibson, who lost their lives in the line of duty here in the Capitol 2 years ago. Thank You for their valor and heroism. Continue to bless their families as they endure the loss of these fine men. Today, our prayer is that our gratitude and affirmation for the Capitol Police officers will encourage them as they encourage us by their strong presence. May they know that we cheer them for being willing to stand in harm's way so we can keep Government moving in Your way.

Through our Lord and Savior. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JON KYL led the Pledge of Allegiance, as follows:

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

APPOINTMENT OF THE ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. THURMOND).

The legislative clerk read the following letter:

U.S. SENATE
PRESIDENT PRO TEMPORE,
Washington, DC, May 15, 2000

To the Senate:

Under the provisions of rule 1, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JON KYL, a Senator from the State of Arizona, to perform the duties of the Chair.

STROM THURMOND,
President pro tempore.

Mr. KYL thereupon assumed the chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 3 p.m. with Senators permitted to speak therein for up to 5 minutes each.

Under the previous order, the Senator from Hawaii, Mr. AKAKA, is recognized to speak for up to 30 minutes.

The Senator from Hawaii.

ASIAN PACIFIC AMERICAN HERITAGE MONTH

Mr. AKAKA. Mr. President, I rise today with deep admiration and praise for an integral presence within America's diverse society—Asian Americans and Pacific Islanders. Every May, during Asian Pacific American Heritage Month, we commemorate the major contributions made by this small, but by no means insignificant part of the U.S. population.

Asian Americans and Pacific Islanders, both in the aggregate and in groups of distinct and unique ethnic origin, comprise a growing force in our citizenry. Whether their ancestry is

Chinese, Japanese, Filipino, Indian, Korean, Vietnamese, Thai, Laotian, Hmong, or other Asian American, or Native Hawaiian, Chamorro, Samoan, Micronesian, Tongan, Fijian, or other Pacific Islander American, they are a vibrant part of our society. If one could see numbers about each of the distinct peoples in the Asian American and Pacific Islander community, they would observe that we make up one of the fastest growing segments of the population. Our reach in communities across America is increasing. Asian Pacific Americans should not be thought of as located only in a few select states such as Hawaii or California. We have migrated over time from various points of origin in the U.S. to all parts of the country and have come to contribute to local business, education, and politics in every state.

Nearly 11 million Asian and Pacific Islanders lived in the U.S. in about 2.5 million families, according to last year's estimates. About four-fifths of these families were headed by married couples. Furthermore, the Census Bureau projects that the Asian and Pacific Islander population will more than triple to nearly 38 million by the middle of this new century, climbing from four to nine percent of the American population. This growth in the number of Asian Pacific Americans will be felt across the country, and more light will be shed on the multifaceted strengths and varied needs of Asian Americans and Pacific Islanders.

President Clinton recognized the importance of increasing awareness about Asian Americans and Pacific Islanders when he signed Executive Order 13125 in June, 1999. The Executive Order established the White House Initiative on Asian Americans and Pacific Islanders with the goal of improving the quality of life for this population by increasing their participation in Federal programs. Such programs include those related to health, human services, housing, education, labor, transportation,

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



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economic development, and community development programs—encompassing those which currently serve this population and those which may not have served this population in the past.

I am happy to say that the Initiative is marching onward through high-level, interagency meetings involving all major agencies in the Executive Branch, and the establishment of the President's Advisory Commission on Asian Americans and Pacific Islanders. The Commission will be sworn in later this week and includes 15 members representing various interests and diverse segments of the Asian American and Pacific Islander community. It will be chaired by an esteemed colleague, former Congressman Norman Mineta, and will include representatives such as Haunani Apoliona from my State of Hawaii. I hope that now and in the next Administration, the Initiative and the Commission will continue to work hand-in-hand toward: increased research and data collection; private sector, public sector and community involvement; and, development, monitoring, and coordination of Federal efforts toward improved quality of life for Asian Americans and Pacific Islanders.

There is clear evidence to show that this type of Federal attention is needed. As stated in the Presidential Proclamation for Asian Pacific American Heritage Month 2000, despite many successes, the needs in the community still continue to be great:

While many Asian Americans and Pacific Islanders today are thriving, others are still struggling to overcome obstacles. Because of oppression in their countries of origin, some new immigrants have arrived without having completed their education; once here, some have encountered language and cultural barriers and discrimination. Pacific Islanders, too, must overcome barriers to opportunity caused by their geographic isolation and the consequences of Western influences on their unique culture. For these and other reasons, too many Asian Americans and Pacific Islanders face low-paying jobs, inadequate health care, and lack of educational opportunity.

The Initiative, Advisory Commission, and the Asian American and Pacific Islander community have much work to do in these areas. I urge that the proper resources and attention continue to flow to support this combined effort.

Mr. President, within this Federal effort, I cannot underscore enough how much we need to focus on improving data collection for the Asian American and Pacific Islander community. The tremendous diversity in the community poses challenges that have produced data and statistics that are inadequate. Most data collection tends to lump the various Asian American and Pacific Islander ethnicities together in a single category, swallowing up numbers for each distinct group and failing to present an accurate picture of the services needed.

For example, the respected organization, the College Board, produced a re-

port regarding minority achievement in higher education. The report failed to include Asian Pacific Americans because we were considered to be over-represented in higher education. Unfortunately, in the making of the report, differences between individual groups within the community were ignored. For example, higher educational attainment is greater for groups like Japanese and Chinese Americans than it is for American Samoan and Southeast Asian Americans. Statistics such as these must be brought to light so that educational agencies and institutions know to which groups they should target their limited resources. Thankfully, Congressman ROBERT UNDERWOOD, the Chairman of the Congressional Asian Pacific Caucus, worked to counter this problem and, in the end, reached an agreement with The College Board to work together and analyze disaggregated data for the population.

As another example of data collection challenges, I have worked on Office of Management and Budget Statistical Policy Directive No. 15, which governs the racial and ethnic data collection by Federal agencies. In 1993, I began efforts to change the Directive so that Native Hawaiians would be disaggregated from the Asian Pacific Islander category. My main concern was that Native Hawaiians, as an indigenous people were being classified with populations that had immigrated to the U.S., thereby creating the misperception that Native Hawaiians were immigrants rather than the indigenous peoples of Hawaii.

I finally succeeded in 1997, when OMB Policy and Statistical Directive No. 15 was revised. Native Hawaiians were disaggregated from the Asian Pacific Islander category and a new category entitled, "Native Hawaiians and Other Pacific Islanders" was created. That was one step toward fixing inaccuracies in data collection. Agencies have until January 1, 2003 to make all existing recordkeeping or reporting requirements consistent with its standards. However, provisions of the revised directive took effect immediately for all new and revised recordkeeping or reporting requirements that include racial and/or ethnic information. It is my understanding that only the Department to Health and Human Services has established a policy with respect to the requirements of OMB Directive 15. I have encouraged all Federal agencies to actively work to implement this Directive, especially in collaborative efforts with the White House Initiative and President's Advisory Commission.

As a further example, on March 14, 2000, I hosted a forum to discuss Census 2000 and its impact on Native Hawaiians and Pacific Islanders in Honolulu. The forum included panel members from the Federal government, Congress, and Native Hawaiian, Samoan, and Chamorro community organizations. The issue which generated the most concern regarding Census 2000

was the application of multiracial reporting. This issue is one of particular sensitivity in Hawaii, where a large percentage of the population has multi-ethnic backgrounds.

In Hawaii, it is very common for individuals, when asked for their ethnicity, to list their entire ethnic background. Only when asked which ethnicity the individual most identifies with will the individual limit the answer to one ethnic background. Furthermore, it was revealed through forum discussion that there is no resolution as to how data will be reported for those who check off more than one race on the 2000 Census form. This raises the fear that the final counts of various Pacific Islander populations—such as the Native Hawaiian population—where multiple-race backgrounds are common, would be inaccurate. Statisticians verify that this has enormous effect on smaller populations.

I am continuing to work on this problem because of the tremendous impact that Federal data has in its use in deciding funding and participation in thousands of Federal, state and local programs. Inaccurate data means that many individuals will not be served, and we must do what we can to prevent this from happening. We must work on these and other issues facing the Asian American and Pacific Islander community, just as we do for issues facing our country's other populations, because it is part of our responsibility to keep each part of our diverse America as strong as it can be.

Mr. President, I recently introduced related legislation that would allow us to take a broader look at, and emphasize the heterogeneous nature of, America. S. 2478, or the Peopling of America Theme Study Act of 2000, takes pride in America's diversity by authorizing the Secretary of the Interior to identify regions, areas, districts, structures and cultures that illustrate and commemorate key events or decisions in the peopling of this country. I hope that this effort will provide a basis for the preservation and interpretation of the complex movement of people, ideas, and cultures to and across the American continent that resulted in the peopling of the nation, and the development of our unique, pluralist society—one that Asian Americans and Pacific Islanders are fully a part.

The bill encourages development of preservation and education strategies to capture elements of our national culture and history such as immigration, migration, ethnicity, family, gender, health, neighborhood, and community. The prehistory and the history of this nation are inextricably linked to the mosaic of migrations, immigrations and cultures that has resulted in the peopling of America. Americans are all travelers from other regions, continents and islands, and I feel we need a better understanding and appreciation of this coherent and unifying

theme in America. This is the source of our nation's greatness and strength. Our rich American heritage includes the traditions, cultures, and contributions of Asian Americans and Pacific Islanders, both as a group and as individuals.

Mr. President, I would like to conclude my statement with a note of praise and congratulations to some of the members of the Asian Pacific American community most deserving of recognition. President Clinton recently approved the Army nominations of 21 Asian Pacific American World War II veterans to receive the Congressional Medal of Honor. This concluded a review that I requested of service records of Asian American and Pacific Islanders who received the Distinguished Service Cross during World War II. The approval of the Medal of Honor for these 21 men who served with valor in World War II—19 from the 442nd Regimental Combat Team and 100th Infantry Battalion—is long overdue recognition of the heroic service and bravery displayed by these Asian American soldiers and their comrades in arms. As we honor these patriots, including my colleague Senator DANIEL INOUE, let us also remember the thousands of young men, living and deceased, whose courage, sacrifice and spirit proved that patriotism is a circumstance of the heart, not a consequence of the skin.

The 100th/442nd fought with incredible courage and bravery in Italy and France. Its members won 1 Medal of Honor, 53 DSCs, and more than 9,000 Purple Hearts. The unit itself won 8 Presidential Unit Citations. The fact that the 100th/442nd saw such fierce and heavy combat, yet received only one Medal of Honor award, and then only posthumously and due to congressional intervention, raised serious questions about the fairness of the award process at that time. Unfortunately, Asian Pacific Americans were not accorded full consideration for the Medal of Honor at the time of their service. A prevailing climate of racial prejudice against Asian Pacific Americans during World War II precluded this basic fairness, the most egregious example being the internment of 120,000 Japanese Americans. The bias, discrimination, and hysteria of that time unfortunately has an impact on the decision to award the military's highest honor to Asians and Pacific Islanders.

I commend Secretary Caldera and all the Army personnel who conducted the DSC review in a thorough and professional manner. They carried out the difficult task of identifying and reconstructing the records of more than one hundred veterans with diligence, sensitivity, and dispatch. The stories documented for each of the 104 DSC recipients will astonish and humble all who read them and underscore our faith in a nation that produces such heroes.

As the only Chinese American in this body and the sole Native Hawaiian in the Congress, I am proud of the legacy

that we as Americans are leaving for the world. I am proud of our great country, and I am proud of the citizens that make our country great—including our nation's Asian Americans and Pacific Islanders. We have much to celebrate during Asian Pacific Heritage Month 2000.

Mr. President, thank you again for this opportunity, and I yield the floor.

Mr. INOUE. Mr. President, I rise today in recognition of Asian Pacific American Heritage Month. In 1992, President Bush signed into law legislation designating May as Asian Pacific American Heritage Month to celebrate the contributions the Asian American and Pacific Islander communities have made to our country.

Asian Americans and Pacific Islanders have been instrumental in the development of the American landscape for more than a century. The diversity within the Asian American and Pacific Islander communities exemplifies the richness of our multicultural country, celebrated through Asian Pacific American Heritage Month.

Valuing family, cultural heritage, and commitment to society, Asian Americans and Pacific Islanders have built strong communities contributing to our dynamic society and adding strength to the foundation of our country. With strong values, Asian Americans and Pacific Islanders have succeeded in many facets of life including science where Dr. David Ho was celebrated as Time Magazine's 1996 Man of the Year; the arts, with fashion designer Vera Wang, writer Amy Tan, and actress Ming Na-Wen; sports with ice skaters such as Kristi Yamaguchi and Michelle Kwan and football legend Junior Seau; in the military where General Eric Shinseki is the Chief of Staff for the U.S. Army; and politics where there are two Pacific Islander Governors and where I am joined by six other Asian Americans and Pacific Islanders serving in Congress, and where a record number of Asian American and Pacific Islanders are serving as Administration appointees in some of the highest offices of government. This list is by no means exhaustive, it only scratches the surface of the contributions Asian American and Pacific Islanders have made to our country. Asian Pacific American Heritage Month allows us to pay tribute to the commitment and contributions these men and women have made to their communities and to our country.

The growth of the Asian American and Pacific Islander communities, along with the achievements we have gained, have brought Asian American and Pacific Islander issues to the forefront of American politics. Last June, President Clinton signed Executive Order 13125 establishing the White House Asian and Pacific Islander Initiative seeking to improve the quality of life for Asian Americans and Pacific Islanders through increased participation in federal government programs where they are most likely to be under-

served. I commend the President for this Initiative and optimistically look forward to the progress this commission will achieve, under the chairmanship of Mr. Norman Mineta, to highlight and challenge issues pertinent to Asian Americans and Pacific Islanders.

Asian Americans and Pacific Islanders have made considerable contributions to our nation. I am pleased that through Asian Pacific American Heritage Month the various histories, cultures, triumphs, and hardships of all Asian Americans and Pacific Islanders can be celebrated, honored, and remembered.

Mrs. BOXER. Mr. President, each May, hundreds of civic organizations, community groups, students, and public agencies around the nation organize events to celebrate Asian Pacific American Heritage Month. Throughout the month of May, we salute the profound contributions that Asian Pacific Americans have made in all areas of life in the United States. From the arts and sciences to politics and education, their accomplishments have helped shape our culture and build our nation.

In my home state of California, May brings major events celebrating Asian Pacific American culture in Sacramento, Oakland, San Francisco, San Jose, Los Angeles, and San Diego. For more about these events and other interesting information, I invite everyone to consult my special Asian Pacific American Heritage Month web page at <http://boxer.senate.gov/apa/index.html>.

Asian Pacific American Heritage Month originated in 1977, when Representatives Norman Mineta and Frank Horton introduced a resolution calling on the President to proclaim the first ten days of May as Pacific/Asian Heritage Week. Senators DANIEL INOUE and Spark Matsunaga introduced similar legislation in the Senate. The following year, President Jimmy Carter signed a Joint Resolution proclaiming Asian/Pacific Heritage Week. The celebration was significantly expanded in 1992, when May was officially designated Asian Pacific American Heritage Month by an Act of Congress.

The term "Asian Pacific American" denotes scores of Asian and Pacific Island ethnic groups with diverse languages, culture, and history. Asian Pacific American Heritage Month offers every American an opportunity to learn more about these peoples, who have woven so many beautiful threads into the tapestry of American life. During the month of May and throughout the year, I hope that every American will take a moment to learn and appreciate more about the rich traditions and major achievements of Asian Pacific Americans.

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

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

The legislative clerk proceeded to call the roll.

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

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

BANKRUPTCY REFORM

Mr. WELLSTONE. Mr. President, I have with me an investigative article from the May 15, 2000 issue of Time magazine, the title of which is "Soaked by Congress, Lavished with campaign cash, lawmakers are 'reforming' bankruptcy—punishing the downtrodden to catch a few cheats," by Donald L. Barlett and James B. Steele, who are well known for their investigative journalism—some of the best investigative journalism in the country.

Mr. President, I thank these two journalists for the work they have done over the years. I used to assign their books to classes, and I think it is very good investigative journalism.

Let me read from one part of this lengthy article. I sent a copy of this out to colleagues. I commend this piece to all of them.

Under the legislation before Congress, new means tests would force more borrowers into Chapter 13—leading to still more failures—and would eliminate bankruptcy as an option for others. For this second group, life will be especially bleak. Listen to their future as described by Brady Williamson, who teaches constitutional law at the University of Wisconsin in Madison and was chairman of the former National Bankruptcy Review Commission, appointed by Congress in 1995: "A family without access to the bankruptcy system is subject to garnishment proceedings, to multiple collection actions, to repossession of personal property and to mortgage foreclosure. There is virtually no way to save their home and, for a family that does not own a home, no way to ever qualify to buy one." The wage earner will be "faced with what is essentially a life term in debtor's prison."

Brady Williamson, who teaches constitutional law at the University of Wisconsin, is joined by law professors all across the country in their strong critique in, I would really say, condemnation of this bankruptcy bill. Again, he was the chairman of the former National Bankruptcy Review Commission, which was appointed in 1995.

The reason I mention this is that I want to take a few minutes to talk about this bill.

When there was an effort to separate this bankruptcy bill out from minimum wage legislation, I opposed it. I opposed the unanimous consent agreement. Senator FEINGOLD was out here on the floor with me. We did this because we believe this piece of legislation deserves more scrutiny, albeit it passed by a big margin in the Senate. But I am telling you that many colleagues, I think, had no idea of some of the provisions that were in this legislation—some really egregious provisions. We have learned something about what many of us call the pension raid, which basically for the first time would enable these creditors, as a condition for making the loan, to call upon borrowers to say, look, you can also put a

lien on my pension. That has never been done before.

But there are other egregious provisions as well. I again point out that last week Time magazine published this investigative article entitled "Soaked by Congress," written by Donald Barlett and James Steele.

I think this is a true picture of who files for bankruptcy in America. You will find a far different profile of who the people are than from the skewed version that was used to justify this "bankruptcy reform bill" passed by the House and the Senate.

I would like to give my colleagues an example of the kind of families we are talking about—working families, hard-pressed families, crushed by debt, people who need a fresh start.

Tomorrow, Senator KENNEDY will be coming with other Senators—I will join them—in speaking about this bill as well. Since I came to this floor and I objected to any unanimous consent agreement to separate this bankruptcy bill, passing it and moving it forward, and since I have done everything I know how as a Senator to stop this bill, I want to discuss why.

First, I will talk about this legislation from the perspective of ordinary people, people who don't have a lot of money—not the big banks and not the big credit card companies that have been running the show on this legislation.

I will read the beginning of this article by Bartlett and Steele:

Congress is about to make life a lot tougher—and more expensive—for people like the Trapp family of Plantation, Fla. As if their life isn't hard enough already. Eight-year-old Annelise, the oldest of the three Trapp children, is a bright, spunky, dark-haired wisp who suffers from a degenerative muscular condition. She lives in a wheelchair or bed, is tied to a respirator at least eight hours a day, eats mostly through a tube and requires round-the-clock nursing care. Doctors have implanted steel rods in her back to stem the curvature of her spine.

Her parents, Charles and Lisa, are staring at a medical bill for \$106,373 from Miami Children's Hospital. Then there are the credit-card debts. The \$10,310 they owe Bank One. The \$5,537 they owe Chase Manhattan Bank. The \$8,222 they owe MBNA America. The \$4,925 they owe on their Citibank Preferred Visa card.

The \$6,838 they owe on their Discover card. The \$6,458 they owe on their MasterCard. "People don't understand, unless they have a medically needy child, these kinds of circumstances," says Charles Trapp, 42, a mail carrier.

Most of the people who file for bankruptcy under chapter 7 for a new start, about 40 percent-plus, are people who have been put under because of a medical bill. The studies don't talk about a lot of abuse. They mention 3, 4 or 5 percent of the people at most abusing this system. Most of the people in the country who do have to start over find themselves in these awful situations because there has been a divorce and now there is a single parent or because people have lost their jobs or because people face catastrophic medical bills. We are going to punish these families?

The figures on the amount of money pouring in, let me be clear, are not on one to one. I am not going to stand here and say every single Senator who disagrees with me on this disagrees with me because they received a lot of money from big credit card companies. Then someone can turn around, and I know the presiding Chair will agree, and say every position you take is based on money you have received. That is simply an analysis that should be unacceptable. I will not do that. It is not fair to people I serve with and I don't believe it.

However, from an institutional view of who has power and who doesn't have power in America, we see an industry that has a tremendous amount of clout, that certainly contributes a lot of money—Republicans and Democrats alike—that has the lobbyists, is certainly well connected and, of course, the people whom we are talking about, such as the Trapp family, don't have the same kind of connections.

We are, I think, about to do something very egregious to these families. Yesterday was Mother's Day—Sheila and I marched in the Million Mom March and were proud to do so—so I'd like to read from a letter signed by 70 scholars at our Nation's law schools who are opposed to this legislation about how this bill will affect mothers. They write directly to this issue of how low-income, women-headed households will be devastated by this bankruptcy bill.

As the heads of the economically most vulnerable families, they have a special stake in the pending legislation. Women heads of households are now the largest demographic group in bankruptcy, and according to the credit industry's own data, they are the poorest. The provisions in this bill, particularly the provisions that apply without regard to income, will fall hardest on them. A single mother with dependent children who is hopelessly insolvent and whose income is far below the national median income still would have her bankruptcy case dismissed if she does not present copies of income tax returns for the past three years—even if those returns are in the possession of her ex-husband. A single mother who hoped to work through a chapter 13 payment plan would be forced to pay every penny of the entire debt owed on almost worthless items of collateral, such as used furniture or children's clothes, even if it meant that successful completion of a repayment plan was impossible.

I don't think the choices in this debate could be stated any more starkly. The core question is, Are we on the side of these big credit companies and these banks or are we on the side of too many women in this country struggling to support their families?

I will mention a few other provisions in this legislation that are punitive. I already mentioned the pension grab. People didn't even seem to know about that provision. That is being reworked. Good. I want to see the bill improved, although a wise proverb comes to mind: Never put good stitching in a rock cloth.

I think this bill is fundamentally flawed—not the Senators who support

the bill, the bill. Section 102 of this bill removes the ability of a debtor to seek sanctions against a creditor who brought coercive, frivolous claims against the debtor, as long as the claim in question is less than \$1,000. If someone has a loan for less than \$1,000, a creditor can intimidate and threaten legal action, even if he doesn't intend to take legal action with impunity.

Section 105 imposes mandatory credit counseling on debtors before they can seek bankruptcy relief at the debtors' expense—as if the debtors have the money for this. This is regardless of whether the bankruptcy would be the result of simple overspending or the result of unavoidable expenses such as catastrophic medical expense. There is no waiver of this requirement. People can end up being evicted.

Section 311 ends the practice of stopping eviction proceedings against tenants who are behind on rent who file for bankruptcy. This is critical for tenants under current law.

I could go on and on.

I speak from the Senate floor to the people in the country. This is a reform issue. I talked about who has the clout in America and who doesn't. At one time, there was a bill that came to the floor of the Senate, a much better bill, that I voted against. It was a 99-1 vote. I thought that bill was too harsh and too punitive, but most of my colleagues disagreed. People had done good work on it.

Now this bill that passed the United States, it is as Barlett and Steele pointed out in their very important piece, it is completely one sided. There is no call for accountability or responsibility on the part of the creditor, credit card companies. There are harsh provisions, many of which—most of which—all of which, frankly, disproportionately affect low-income people, moderate-income people, women, working families, you name it, based upon the assumption that most people who file for bankruptcy abuse the system—which is not true. Most people are put under because of a medical bill or they have been out of work or because there is a divorce. This bill is just a carbon copy of what this credit card industry wants.

I objected to the unanimous consent agreement to try to move this bill, first to decouple it from the minimum wage and then to try basically to move it through. I do not want to. I want to try to stop this piece of legislation. Because different Senators are entitled to their own viewpoint, I will be pleased, as we get a chance to really look at the provisions of this legislation carefully, as in the case of this Barlett and Steele piece, and if this bill comes back before the Senate and we have the debate, I will be willing to agree to time limits on amendments—you name it. But we need to have a thorough debate on this bill. I am not going to let it go through by unanimous consent or continue in any way, shape, or form.

The effort that is underway is to take this legislation and put it into an

unrelated bill; the e-signatures bill is the latest, the effort to take this bankruptcy—quote, reform—bill and put it into the conference committee on e-signature legislation. It has nothing to do with e-signature legislation. Then the effort is to bring the conference report back to the Senate where it cannot be amended and can be only voted up or down.

It is clever enough, but the truth of the matter is, again, my goal in life is to have people interested in politics, public affairs. Even if they vote Republican, I am all for them if they are interested in public affairs. That is my view. I just don't want people opting out and being disillusioned and becoming cynical because then I think our country suffers, I think representative democracy suffers. That is what I believe in more than anything else.

This is a reform issue. People hate this. They hate the way this process works, where you can take a bill and now put it into a completely unrelated piece of legislation, outside the scope of the conference committee, tuck it in, do it at midnight, do it late at night, do it when people cannot see it, do it in whatever way you can, in the most private way possible, and then just try to push it through. It is a neat parliamentary technique, it is a neat trick through this process, this legislative process. But it is an outrage.

I do not think Senators should support this. I certainly am going to challenge this question on the scope of conference. I think we had a ruling on this which was an unfortunate ruling. We will have to go back through that. There are other Senators, Senator HARKIN, Senator FEINGOLD, Senator KENNEDY—a number of others—just to mention a few who I think feel very strongly about this. The more Senators really know what is in this piece of legislation, the more Senators who read this investigative report in Time magazine, the more Senators are going to be worried about this. They are going to be worried about this legislation going through in this form.

There are good Senators who have worked on this legislation, some I consider to be some of the best. But this legislation is fundamentally flawed. I speak about it today. I am going to continue to do everything I can to stop it. I want people in the country to know what the effort is right now, which is to put this piece of legislation into an unrelated conference report.

I want to make it clear on the floor of the Senate that everything I know how to do as a Senator, to insist that this bill goes back in the regular order and comes back through this legislative process—which will give us an opportunity to look at other provisions we did not know were in this bill, such as the pension grab amendment—is what I insist on. I think other Senators feel the same way.

I do not believe Senators, Democrats or Republicans alike, whether they agree or disagree on this particular

piece of legislation—I do not think they should accept the proposition we can just put it into an unrelated conference report. We are heading nowhere good if we start doing that with different pieces of legislation. We are heading nowhere good as a legislative body. It is the wrong way to legislate. It is the wrong way to conduct our business.

Then the question is, PAUL, do you have a right to just come out here and object to a unanimous consent agreement?

Yes, I do. We had a minimum wage and we had a bankruptcy bill tied together, and there were tax cuts included with minimum wage provisions. But tax measures need to originate in the House of Representatives under the Constitution and the Senate leadership knows that. If that mistake was made—to unconstitutionally add the tax cuts—and I oppose this bill and, by our own rules, it requires unanimous consent to correct the mistake, of course I have a right to object, especially if I think this is an egregious piece of legislation which hits hard at the most vulnerable, low-income citizens in the United States of America. Of course I have the right to do that.

I say to the majority leader, if he wants to bring this bill back on the floor, let's have at it. We will even have some time agreements on some amendments. But we will have a thorough debate on this, and I will have a chance to point out many egregious provisions in this legislation in a way we were not able to last time. Then we will see where we go.

But if this gets put into a conference committee—and I hope there is enough pressure from other Senators and I hope there is enough pressure from the public that this does not happen. That is the best outcome. I hope the journalists will write about this piece of legislation and will write about what could very well happen here because I think it is indicative of what does not work well here in the legislative process.

If this gets folded into a conference report, I have no doubt a number of Senators—we will do everything we can to hold it up in every way possible. But my hope is we do this the right way and not the wrong way. The right way is, let's have a little bit more of a focus and a little more spotlight on this piece of legislation.

To reiterate, I wanted to take just a few minutes today to talk about the so-called bankruptcy "reform" bill which some Members of this body are trying to force down the throat of working families. As I hope my colleagues are aware, as I speak here today this punitive legislation is being negotiated by a small group of staff working for a handful of members in a secret "shadow" conference. Their plan is to attach this legislation to an unrelated conference report and pass the bill with minimal public scrutiny.

When you really look at what's in this bill, and what's driving this bill,

it's really not surprising that some of my colleagues have been trying to do this behind closed doors. But recently, there has been an increasing drum beat of outrage and attention from outside Congress both on the bill itself and the desperate tactics being used to pass it. As I said, last week Time magazine published an investigative article about the bill, entitled "Soaked by Congress." The article, written by reporters Dan Bartlett and Jim Steele, is a detailed look at the true picture of who files for bankruptcy in America. You will find it far different from the skewed version that was used to justify the bankruptcy "reform" bill passed by the House and Senate.

Last week I sent a dear colleague around with a copy of the article. I hope all my colleagues saw it. Tomorrow I believe a group of Senators will speak in the morning about this article, but I'd like to talk about it this afternoon for just a few minutes in the hope that some of you will take another look at this bill, take another look at what it will do to working families, folks crushed by debt, folks who need a fresh start. I want my colleagues to look at this bill from the perspective of ordinary folks—not the big banks and credit card companies.

I'd like to read the beginning of the article, it begins:

Congress is about to make life a lot tougher—and more expensive—for people like the Trapp family of Plantation, Fla. As if their life isn't hard enough already, Eight-year-old Annelise, the oldest of the three Trapp children, is a bright, spunky, dark-haired wisp who suffers from a degenerative muscular condition. She lives in a wheelchair or bed, is tied to a respirator at least eight hours a day, eats mostly through a tube and requires round-the-clock nursing care. Doctors have implanted steel rods in her back to stem the curvature of her spine.

Her parents, Charles and Lisa, are staring at a medical bill for \$106,373 from Miami Children's Hospital. Then there are the credit-card debts. The \$10,310 they owe Bank One. The \$5,537 they owe Chase Manhattan Bank. The \$8,222 they owe MBNA America. The \$4,925 they owe on their Citibank Preferred Visa card. The \$6,838 they owe on their Discover card. The \$6,458 they owe on their MasterCard. "People don't understand, unless they have a medically needy child, these kinds of circumstances," says Charles Trapp, 42, a mail carrier.

Now I ask my colleagues, is there one thing in this bill that would have helped this family head off bankruptcy? Absolutely not, this bill would simply make it harder for them to get the relief they needed to take care of themselves and their daughter. Why aren't we talking about what could have kept this family out of bankruptcy? What does this bill do to help a woman or man who wants to educate themselves so they can earn a better living for their family? What does this bill do to keep ordinary folks from being overwhelmed by medical expenses? What does this bill do to promote economic stability for working families? Shouldn't the goal be keeping families out of circumstances where

they can't pay their debts instead of punishing them once it's too late? I believe if my colleagues really wanted to reduce the number of bankruptcies they would focus more on providing a helping hand up rather than removing the safety net. If they really wanted to tackle bankruptcy, they would take on the credit card companies and their abusive tactics.

Yesterday was Mother's Day Mr. President, I would like to read from a letter, signed by approximately 70 scholars at our nation's law schools, who are opposed to this legislation. They write directly to this issue of how low income women headed households will be devastated by this legislation:

As the heads of the economically most vulnerable families, they have a special stake in the pending legislation. Women heads of households are now the largest demographic group in bankruptcy, and according to the credit industry's own data, they are the poorest. The provisions in this bill, particularly the provisions that apply without regard to income, will fall hardest on them. A single mother with dependent children who is hopelessly insolvent and whose income is far below the national median income still would have her bankruptcy case dismissed if she does not present copies of income tax returns for the past three years—even if those returns are in the possession of her ex-husband. A single mother who hoped to work through a chapter 13 payment plan would be forced to pay every penny of the entire debt owed on almost worthless items of collateral, such as used furniture or children's clothes, even if it meant that successful completion of a repayment plan was impossible.

I don't think the choices in this debate can be made any more stated any more starkly. The core question is this: Will colleagues be on the side of these women, struggling to raise their families? Or do they see these women as the banks and credit card companies do: just an economic opportunity ripe for exploitation?

A constituent from Crystal, Minnesota wrote to my office last July to tell me about her experience with bankruptcy. Her life was very much like any of ours until an injury forced her to leave the financial security of her factory job. She worked multiple minimum wage jobs for several years as her marriage fell apart and her daughter began a descent into deep clinical depression. In the meantime, she enrolled in computer school so that she could pursue a career that would give her and her daughter a stable income. She purchased a computer on credit so she could spend more time working at home. In time, the payments on the computer, her mortgage and her daughter's medical bills became too much, and she fell behind on debt payments. When creditors approached her, she tried to work out a repayment schedule that she could meet. Some were willing to do so. However, she says in her letter:

What I want you to know specifically is that this one credit card company would not offer any reductions in the interest rate, demanded over one quarter of my entire

monthly income, did not care if I could not meet my payments for the most basic requirements of human existence, suggested that I use a food shelf, and they refused to acknowledge that my child was suicidal and that their harassing phone calls to my house nearly caused her to overdose on the only non-prescription pain relievers that I could have for myself.

So she filed for bankruptcy. She has begun to rebuild her life and she ended her letter by saying:

Please do not vote for Senate Bill 625 or any other bill that makes bankruptcy harder for people who find themselves caught in the unforeseen predicaments of life for which they have no control. It is not fair to pass a bill that helps the credit card companies by hurting people like me without forcing them to look at what they are doing, and how they respond. They have many options that could be used without creating the emotional trauma that forces hard working people to choose the relief of bankruptcy.

What the Bartlett and Steele article makes very clear is that these stories are typical in our bankruptcy courts today. And what does this bill do to these folks? It makes it more difficult to file, harder to get a fresh start, allows them to discharge less debt. Forces them to pay more in attorney's fees or maybe make an attorney cost prohibitive—but not for the big banks. It forces families into Chapter 13 which 2/3 which of all debtors currently fail to complete because of economic circumstances. This legislation allows them to be victimized by coercive debt collectors and abolishes critical tenant protections.

This is reform?

Let me be clear: The bankruptcy bills passed by House and Senate are ill-conceived, unjust, and imbalanced. They impose harsh penalties on families who file for bankruptcy in good faith as a last resort, and address a "crisis" that is self-correcting. They reward the predatory and reckless lending by banks and credit card companies which fed the crisis in the first place, and it does nothing to actually prevent bankruptcy by promoting economic security in working families.

Here are just a few of the punitive provisions in the Senate passed bankruptcy bill:

No. 1. Section 102 of the bill would remove the ability to a debtor to seek sanctions against a creditor who brought coercive, frivolous claims against a debtor—as long as the claim in question is less than \$1000. So in other words, as long as the loan was for less than \$1000, a creditor may intimidate the borrower or threaten legal action it doesn't intend to take (all illegal under current law).

No. 2. Section 105 imposes mandatory credit counseling on debtors before the can seek bankruptcy relief—at the debtors expense. This is regardless of whether the bankruptcy would be the result of simple overspending or something unavoidable like sudden medical expenses. There is no waiver of this requirement if the debtor needs to make an emergency bankruptcy filing to stave off eviction or utility shutoff.

No. 3. Section 311 will end the practice under current law of stopping eviction proceedings against tenants who are behind on rent who file for bankruptcy. This is a critical right of tenants under current law.

No. 4. Section 312 will make a person ineligible to file for Chapter 13 bankruptcy if he or she has successfully emerged from bankruptcy within the past 5 years—even if it was a successful chapter 13 reorganization where the debtor paid off all their creditors.

No. 5. The bill's new reporting, filing and paperwork requirements will make bankruptcy process more onerous than ever before—expensive legal expertise will be more necessary, a burden which low and moderate income families with high debt loads can ill afford. But several sections of the bill create a variety of disincentives for attorneys to represent consumers in bankruptcy. The results of these provisions will be that some attorneys will leave the practice of consumer bankruptcy, and others will have to raise their fees to account for the increased expenses and risks involved. This in turn will lead to more consumers being unable to afford an attorney and either obtaining no relief or falling prey to nonattorney petition preparers who provide services which are usually incompetent and often fraudulent.

No. 6. The means test to determine which debtors can file Chapter 7 bankruptcy—as opposed to Chapter 13—is inflexible and arbitrary. It is based on IRS standards not drafted for bankruptcy purposes that do not take into account individual family needs for expenses like transportation, food and rent. It disadvantages renters and individuals who rely on public transportation and benefits higher income individuals with more property and debt.

CAPITOL HILL POLICE BUDGET

Mr. WELLSTONE. Mr. President, I also want to very briefly mention another matter since I have the floor. I think the Senate is going to be united. This I hope will be less of a battle than on the horrible bankruptcy bill, credit card company bill, big banker bill. This is the week where we honor law enforcement. I said it last week. I will say it one more time. I say it to the Presiding Officer. I say it to every Senator.

You should, if you get a chance, talk to some of the Capitol Hill police officers at the different stations here on the Senate side. You will be really troubled by how demoralized they feel and also how angry they are. I have never seen anything like this, and I have been here 9½ years. I have never seen anything like this.

Sheila and I are pretty good friends socially and in other ways with some of the police officers. I am sure some of the Senators are. They are just livid. In July, 2 years ago, we lost two fine officers, and after all the concern that was professed, they cannot believe, in

light of that and in light of the fact that we do not have two officers on every post where we need two officers just for security reasons for the public, for us—and I would argue just as important for them—that not only are we not living up to that commitment and doing what we need to do—the Sergeant at Arms on the Senate side, Jim Ziglar, has been terrific on this and Senator BENNETT, the Republican chair of the appropriations legislative subcommittee; his subcommittee has been terrific on this—these police officers cannot believe what the House of Representatives has done.

It is unbelievable. What the House of Representatives has done is to call for fairly dramatic—I don't have the figures. I don't know if the figures are so important. They are calling for dramatic cuts in the budget so we will have hundreds fewer, 400 fewer, police officers.

I will say to some of the Representatives on the House side, and in particular I am going to say it to the Republicans because on this one there seems to be a pretty major party split where the Democrats have expressed a lot of indignation, where Congressman HOYER and Congressman OBEY spoke up rather strongly about this, in all due respect, do we need to wait for this to happen again where we only have two police officers at the memorial post over the weekend, with long lines of people, and one person shows up who is deranged, and those two officers cannot possibly handle that situation when there are all sorts of other people coming through the line, and you have to check baggage and check what people have and you have to be talking to people and keep your eye on so many different people, and it cannot therefore be prevented or avoided, and we lose more? What are you waiting for?

It is absolutely outrageous. I say to the police union, the officers' union, which is a fine union, whatever the union decides to do is what the union decides to do, but I would not blame this union if the police officers do not express clearly their indignation.

I cannot believe this was done. As I said last week, it is one of the most unconscionable, one of the worst things that has been done in the Congress since I have been here. I really believe that.

I say to Senators, when this appropriations bill comes to the floor, I know Senator REID, who is a former Capitol Police officer, and I know I will be out here and others will be, too, with an amendment that will get the funding up. All of us will agree, Republicans and Democrats, that we are in good shape on the Senate side, and I am proud of that.

I say to the Chair, what I would rather not see is two different operations where on the Senate side we have the funding and do what we need to do to make sure these officers are given the resources for their own security, much less the security of the public, and then

on the House side, they have a completely different situation.

I wanted to bring this to the attention of my colleagues because we are going to have a very strong showing on the Senate side. I do not believe it is posturing just to show one is on the side of the police officers. People feel strongly about it in the Senate.

We went through far less than the families of Agent Gibson and Officer Chestnut. We went through a living hell here. We do not want it to happen again. We do not know whether we can prevent it from happening again, but we certainly ought to do everything we can. Cutting 400 police officers is not doing everything we can.

AGRICULTURE CRISIS

Mr. WELLSTONE. Mr. President, it is interesting the Senator from Kansas is in the chair because I know we are in agreement on this, but I at least want to make the appeal to my colleagues that, for my own part, I believe it is good that in our budget resolution we made allowance for additional funding for help and assistance to farmers. It was somewhere close to \$7 billion.

My hope is we will not do this in the process of an emergency appropriations bill; that we will give care to how we allocate this money, how we get assistance out to farmers. My fear is—and maybe it will be a good arrangement—that if we double AMTA payments and put it into the conference report to accompany the crop insurance bill, we will have lost our opportunity to have hearings in the Ag Committee and have some focus, some substantive discussion, some careful discussion about how we can make sure we target the assistance to those producers that need it the most.

I voted for AMTA payments. I am not intellectually arrogant. I figured, what help we could get the people, get it. I had an uncomfortable feeling that some of the landowners who were not even farmers and some of the largest operators least in need were getting more than they needed. The flip side was the people who needed help the most were not getting it. I do not want an inverse relationship of assistance to need. Some, regarding the AMTA payments, suggest that is what is happening.

At a minimum, I say to my colleagues, we should, between now and the end of June—we have time—have some hearings in the Ag Committee. We should have some careful discussion and deliberation about how we get this assistance out to family farmers. It should be more targeted than the AMTA payments have been. I do not believe it is appropriate, again, to deal with such an important issue and such an important question by putting it into another conference report, this particular one being on crop insurance.

When we went through the budget process and allocated this money, we were making a statement that we did

not want to be forced into a situation of one more time getting emergency funding out there without any deliberation as to how. I thought this meant we were, on the part of the authorization committee, Senator LUGAR's committee, going to have hearings and an opportunity for Senators and people from the countryside to talk about the best way to get this assistance out to the countryside to help the people most in need.

It looks to me, again, that we may be making an end run around that process, and that is a mistake. I speak out for the hearings. I speak out for deliberations. I speak out for doing something about the price crisis other than every year just getting money out to people. Most of the producers in the country would far rather get a decent price. That is a whole other discussion and debate which I hope we will have.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GREGG. 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. GREGG. Mr. President, what is the regular order?

The PRESIDING OFFICER. The time between 2 and 3 o'clock shall be under the control of Senator THOMAS from Wyoming, or his designee.

Mr. GREGG. I ask unanimous consent to proceed as if in morning business for 15 minutes.

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

SOCIAL SECURITY

Mr. GREGG. Mr. President, today Gov. George W. Bush set forth some ideas addressing the issue of Social Security. It is my understanding that the Vice President is also going to discuss this issue today, although he has, before today, made a number of comments in this area.

I have spent a considerable amount of my time over the last 7 years I have served in the Senate working on the issue of Social Security, working on it in a bipartisan manner, trying to develop a coalition in this Senate to move toward resolution of what I consider to be one of the most significant public policy matters we have confronting us.

Let me define the problem so we understand what we are working with and what the concerns are. Today, the Social Security system is running a very aggressive surplus. In other words, it is taking in more money than it is paying out. The Social Security system is on a dollar in/dollar out basis. In other words, there is no asset value that is placed somewhere. There are not a set of dollars saved to pay your Social Security benefit. The dollar raised today

pays the benefit that is incurred today. The younger worker who is paying Social Security taxes today is paying for the older worker who is retired today.

We have the baby boom generation working today at its maximum earning capacity, and because we have a larger younger generation than the generation that is retired, we are now running a surplus. In other words, more money is being taken in to pay for the benefits than is being spent on the benefits. That extra money is being borrowed by the Federal Government. It is being used basically to operate the day-to-day activities of the Federal Government. In exchange for that, a note is given back to the Social Security trust fund.

Alternatively, the money is being used to buy down the debt of the Federal Government—the public debt in many instances—and that money is then basically returned to the marketplace in the form of proceeds going into the capital markets because we no longer have the Federal Government borrowing those moneys from the capital markets but, rather, the money is no longer needed by the Federal Government and, therefore, the capital markets are free to create more activity for a stronger capital market.

The problem is, the baby boom generation today is generating the huge surplus in Social Security funds and is going to start retiring in the year 2008. When that generation starts to retire, the demographics of the situation change radically. The Social Security system was always perceived as a pyramid. It was always believed there would be a larger working generation than the retired generation. The retired generation at the top of the pyramid would be smaller and the working generation at the bottom of the pyramid would be larger.

Because the postwar baby boom generation is so large, it is that unique generation that has changed this country in every decade and forced the country to build all sorts of elementary schools in the 1950s and created the disruption to a large degree in the 1960s. It has gone through the pipeline and has changed the system in every generational phase. When that generation retires, we go from a pyramid to almost a rectangle. Instead of having 3.5 people working for every one person retired by the year 2015, we only have two people working for every one person retired. The system comes under a huge strain. The benefits don't change—or there is no plan to change them—and therefore all the folks who are retired have to be supported by a younger generation, which is a smaller generation, but they have to support them again with the tax dollars earned by that generation.

As we look into the future—and we don't have to look very far; it begins in 2008—we see as we head into the second decade of this new century, the next generation, our children and their children are going to be subjected to a

huge cost, a huge tax increase, in order to support the retirement of the baby boom generation. This escalates rather dramatically through the year 2045.

There are Members who think something should be done, that we should not pass this huge burden on to the next generation; that we, as a baby boom generation, have an obligation to get ourselves and our Nation ready for the retirement of our generation.

As I said, we worked across the aisle for the last few years to try to develop policies to address this problem. Dramatic progress has been made. There are at least four or five major initiatives in this Senate today which legitimately address the issue of making the Social Security system solvent for 100 years. One of them happens to be one which I worked on with Senator BREAUX, Senator KERREY, Senator THOMPSON, Senator THOMAS, Senator GRASSLEY, and Senator ROBB. It is bipartisan and crosses philosophical spectrums.

Our proposal, as scored by the Congressional Budget Office and by the Social Security actuaries, makes the system solvent for the next 100 years. It does it without any tax increase of any significance.

In order to accomplish this type of a change, we have to have comprehensive reform. We cannot do it piecemeal; we have to do the whole system. We can't just simply pick out one point in the system and try to change that and expect to address the system so it becomes solvent, so we do not put a huge burden onto our children's backs in new taxes, or additional tax increases.

We have tried to draw into this debate, to get this process moving, the White House and the President, but we have had singularly little luck in doing that. Regrettably, although this administration has occasionally talked about Social Security reform, and the President in his State of the Union even said this would be one of his primary goals in his waning years in office, it has done virtually nothing and, in fact, has put out proposals that would dramatically cause the situation to deteriorate, especially for the younger generation, in the form of major tax increases.

Today, Governor Bush has put forth a proposal. Regrettably, the response by Vice President GORE, up until today—and I suspect he will not change his tune today—and the response of the White House, has been to essentially take the old time school approach of attacking it in the most demagogic terms, saying the proposal is going to end Social Security; it is going to put at risk recipients who are presently benefiting from Social Security, and that it is a proposal which undermines this critical national program of Social Security.

The Vice President has used terms such as "risky" to describe it. He has used terms such as "inappropriate." He has used terms—"smug," I think is one term, and other terms which try to demonize the proposal in a way that is

not constructive. So let's look at the proposal because I think it is important to think about this. What Governor Bush has suggested is this.

First, we recognize anybody who is on the Social Security system today, or about to go on the Social Security system soon, should have their benefits locked in place and the structure of the system maintained exactly as they receive it; there should not be any change at all for those folks. So any senior citizen today or anybody who is about to go on the system, anybody 55 years or older, I believe, has no concern here. Essentially the proposal says you will be held harmless. Nothing is going to impact your way of life as it relates to Social Security. Yet it is very obvious the Vice President is trying to scare senior citizens and is saying the proposals coming from Governor Bush will in some way affect their benefit structure when Governor Bush is saying specifically it will not.

Second, Governor Bush suggested we set up a bipartisan commission to take a look at this, a proposal that has been put forth by Senator MOYNIHAN and Senator KERREY and Senator MCCAIN, I think. It is not a bad idea because this needs to be done in a bipartisan way, and we have worked very hard on the bipartisan process in this Senate, so that makes sense.

Third, the Governor suggested we take a look at what is known as personal savings accounts. This is an idea whose time has come, in my opinion. Why? First, let's talk about what personal savings accounts are in the context of Social Security reform.

There are three ways you can address Social Security and make it solvent, only three ways. One, you can raise taxes. That is the Clinton-Gore proposal. In fact, under the Gore-Clinton proposal, there will have to be a tax increase each year going forward on working Americans in order to support retired Americans. That goes up and goes up, I think, until it is \$1 trillion around 2035. That is their proposal: Raise taxes on Americans in the out-years. Just do not tell Americans that is what is going to happen to them.

The way they do not tell you is they say we are going to use the interest on the Social Security to pay down the debt, which is occurring today because we are returning a surplus; we are going to use that interest to extend the life of the trust fund. That is a paper game, the bottom line of which is a tax increase that hits \$1 trillion by the year 2035. Why is that?

Just to make an aside for the moment, so people understand what the Vice President is proposing: There are no assets in the Social Security trust fund other than Government bonds. What do Government bonds do? Government bonds are a claim on the taxpayers of America to be paid. It is an IOU from the taxpayers to the trust fund. It says we, the taxpayers of America, owe you this money. When you need this money, when that baby

boom generation retires, then we, the taxpayers, of America will pay it.

Who is "we"? We are the younger generation. The "we" in that sentence is my children and their children, your children and grandchildren who will be working then. They will get stuck with the IOUs that Vice President GORE wants to stick them with, with his little gamesmanship of transferring interest, which is purely a paper transaction, creating absolutely no assets in the trust fund. All it does is create an IOU which has to be paid by the younger generation. These kids sitting right here as pages are going to pay that IOU.

It means their taxes on Social Security will not be 12 percent of their payroll; it will be somewhere in the vicinity of 18 percent of their payroll. As I said, it will amount to about a \$1 trillion tax increase on working Americans by the year 2035. That is the Vice President's proposal: Raise taxes but do not tell anybody it is coming. Use this little euphemism: We are going to transfer the savings on interest over to the trust fund, which means we are going to create a massive tax burden on the next generation in the outyears in order to pay for the benefits of this generation of which I am part, the baby boom generation. But do not tell anybody about that. Just use the term, "We are going to transfer the savings from interest." "We are going to transfer the savings from interest on Social Security" sounds good—do that by paying down the Social Security funds, and that savings means we will extend the life of the trust fund.

That means nothing. It simply means we are going to end up increasing taxes and having more IOUs our younger generation has to pay. So that is the first way you can do it; you can raise taxes—the Vice President's proposal.

The second way you can address the issue is to reduce benefits. There is not much incentive for reducing benefits in our society. People do not like that idea in a democracy. In fact, the Vice President not only is not going to reduce benefits; he is already suggesting we increase benefits. The only specific proposals he has made on Social Security is we raise benefits in two different accounts. It happens to be both those proposals to raise benefits make some sense, but they have to be done in the context of the entire structure. There has to be some tradeoff. If you are going to raise those benefits, there has to be some adjustment in the other benefit side or else you significantly increase the liability to the trust fund, which means once again you raise the taxes on the next generation to pay for those benefits, that younger generation. So he has raised benefits. That is not the way to solve it.

The third way he can address it—remember, you can address it by raising taxes on the younger generation that is earning the benefits for the older generation that is receiving the benefits, or the third way is you can prefund the

liability. That is what personal savings accounts do, prefund the liability. By prefunding the liability, we mean you actually create an asset which is owned, actually physically owned by the person who is going to retire, which is not a debt instrument of the Federal Government. It is not an IOU that has to be paid for out of taxes, necessarily. It can be stocks or bonds—some of the bonds could be U.S. Government bonds—but it would be an asset owned by the individual. What does that do?

Today, if you are in the Social Security system and you happen to die, unfortunately, before you reach retirement age—say you die and you are 59 years old and you do not have a spouse or any children. Everything you paid into the Social Security system is lost. You paid in for years and years and years and your estate does not get anything from it. It is gone; it just dissipates into the system. Somebody else benefits from all those taxes you paid. You have no asset value.

Even if you have a spouse and you die before you retire at 62 or 65, or even if you die soon after that, the benefits that spouse gets as a result of your death, as a result of your Social Security payment, is really minimal—very, very small—compared to the amount of taxes you actually paid in to Social Security. So there is nothing physically there that you own. You have an obligation from the Federal Government to support you at a certain level after you retire, but you have no asset value.

What a personal account does is it allows you to take a small portion of the taxes you are paying in to Social Security—and it is a very small portion. Under the plan that we have, it is 2 percent. Of the 12.4 percent of taxes you presently pay in Social Security, you would get to put 2 percent of those taxes into some sort of savings vehicle which you would own. You would physically own it. It might be stocks; it might be bonds, but you would physically own it. It could not be placed in those vehicles and then be speculated with; it would follow the course of what we call the thrift savings vehicle. That vehicle would require the Social Security trustees to basically set up the investment vehicles in which you could invest.

One would be limited in how one could invest that money. They could not speculate with it. They would have to put it into basically large mutual funds which would be approved by and would be under the fiduciary control of the Social Security trustees.

Mr. President, I note it is 3 o'clock. I ask unanimous consent to proceed for another 4 minutes.

Mr. BURNS. I have no objection.

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

Mr. GREGG. Mr. President, a person would have this asset called a personal account which they would have to invest in three, four, five, or six different

funds set up under the auspices of the Social Security Administration. The asset would be owned by that person. If they were to die at 45 or 59 or even 66, their estate would receive the asset held in that account and it would go to their wife, husband, children, or to whomever they wanted it to go.

Equally important, the rate of return on personal accounts would dramatically exceed what one gets under the Social Security system today. A person who is today beginning in the workplace, who is about 22 or 25 years old, is going to pay more, if they are an African American, into the trust funds than they will ever receive from the trust funds. In other words, they get zero rate of return.

If one happens to be a typical, average American, their rate of return in the Social Security trust funds, if they are in their twenties today, is about 1.4 percent. If they are in their thirties, it might get up to 2 percent. If they are in their forties, it might reach 2.5 percent—might. It is a terrible rate of return under the Social Security system. People are paying all these taxes and getting virtually nothing in return.

Under a personal account—remember, it is only a small percentage of one's Social Security tax which is going to be invested in this personal account—one will own the asset; plus, the average rate of return over any 20-year period, including the Depression, of investment in the stock market exceeds 5 percent. Since I am talking about a 20-year period, not a 4-month period or a 5-month period or a 1-year period or 3-year period, one can be pretty sure the rate of return on the personal account is going to be at least twice the rate of return on the taxes that person is paying into the Social Security fund generally.

That is called prefunding liability. In other words, we are going to give a person the opportunity as a citizen, especially a younger citizen—people over 55 are not going to be affected by this at all—to actually own an asset and have that asset grow at a rate that is at least twice the rate of their investment in Social Security. Then when they retire, that asset will be physically there to benefit them in their retirement. The liability that is owed to that person by the Federal Government will have actually been prefunded. There are many ways we can talk about that, but it gets into some complexities I do not have time for now.

Essentially, what it means is that the younger generation, instead of having to pay a huge tax increase to support retirement, is going to actually be creating assets which give them, when they retire, a rate of return which will be significantly or at least as good as what they would get under Social Security without having to pay all these new taxes. It is a way of keeping the system solvent and, at the same time, maintaining a benefit structure that is reasonable and, at the same time, not dramatically increasing taxes.

What we have is a pretty simple debate, in real terms, between the Vice President and Governor Bush. The Vice President does not want to tell people the younger generation is going to get hit with a huge burden of new taxes under his plan, and he does not want to tell us how he is going to address the Social Security system and reform it in the outyears. Governor Bush, on the other hand, is willing to step forward and put some interesting and innovative ideas on the table to address one of the most critical issues that will face our country over the next 30 or 40 years.

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

Mr. GREGG. Mr. President, I appreciate the courtesy of the Senator from Montana. I yield the floor.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

MILITARY CONSTRUCTION APPROPRIATIONS ACT, 2001

The PRESIDING OFFICER. The Senate will now resume consideration of S. 2521, which the clerk will report by title.

The assistant legislative clerk read as follows:

A bill (S. 2521) making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 2001, and for other purposes.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BURNS. Mr. President, I am reluctant to proceed on this bill, although I think we will hold it. My ranking member, Senator MURRAY from Washington, will not be back in town until 5 o'clock this afternoon. This was the weekend her son was married in Seattle. She is returning from her State. I have no comments to make. If Senators want to make comments on the bill, they are free to do so. In the meantime, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MCCAIN. 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. MCCAIN. Mr. President, I appreciate the opportunity to address the Senate once again on the subject of military construction projects added to an appropriations bill that were not requested by the Department of Defense. This bill contains almost \$900 million in unrequested military construction projects.

What makes this bill even more offensive than most pork-laden military construction bills is the fact that,

while the Senate is willing to act swiftly to approve these pork-barrel projects, we have failed to act to end the disgraceful situation of more than 12,000 military families forced to use food stamps to make ends meet. For the second year in a row, Congress is on the verge of spending hundreds of millions of dollars for purely parochial reasons, while rejecting a proposal that would cost just \$6 million per year to take care of those military families most in need.

I am appalled at the extraordinary and inexplicable resistance I have encountered to enacting legislation to get these brave young men and women and their families off food stamps. I am ashamed that the Senate would put hometown construction projects ahead of desperately needed relief for our most junior enlisted personnel.

I appreciate the Senate's unanimous expression of support during consideration of the budget resolution for additional funding for food stamp relief in the defense budget, and I hope my colleagues will reiterate that support when I offer an amendment to the defense authorization bill to end the food stamp Army once and for all.

Every year, I come to the Senate floor for the express purpose of highlighting programs and projects added to spending bills for primarily parochial reasons. While I recognize that many of the projects added to this bill may be worthwhile, the process by which they were selected violates at least one, if not several, of the criteria set out several years ago to limit just this sort of wasteful spending.

I will address the Kosovo language included in this bill at another time. Suffice to say for now that this language, grounded though it may be in an understandable frustration with the Administration and our allies' handling of that contingency, represents foreign policy making by Congress at its worst. This language, certain to prompt a veto of the bill, constitutes a highly questionable approach to solving the problem of burden-sharing and sets a precedent that will damage our credibility abroad for years to come.

Particularly objectionable, apart from the obvious funding issues already alluded to, is the addition to this bill of funding provisions and legislation having nothing to do with military construction and clearly not an emergency requiring immediate redress. In this regard, note must be made of Section 2109, which legislates a funding profile for a ship that has not been requested by the Navy and that cannot be built under the expedited process the ship's congressional sponsor seeks to impose. The \$8 million added by the Appropriations Committee for the 2002 Olympics in Salt Lake City, with the proviso that the funds be designated as an "emergency requirement"—\$8 million for the year 2002 Olympics designated as an "emergency"? It continues to stagger the imagination. It compels a reference to

the old Yogi Berra malapropism about experiencing *deja vu* all over again.

I am also at a loss as to the rationale for including in this bill certain site-specific earmarks like the \$300,000 to transfer excess housing to Indian tribes of North and South Dakota. And mention should be made of the usual Buy America restrictions included in the bill, with a notable exception when it is in the interest of important Members of Congress. Section 112, for example, prohibits the use of funds in the bill to award contracts worth more than \$1 million to foreign contractors, except when a Marshallese contractor is seeking contracts at Kwajalein. The \$7 million in the bill "to ensure the availability of biometrics technologies" will require more research.

It will be very interesting to discover the motivation behind that little phrase.

I would like to point out that the report on this bill was filed late, and thus the information available to Senators about specific projects included in this bill is somewhat limited.

We get into an interesting habit of taking up legislation around here without a report available for the Members to read. If history is any guide, however, skepticism regarding many items added to this bill is warranted. Enough is known about the process by which appropriations bills are put together to justify continued outrage at abuse of the system to satisfy parochial considerations.

Mr. President, the abuse of the Future Years Defense Plan as a criteria for adding projects to military spending bills is seriously out of control. Witness, for example, the number of projects in this bill that are in the fourth or fifth year of the FYDP and that have had no design work done. At least 17 such projects were added to the bill. While they are listed as executable, should we really be advancing unrequested projects by four and five years at the same time we continue to ignore the disgrace of 12,000 military families on food stamps?

It was interesting to see, Mr. President, that the authorization bill for military construction includes a provision equating the term "Readiness Center" to the term "Armory." We all enjoy semantic gamesmanship now and again, but if we are going to continue to funnel money back home to National Guard Armories, let's just say so. Let's not exploit the legitimate issue of military readiness that we are finally focused on in order to conduct the same old pork-barrel spending practices that are as much a part of this institution as the collegial colloquialisms that characterize our demeanor on the Senate floor.

There are 28 members of the Appropriations Committee. Only two do not have projects added to the appropriations bill. I wonder what happened to the other two. Perhaps the manager of the bill can tell us what occurred there.

Those numbers, needless to say, go well beyond the realm of mere coincidence. Of 145 projects added to this bill, 111 are in states represented by Senators on the Appropriations Committee, totaling over \$700 million. The \$12 million added to the bill for the first phase of an access road in Hawaii, the \$25 million added for a Joint Mobility Complex in Alaska, the \$4 million added for Army National Guard parking in Kentucky, the \$14 million added for a fuel cell maintenance dock in Louisiana, the \$4.5 million added for an Army National Guard administration building in Nevada, the \$10 million added for an Army National Guard Readiness Center (read: Armory) in North Dakota, the \$10 million added for the first phase of a base civil engineer complex in South Dakota, and the \$1.4 million for channel dredging in Mississippi, are just a handful of the projects added by members that were not in the budget request. Forts Richardson and Wainwright, both in Alaska, fared particularly well, the latter receiving \$300,000 for a trail and \$900,000 for a biathlon live fire course—which could only be considered a close cousin to the previously mentioned money for the upcoming Winter Olympics.

Yet, many of the Senators whose projects are included in this bill continue to oppose spending just \$6 million a year to remove military families from the rolls of those eligible for food stamps. If I sound repetitive, Mr. President, it is out of frustration—frustration at the ability of my colleagues to close their eyes to the disgraceful plight of thousands of our enlisted personnel who don't make enough money to feed themselves and their families.

I believe I have made my point. As usual, I labor under no illusions regarding the impact my comments will have on the way we do business here. I have in the past attempted legislative recourse to pork-barrel spending, and I will do so again. But the history of votes on such efforts causes me to exercise that right sparingly. My self-restraint is simply an acknowledgment that I represent a small minority of this body. Wasteful and unnecessary spending continues because most Members of Congress truly believe that it is one of their primary reasons for being here. I submit, Mr. President, that a wide line exists between serving one's constituents in the context of our nation's best interests and simply funneling money back home because that's how we remind our constituents to vote for us again.

About 2 weeks ago, there was a study completed concerning the deplorable state of the U.S. Army. More captains are leaving the U.S. Army than at anytime in history. We will shortly have a Senate authorization bill, as well as this and other appropriations bills. They don't address this problem. I can guarantee those captains aren't leaving the Army because they need \$12 million for the first phase of an access road in Hawaii, or \$25 million for a joint mobil-

ity complex in Alaska, or \$4 million for Army National Guard parking in Kentucky.

If the Republican leadership and the chairmen of these committees continue to spend taxpayers' dollars in this profligate manner, sooner or later the American people will repudiate those actions. I hope it will be sooner rather than later.

The thing that is particularly appalling to me is that this appropriations profligate spending of unauthorized, unnecessary, wasteful pork barrel spending continues at a greater rate every year than the previous year. It will stop sooner or later. I believe it will stop sooner because this bill is a classic example of the abrogation of our responsibilities to average taxpayers, those who are not represented here in Washington, DC.

I yield the floor.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

MORNING BUSINESS

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

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Iowa.

TEN SMART THINGS TO DO WHILE YOU AGE

Mr. GRASSLEY. Madam President, getting old is probably the most universal experience no one really likes to talk about. Sure, people talk about minor aches and pains, but the big topics are unmentionable. They include paying for a funeral, preparing for a nursing home stay, or getting checked for prostate problems. These things make people uncomfortable, but they really should not. Consider Katie Couric's comment about colon cancer. She said, "Some people find the procedures like . . . colonoscopies unappealing. I can tell you they are all much more appealing than dying of this disease."

In honor of Older Americans Month, I encourage aging adults—and that means all of us—to mention the unmentionable, and to think the unthinkable. Once you get these chores done, the rest of your years will be a day in the country. Here are 10 Smart Things to Do While You Age:

1. Secure your retirement income. One financial planner said saving for

retirement is "like pushing a ball up a hill. The longer you wait, the steeper the hill (seems)." Yet 56 percent of U.S. households do not save enough for retirement. What should you do? The experts advise developing a financial plan and sticking to it. Save \$25 a week for 40 years with 5 percent interest. You will have \$165,000. Before you decide how much to set aside, think about how much you will need to maintain a standard of living.

My own advice is do not overrely on Social Security. Think of it this way, a solid retirement plan is a three-legged stool of Social Security, retirement savings, and a pension. Look carefully at your pension plan, too. Make sure you understand what's coming to you, and when.

2. Think about where you would like to live, and how. Do you dream of staying in the same town or city for the rest of your life? If necessary, could you modify your home to accommodate you as you get older? Would you like to move closer to friends and family? Would you like a condo on the beach in Florida or an assisted living facility, where you pay people to do your laundry and cook your meals? This item goes hand-in-hand with financial planning. The more retirement income you have, the more housing options you have.

3. Get preventive health checks, exercise, and eat well. Preventive health checks are getting easier all the time. Increasingly, they are available through insurance coverage. Medicare covers vaccinations, mammograms and screenings for colon and prostate cancer, diabetes and other illnesses. Unfortunately people often do not take advantage of the health screenings available to them. Only one of eight older people gets the recommended testing for colon cancer. This is a shame, when you consider that colorectal cancer is the second leading cause of cancer death.

More than half of all Americans do not get the exercise they need. Generally, the older people get, the less they exercise. Of course, some people have physical limitations that prevent such activities, but those who can exercise should, and at any age, doctors say. Exercise can help stave off heart disease, colon cancer, diabetes and high blood pressure. A good diet carries many of the same benefits.

4. Write a will or living trust. Either of these documents delineates how you'd like your property distributed after your death. If you die without a will, the State will distribute your property for you. The result may be contrary to your wishes. It is best to write a will or living trust well before old age. That way, your spouse and children will be provided for if you face an untimely death. More than 40 percent of people 35 or older do not have any kind of legal document determining how their belongings will be distributed after they die.

5. Consider long-term care insurance. Many people do not realize that nurs-

ing homes are very expensive. Most nursing home residents do not pay out of their pockets for long. They spend down their assets to become qualified for Medicaid, which then picks up the tab. Spending down assets means giving up almost everything, including a house. Long-term care insurance is an option for covering long-term care expenses. The earlier you buy the insurance, the less expensive your premiums. I have sponsored legislation that would establish a tax deduction to encourage the purchase of long-term insurance.

6. Plan your funeral and burial or cremation. The national average cost for a funeral, burial and monument is \$7,520. These costs can be much lower, but they can be much, much higher. The average mark-up on caskets is high. The latest estimated mark-up is 500 percent. Some are marked up as high as 2,000 percent. The high costs, and the presence of some bad apples in this industry, build the case for arranging a funeral early. It is hard to comparison-shop when you are grieving. If you plan ahead, you can call funeral homes for the best price. Of course, planning ahead has its pitfalls. Be sure you tell your family members about prearrangements, and give them all the relevant paperwork. That way, your family can verify that your contract is fulfilled after you're gone.

7. Think about whether a family member will care for you, or vice versa. Unpaid family caregivers keep millions of people at home and out of nursing homes. More than 22 million households have a caregiver who is age 50 or older. The majority are women. Caregiving takes a large toll, both financially and emotionally. I am working to provide more resources to family caregivers, including a \$3,000 tax credit that would help them cover their expenses.

8. Decide how long you will work. Until recently, people who worked past age 65 lost Social Security benefits if they made more than \$17,000 a year. Congress just repealed that penalty for people ages 65 to 69. This likely will cause many Americans to rethink whether they will work past age 65, either part-time or full-time. Choosing the best age at which to retire is an important financial decision.

9. Determine your treatment at the end of life. In a living will, which, or course, is completely different from an estate-planning will, you direct how your doctor should administer life-sustaining treatment if you are unable to decide for yourself. A living will guides your treatment if you are terminally ill, irreversibly unconscious, or in a persistent vegetative state.

10. Enjoy yourself. You have worked hard to stay financially fit and physically healthy. The opportunities for older Americans are greater than ever before. You can work well into your eighties and nineties if you choose. You can become a competitor in the Senior Olympics. You can write a book,

volunteer with your church, or teach people how to read. Surf the Internet. E-mail your grandchildren. Take advantage of the insight and depth that inevitably come with aging. Someone once said, "Being a fun person is the hallmark of true maturity."

I yield the floor.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business Friday, May 12, 2000, the Federal debt stood at \$5,667,021,443,140.97 (Five trillion, six hundred sixty-seven billion, twenty-one million, four hundred forty-three thousand, one hundred forty dollars and ninety-seven cents).

One year ago, May 12, 1999, the Federal debt stood at \$5,578,150,000,000 (Five trillion, five hundred seventy-eight billion, one hundred fifty million).

Five years ago, May 12, 1995, the Federal debt stood at \$4,859,131,000,000 (Four trillion, eight hundred fifty-nine billion, one hundred thirty-one million).

Twenty-five years ago, May 12, 1975, the Federal debt stood at \$515,906,000,000 (Five hundred fifteen billion, nine hundred six million) which reflects a debt increase of more than \$5 trillion—\$5,151,115,443,140.97 (Five trillion, one hundred fifty-one billion, one hundred fifteen million, four hundred forty-three thousand, one hundred forty dollars and ninety-seven cents) during the past 25 years.

ADDITIONAL STATEMENTS

IN RECOGNITION OF CFIDS AWARENESS DAY

• Mr. SANTORUM. Mr. President, I rise today to recognize May 12 as Chronic Fatigue and Immune Dysfunctions Syndrome [CFIDS] Awareness Day as well as the efforts of the Chronic Fatigue Syndrome [CFS] Association of the Lehigh Valley in fighting this disease.

CFIDS, also known as CFS, is a complex illness which effects multiple systems of the body. The syndrome is characterized by neurological, rheumatological, and immunological problems; incapacitating fatigue; and numerous other symptoms. Over 800,000 Americans of all ages, races, and socioeconomic classes suffer from this often debilitating disease. Tragically, persons with this syndrome can experience symptoms sufficient to deprive them of opportunity for gainful employment.

CFIDS is often misdiagnosed because it is frequently unrecognized and can resemble other disorders. Therefore, it is imperative that education and training of health professionals regarding CFIDS be expanded and that there be greater public awareness of this serious health problem. While there has been increased activity at the national, state, and local levels, and in private

research institutions, more must be done to support patients and their families.

The CFS Association of the Lehigh Valley works to encourage further research to conquer CFIDS and related disorders, and to inform and empower those affected by the disorder until a cure is found. The association, a member of the CFIDS Support Network of the CFIDS Association of America, is celebrating their eight year of service to the CFIDS community and has participated in May 12 activities since 1993. Moreover, the association has been awarded the CFIDS Support Network Action Award for "Excellence in Service in the Area of CFIDS Awareness Day" in 1996 and for "Excellence in Commitment and Other Service to the CFIDS Community in the Area of Public Policy" in 1995.

Mr. President, I urge my colleagues to join me in commending the CFS Association of the Lehigh Valley for its efforts, and in recognizing May 12th as CFIDS Awareness Day.●

RECOGNIZING K.S. OF WEST VIRGINIA

● Mr. ROCKEFELLER. Mr. President, today I would like to recognize and celebrate the recent expansion of K.S. of West Virginia. It seems like just a short time ago, in August of 1995 to be precise, that I had the privilege of announcing that this Japan-based company would be moving to Ravenswood, West Virginia.

Remarkable things have happened since that day almost five years ago. At that time, just two Japanese firms called West Virginia home. Today, I am honored to say that seventeen Japanese companies are thriving in our state, creating good paying jobs that support both families and communities.

K.S. of West Virginia has played an important role in that success, and I would like to personally extend my gratitude to the Kato family for their unwavering support and belief in us. Our efforts in Japan would surely suffer were it not for the positive voices of our friends here at K.S. Indeed, Mr. Kato's enthusiasm and excitement about West Virginia is unmistakable and contagious. West Virginia has found a valuable ally and a good friend in Mr. Kazuo Kato, and his tireless work continues to be appreciated.

Too often in this country we have witnessed the destruction of families and whole communities as the result of the corporate philosophy of the bottom line. However, companies like K.S. of West Virginia, who recognize the importance of their employees and communities, demonstrate that compassion and sound judgement are the real keys to success. K.S. is an example of the kind of company that truly deserves our praise and support.

There is no clearer example of this than an issue Mr. Kato and I have been working on over the past year. As the

leader of K.S., Mr. Kato faced a difficult situation with costly ramifications. Yet, instead of maintaining the status quo, Mr. Kato made a series of innovative decisions that will have far-reaching effects for both K.S., and the U.S. steel industry.

Not only a leader in the business world, K.S. has shown leadership in the West Virginia community, as well. Companies like K.S., who believe that their success is measured not just by overall profit margins, but by the amount that is shared with the people who make them profitable, teach us a valuable lesson in management, ethics, team work and mutual respect. This philosophy is as ancient as Confucius or the Bible, and as relevant as the news you read in this morning's paper.

Indeed, there are 115 individuals who have contributed to the prosperity of K.S. of West Virginia. Their hard work is not taken for granted, and as this company grows, so does the value of their loyalty. We are blessed in West Virginia to have parents and grandparents who taught their children that by working hard and playing by the rules a person can be successful—each employee at K.S. is a reflection of this tradition and a credit to our State.

As part of his core teaching, Confucius emphasized that people in positions of leadership have a sacred obligation to serve those who have entrusted them with power. If this power is abused, then the entire system would break down, dooming any enterprise. Thus, I am proud to add my voice to the collective celebration of the success we are witnessing at K.S. of West Virginia. To Mr. Kato and his family, and all the members of K.S. of West Virginia, I extend my thanks and congratulations. You have demonstrated that by working together, unattainable dreams can become reality.●

THE RETIREMENT OF MS. JANET HUYAERE

● Mr. ABRAHAM. Mr. President, I rise today to recognize Ms. Janet Huvaere, who is retiring this spring after 39 years of teaching at St. Jude School in Northeast Detroit. During her time at St. Jude, Ms. Huvaere has constantly been a light in the lives of her students and her fellow staff members, and her dedication to them and to her profession has truly been remarkable.

Ms. Huvaere was born in Grosse Pointe, Michigan, on October 11, 1938. She attended St. Ambrose School for both grade school and high school. After graduating from St. Ambrose, Ms. Huvaere worked for a year at Bon Secours Hospital, and then entered the Adrian Dominican Order. After two years, she left to attend Siena Heights University in Adrian, Michigan. She began teaching at St. Jude upon receiving her bachelor's degree from Siena Heights in 1961.

In her 39 years at St. Jude School, Ms. Huvaere has taught the third, fifth and sixth grades. Her dedication to her

students is surpassed only by her dedication and love for her family. One of her greatest memories came in 1986, when her father, who was ill at the time, was able to partake in a celebration marking her 25th year at St. Jude.

Mr. President, Ms. Huvaere has touched many lives during her thirty-nine years of teaching, and has been a role model to many children in the State of Michigan. On behalf of the entire United States Senate, I congratulate Ms. Huvaere on a wonderful career, and wish her the best of luck in retirement.●

THE GRAND OPENING OF "A TEST OF A NATION: THE HONOR OF A COUNTY"

● Mr. ABRAHAM. Mr. President, on May 19, 2000, the Barry County Parks and Recreation Commission will unveil a brand new exhibition at Historic Charlton Park Village, Museum and Recreation Area in Hastings, Michigan. The exhibition is entitled "A Test of a Nation: The Honor of a County," and is a tribute to the soldiers that Barry County sent off to battle during the Civil War, and also to their families. I rise today, Mr. President, in honor of this special occasion.

During the Civil War, Barry County, at the time populated by less than 15,000 people, contributed 1,632 men to the Union Army, the highest percentage of citizens per county in the State of Michigan. The new exhibition illustrates what life was like for these men out in the field, and for their loved ones at home. Part of the grand opening celebration on May 19, 2000, will be educational programs on the topic of the Civil War.

The exhibition was made possible in part by funds from a Michigan Arts, Cultural and Quality of Life Grant. On September 1, 1999, Historic Charlton Park received \$339,000 to remodel and expand the museum. "A Test of a Nation: The Honor of a County" marks the completion of the first phase of the project.

Mr. President, it goes without saying that the Civil War is one of the most important events in American History, and perhaps the most important. I applaud all of the people whose efforts made this exhibition possible, for with these efforts they have allowed individuals of all ages an opportunity to experience a little part of that history. They have given them a chance to see what life was like for the men, women and children of Barry County who played an important role in keeping our nation together.

On behalf of the entire United States Senate, I congratulate Historic Charlton Park Village on the opening of "A Test of a Nation: The Honor of a County." It is truly an important exhibition, and I know that the people of Barry County will greatly appreciate it.●

THE FRIENDS OF THEODORE ROETHKE HISTORIC MARKER DEDICATION

• Mr. ABRAHAM. Mr. President, on May 18, 2000, The Friends of Theodore Roethke, a group dedicated to maintaining the legacy of the great poet, will unveil a historic marker in his honor on the lawn of his childhood home at 1805 Gratiot, Saginaw, Michigan. I rise today, Mr. President, in honor of this special occasion.

Mr. Roethke was born in Saginaw in 1908, the son of Otto and Helen Huebner Roethke. He attended the University of Michigan and Harvard Graduate School, and later was a professor at Lafayette College in Pennsylvania, Michigan State University, Penn State University, Bennington College in Vermont, and the University of Washington in Seattle.

Before his death on August 1, 1963, Mr. Roethke received many awards for his poetry. In 1954, he became the first Michigan man to win the Pulitzer Prize for his collection of poems entitled *The Waking*. And in 1959, he received the Bollingen Prize and a National Book Award for another collection of poems entitled *Words of the Wind*. Some of his other works include *The Lost Son*, *Praise to the End!*, and *I Am! Says the Lamb*.

In 1998, the Friends of Theodore Roethke purchased both Roethke homes in Saginaw, Michigan, with a mission to promote, preserve and protect the literary legacy of the great poet by restoring his family residences for cultural and educational opportunities. Since the group purchased the homes, they have written grants for educational writing workshops combining Saginaw public and Saginaw Township students, offered tours for students and teachers, purchased some of the original Roethke furnishings, opened the houses to working writers, and made some much needed repairs, such as a new furnace and asbestos removal.

Mr. President, I applaud The Friends of Theodore Roethke for their wonderful efforts to keep alive the legacy of Michigan's only Pulitzer Prize winning poet. I am sure that the unveiling of this historic marker is only the first of many tributes. On behalf of the entire United States Senate, I congratulate The Friends of Theodore Roethke on the dedication of this historic marker, and wish President Annie Ransford and the rest of the organization continued success in the future. ●

IN MEMORY OF MS. MARY S. PALMERI

• Mr. ABRAHAM. Mr. President, I rise today in honor and in memory of Ms. Mary S. Palmeri, who passed away on August 30, 1999. Ms. Palmeri served the County of Wayne, Michigan, for 32 years, and has been chosen by her peers to posthumously receive the coveted Court Clerk of the Year Award, which

will be presented to her family this week.

Ms. Palmeri was born in St. Mary's Hospital in Detroit in 1939, and was a lifelong resident of the city of Dearborn, Michigan. She graduated from Fordson High School in 1958, and spent approximately two years in college. In June of 1967, Ms. Palmeri became a typist at the County of Wayne Department of Civil Service, thus beginning a thirty-two year career of public service.

A few years later Ms. Palmeri was transferred to the County Clerk's Office, where she worked in numerous offices prior to becoming a Court Clerk, including the Record Room and as Supervisor of the Appeals Department. Ms. Palmeri ultimately worked as a Court Clerk for many prominent judges, including the Honorable Henry J. Szymanski, the Honorable William J. Cahalan, and the Honorable Pamela R. Harwood.

In addition to her work, Ms. Palmeri enjoyed many hobbies, including bowling, ceramics, crocheting, knitting and crewel embroidery. She was both a terrific seamstress and a wonderful cook. She also loved to play cards, work on crossword puzzles, and play board games. She was also an active member of St. Alphonsus Catholic Church in Dearborn, Michigan. Ms. Palmeri is survived by her husband of thirty years, Frank, and their three children, Christopher, Cindy and John.

Mr. President, I am glad that the County of Wayne has chosen to honor Ms. Palmeri's many years of service by presenting her family with the Court Clerk of the Year Award. She was a hard worker who truly cared for the people around her, and her warm and generous personality is deeply missed by the entire Dearborn community. ●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, 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.)

A DRAFT OF PROPOSED LEGISLATION ENTITLED THE "CONSUMER PRODUCT SAFETY COMMISSION ENHANCED ENFORCEMENT ACT OF 2000—MESSAGE FROM THE PRESIDENT—PM 104

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Com-

mittee on Commerce, Science, and Transportation.

To the Congress of the United States:

I am pleased to transmit today for immediate consideration and prompt enactment the "Consumer Product Safety Commission Enhanced Enforcement Act of 2000." This legislative proposal would increase the penalties that the Consumer Product Safety Commission (CPSC) could impose upon manufacturers, distributors, and retailers of consumer products who do not inform the CPSC when the company has reason to believe it has sold a product that does not meet Federal safety standards or could otherwise create a substantial product hazard. The proposal would also improve product recalls by enabling the CPSC to choose an alternative remedy in a recall if the CPSC finds that the remedy selected by the manufacturer is not in the public interest.

Under current consumer product safety laws, manufacturers, distributors, and retailers of consumer products are required to inform the CPSC whenever they have information that one of their products: (1) fails to comply with a CPSC product safety standard; (2) contains a defect that could create a substantial product hazard; or (3) creates an unreasonable risk of serious injury or death. After a company reports this information to the CPSC, the CPSC staff initiates an investigation in cooperation with the company. If the CPSC concludes that the product presents a substantial product hazard and that a recall is in the public interest, the CPSC staff will work with the company to conduct a product safety recall. The sooner the CPSC hears about a dangerous product, the sooner the CPSC can act to remove the product from store shelves and inform consumers about how to eliminate the hazard. That is why it is critical that companies inform the CPSC as soon as they are aware that one of their products may present a serious hazard to the public.

Unfortunately, in about half the cases involving the most significant hazards—where the product can cause death or serious injury—companies do not report to the CPSC. In those cases, the CPSC must get safety information from other sources, including its own investigators, consumers, or tragically, from hospital emergency room reports or death certificates. Sometimes years can pass before the CPSC learns of the product hazard, although the company may have been aware of it all along. During that time, deaths and injuries continue. Once the CPSC becomes aware of the hazard, many companies continue to be recalcitrant, and the CPSC staff must conduct its own independent investigation. This often includes finding and investigating product incidents and conducting extensive laboratory testing. This process can take a long time, which means that the most dangerous products remain on store shelves and in consumers' homes

longer, placing children and families at continuing risk.

The Consumer Product Safety Commission can currently assess civil penalties against companies who fail to report a dangerous product. Criminal penalties are also available in particularly serious cases. In fact, in 1999, the CPSC assessed 10 times the amount of civil penalties assessed 10 years ago. But, even with this more vigorous enforcement, too many companies still do not report, especially in cases involving serious harm.

This legislative proposal would enhance the CPSC's civil and criminal enforcement authority. It would provide an added incentive for companies to comply with the law so that we can get dangerous products out of stores and consumers' homes more quickly.

My legislative proposal would also help to make some product recalls more effective by allowing the CPSC to choose an alternative remedy if the CPSC finds that the manufacturer's chosen remedy is not in the public interest. Under current law, a company with a defective product that is being recalled has the right to select the remedy to be offered to the public. My proposal would continue to permit the company to select the remedy in a product recall. My proposal would also, however, allow the CPSC to determine—after an opportunity for a hearing—that the remedy selected by the company is not in the public interest.

The Consumer Product Safety Commission helps to keep America's children and families safe. This legislation proposal would help the CPSC be even more effective in protecting the public from dangerous products. I urge the Congress to give this legislation prompt and favorable consideration.

WILLIAM J. CLINTON,
THE WHITE HOUSE, May 12, 2000.

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-8934. A communication from the Secretary of Agriculture, transmitting a draft of proposed legislation entitled the "U.S. Department of Agriculture Mediation and Arbitration for Agriculture Products in Foreign Commerce Act of 2000"; to the Committee on Agriculture, Nutrition, and Forestry.

EC-8935. A communication from the General Counsel, Department of Defense, transmitting a draft of proposed legislation relative to civilian personnel and Mentor-Protege Programs; to the Committee on Finance.

EC-8936. A communication from the Federal Maritime Commission transmitting, pursuant to law, the report of a rule entitled "Ocean Common Carriers Subject to the Shipping Act of 1984" (Docket No. 99-10), received May 9, 2000; to the Committee on Commerce, Science, and Transportation.

EC-8937. A communication from the Office of Thrift Supervision, Department of the Treasury transmitting, pursuant to law, the

report of a rule entitled "Transfer and Repurchase of Government Securities" (RIN1550-AB38), received May 9, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC-8938. A communication from the Secretary of the Treasury, transmitting a draft of proposed legislation entitled the "Consumer Financial Privacy Act"; to the Committee on Banking, Housing, and Urban Affairs.

EC-8939. A communication from the Secretary of Defense, transmitting, pursuant to law, a report relative to implementation of the Cooperative Threat Reduction Program under the FY 2000 Department of Defense Appropriations Act; to the Committee on Armed Services.

EC-8940. A communication from the General Counsel, Department of Defense, transmitting a draft of proposed legislation relative to civilian personnel and Mentor-Protege Programs; to the Committee on Governmental Affairs.

EC-8941. A communication from the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report entitled "Information Collection Budget of the United States Government, Fiscal Year 2000"; to the Committee on Governmental Affairs.

EC-8942. A communication from the Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Code of Federal Regulations; Authority Citations", received May 9, 2000; to the Committee on Health, Education, Labor, and Pensions.

EC-8943. A communication from the Chairman, New York State Subcommittee on Sweatshops, transmitting a report entitled "Behind Closed Doors II: Another Look into the Underground Sweatshop Industry"; to the Committee on Health, Education, Labor, and Pensions.

EC-8944. A communication from the Secretary of Education, transmitting a draft of proposed legislation entitled "College Completion Challenge Grant Act of 2000"; to the Committee on Health, Education, Labor, and Pensions.

EC-8945. A communication from the Office of the Inspector General, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Revised OIG Civil Money Penalties Resulting from Public Law 104-191" (RIN0991-AA90), received May 4, 2000; to the Committee on Health, Education, Labor, and Pensions.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-515. A concurrent resolution adopted by the Legislature of the State of Hawaii relative to the observance of the centennial of the Organic Act; to the Committee on Energy and Natural Resources.

HOUSE CONCURRENT RESOLUTION NO. 27

Whereas, on January 17, 1898, the Kingdom of Hawaii was overthrown; and

Whereas, on July 7, 1898, the Republic of Hawaii was annexed by the United States by a Joint Resolution of Annexation; and

Whereas, after annexation, United States President William McKinley appointed, pursuant to the Joint Resolution, five commissioners to recommend to Congress "such legislation concerning the Hawaiian Islands as they shall deem necessary or proper"; and

Whereas, the five commissioners were United States Senators Shelly M. Cullom, chairman, and John T. Morgan; United States Representative Robert R. Hitt; and Hawaii residents Sanford B. Dole, and Walter F. Frear; and

Whereas, the commissioners held meetings and hearings in Honolulu and the neighbor islands in the fall of 1898; and

Whereas, on December 6, 1898, President William McKinley of the United States transmitted the report of the Hawaiian Commission, appointed pursuant to the "joint resolution to provide for annexing the Hawaiian Islands to the United States," approved July 7, 1898; together with a copy of the civil and penal laws of Hawaii; and

Whereas, on April 30, 1900 the Congress of the United States passed the Organic Act; and

Whereas, the Organic Act provided for a government for the Territory of Hawaii; and

Whereas, the Hawaiian Islands consisted of the following islands: Hawaii, Maui, Oahu, Kauai, Molokai, Lanai, Niihau, Kahoolawe, Molokini, Lehua, Kaula, Nihoa, Necker, Laysan, Gardiner, Lisiansky, Ocean, French Frigates Shoal, Palmyra, Brooks Shoal, Pearl and Hermers Reef, Gambia Shoal and Dowsett and Maro Reef; and

Whereas, under the laws of the Kingdom of Hawaii, the Crown lands were declared to be inalienable; and

Whereas, under the Organic Act, the Crown lands were declared to be public domain and "subject to alienation and other uses as provided by law"; and

Whereas, on July 9, 1921 the Congress of the United States enacted the Hawaiian Homes Commission Act; and

Whereas, on March 18, 1959 the Congress of the United States enacted An Act to Provide for the Admission of the State of Hawaii into the Union; and

Whereas, in December 1999, representatives of the Department of Interior held reconciliation discussions within the Native Hawaiian communities regarding the unlawful overthrow of the Kingdom of Hawaii; now, therefore, be it

Resolved by the House of Representatives of the Twentieth Legislature of the State of Hawaii, Regular Session of 2000, the Senate concurring. That the centennial anniversary of the passage of the Organic Act is hereby commemorated; and be it further

Resolved, That members of the House of Representatives and the Senate of the Twentieth Legislature, "Express Aloha" to the Native Hawaiian community on this centennial event that saddens many Native Hawaiians; and be it further

Resolved, That all members of the House of Representatives and the Senate of the Twentieth Legislature of the State of Hawaii, are encouraged to gather with the Native Hawaiian community at Iolani Palace on April 30, 2000, commemorating the centennial of the Organic Act; and be it further

Resolved, That this Concurrent Resolution serve as a reminder to the United States Congress of its involvement in the creation of the Organic Act; and be it further

Resolved, That this Concurrent Resolution serve as an invitation to President William Jefferson Clinton of the United States of America and the Congress of the United States to gather with the Native Hawaiian community at Iolani Palace on April 30, 2000, commemorating the Centennial of the Organic Act or at their earliest convenience; and be it further

Resolved, That certified copies of this Concurrent Resolution be transmitted to the President of the United States, the United States Secretary of State, the Attorney General of the United States, the United States Secretary of the Interior, the President of

the United States Senate, the Speaker of the House of Representatives of the United States, Hawaii's Congressional delegation, the Chief Justice of the United States Supreme Court, the governor of each state, the Governor and Lieutenant Governor of the State of Hawaii, the Chief Justice of the Hawaii Supreme Court, and each member of the House of Representatives of the State of Hawaii.

POM-516. A resolution adopted by the House of the General Assembly of the Commonwealth of Pennsylvania relative to the financial structure of the Coal Act; to the Committee on Finance.

HOUSE RESOLUTION NO. 374

Whereas, Pennsylvania is a coal-producing and coal-consuming state that has benefited tremendously from the hard, dangerous work of retired coal miners; and

Whereas, The United States Government entered into a contract with coal miners in 1946 that created the United Mine Workers of America Health and Retirement Funds; and

Whereas, This contract was signed in the White House in a ceremony with President Harry Truman; and

Whereas, A Federal commission established by Secretary of Labor Elizabeth Dole concluded in 1990:

"Retired coal miners have legitimate expectations of health care benefits for life; that was the promise they received during their working lives and that is how they planned their retirement years. That commitment should be honored"; and

Whereas, This promise became law in 1992 when the Congress of the United States passed and President George Bush signed the Coal Industry Retiree Health Benefit Act (the Coal Act); and

Whereas, The Coal Act reiterated the promise of lifetime health benefits for retired coal miners and their dependents; and

Whereas, Congress intended the Coal Act to:

"(1) remedy problems with the provision and funding of health care benefits with respect to the beneficiaries of multiemployer benefit plans that provide health care benefits to retirees in the coal industry;

(2) allow for sufficient operating assets for such plans; and

(3) provide for the continuation of a privately financed self-sufficient program for the delivery of health care benefits to the beneficiaries of such plans"; and

Whereas, Certain court decisions have eroded the financial structure Congress put in place under the Coal Act; and

Whereas, These court decisions have placed the continued provision of health benefits to retired coal miners in jeopardy; and

Whereas, The President has included in his proposed budget \$346 million in general Federal funds over ten years to protect the long-term integrity of the Combined Benefit Fund for Retired Miners and their Dependents; therefore be it

Resolved, That the House of Representatives of the Commonwealth of Pennsylvania urge the President and the Congress of the United States to work together to enact legislation to reform the financial structure of the Coal Act by providing for an annual transfer of general Federal funds to the combined benefit fund addressing the shortfall created by the above-mentioned court cases; and be it further

Resolved, That, in accordance with the contract of 1946, the health care benefits promised to retired coal miners be continued, preserved and ensured; and be it further

Resolved, That a copy of this resolution be sent to the President of the United States and to each member of Congress from Pennsylvania.

REPORTS OF COMMITTEES DURING THE ADJOURNMENT OF THE SENATE

Under authority of the order of the Senate of May 11, 2000, the following reports of committees were submitted on May 12, 2000:

By Mr. WARNER, from the Committee on Armed Services, without amendment:

S. 2549: An original bill to authorize appropriations for fiscal year 2001 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes (Rept. No. 106-292).

S. 2550: An original bill to authorize appropriations for fiscal year 2001 for military activities of the Department of Defense, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

S. 2551: An original bill to authorize appropriations for fiscal year 2001 for military construction, and for other purposes.

S. 2552: An original bill to authorize appropriations for fiscal year 2001 for defense activities of the Department of Energy, and for other purposes.

Under authority of the order of the Senate of January 6, 1999, the following reports of committees were submitted on May 12, 2000:

By Mr. SPECTER, from the Committee on Appropriations, without amendment:

S. 2553: An original bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September, 30, 2001, and for other purposes (Rept. No. 106-293).

REPORT OF COMMITTEE

The following report of committee was submitted:

By Mr. JEFFORDS, from the Committee on Health, Education, Labor, and Pensions, with an amendment in the nature of a substitute:

S. 2311: A bill to revise and extend the Ryan White CARE Act programs under title XXVI of the Public Health Service Act, to improve access to health care and the quality of health care under such programs, and to provide for the development of increased capacity to provide health care and related support services to individuals and families with HIV disease, and for other purposes (Rept. No. 106-294).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. GREGG (for himself and Mr. DODD):

S. 2554. A bill to amend title XI of the Social Security Act to prohibit the display of an individual's social security number for commercial purposes without the consent of the individual; to the Committee on Finance

By Mr. KERREY (for himself and Mr. HATCH):

S. 2555. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income of individual taxpayers discharges of indebtedness attributable to certain forgiven

residential mortgage obligations; to the Committee on Finance.

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

S. 2556. A bill to make technical amendments to the Medicare, Medicaid, and SCHIP Balanced Budget Refinement Act of 1999 regarding the implementation of the per diem prospective payment system for psychiatric hospitals; to the Committee on Finance.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. GREGG (for himself and Mr. DODD):

S. 2554. A bill to amend title XI of the Social Security Act to prohibit the display of an individual's Social Security number for commercial purposes without the consent of the individual; to the Committee on Finance.

AMY BOYER'S LAW

Mr. GREGG. 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. 2554

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 "Amy Boyer's Law".

SEC. 2. PROTECTING PRIVACY BY PROHIBITING DISPLAY OF THE SOCIAL SECURITY NUMBER TO THE GENERAL PUBLIC FOR COMMERCIAL PURPOSES WITHOUT CONSENT.

(a) IN GENERAL.—Part A of title XI of the Social Security Act (42 U.S.C. 1301 et seq.) is amended by adding at the end the following:

"PROHIBITION OF CERTAIN MISUSES OF THE SOCIAL SECURITY NUMBER

"SEC. 1150A. (a) LIMITATION ON DISPLAY.—Except as otherwise provided in this section, no person may display to the public any individual's social security number, or any identifiable derivative of such number, without the affirmatively expressed consent, electronically or in writing, of such individual.

"(b) PROHIBITION OF WRONGFUL USE AS PERSONAL IDENTIFICATION NUMBER.—No person may obtain any individual's social security number, or any identifiable derivative of such number, for purposes of locating or identifying an individual with the intent to physically injure, harm, or use the identity of the individual for illegal purposes.

"(c) PREREQUISITES FOR CONSENT.—In order for consent to exist under subsection (a), the person displaying, or seeking to display, an individual's social security number, or any identifiable derivative of such number, shall—

"(1) inform the individual of the general purposes for which the number will be utilized and the types of persons to whom the number may be available; and

"(2) obtain affirmatively expressed consent electronically or in writing.

"(d) EXCEPTIONS.—Nothing in this section shall be construed to—

"(1) prohibit any use of social security numbers permitted or required under section 205(c)(2), section 7(a)(2) of the Privacy Act of 1974 (5 U.S.C. 552a note; 88 Stat. 1909), or section 6109(d) of the Internal Revenue Code of 1986;

"(2) modify, limit, or supersede the operation of, or the conduct of any activity permitted under, the Fair Credit Reporting Act

(15 U.S.C. 1681 et seq.) or title V of the Gramm-Leach-Bliley Act (15 U.S.C. 6801 et seq.);

“(3) except as set forth in subsection (b), prohibit or limit the use of a social security number to retrieve information about an individual without displaying such number to the public;

“(4) prohibit or limit the use of the social security number for purposes of law enforcement, including investigation of fraud; or

“(5) prohibit or limit the use of a social security number obtained from a public record or document lawfully acquired from a governmental agency.

“(e) CIVIL ACTION IN UNITED STATES DISTRICT COURT; DAMAGES; ATTORNEYS FEES AND COSTS; REGULATORY COORDINATION.—

“(1) IN GENERAL.—Any individual aggrieved by any act of any person in violation of this section may bring a civil action in a United States district court to recover—

“(A) such preliminary and equitable relief as the court determines to be appropriate; and

“(B) the greater of—

“(i) actual damages;

“(ii) liquidated damages of \$2,500; or

“(iii) in the case of a violation that was willful and resulted in profit or monetary gain, liquidated damages of \$10,000.

“(2) ATTORNEY'S FEES AND COSTS.—In the case of a civil action brought under paragraph (1)(B)(iii) in which the aggrieved individual has substantially prevailed, the court may assess against the respondent a reasonable attorney's fee and other litigation costs and expenses (including expert fees) reasonably incurred.

“(3) STATUTE OF LIMITATIONS.—No action may be commenced under this subsection more than 3 years after the date on which the violation was or should reasonably have been discovered by the aggrieved individual.

“(4) NONEXCLUSIVE REMEDY.—The remedy provided under this subsection shall be in addition to any other lawful remedy available to the individual.

“(f) CIVIL MONEY PENALTIES.—

“(1) IN GENERAL.—Any person who the Commissioner of Social Security determines has violated this section shall be subject, in addition to any other penalties that may be prescribed by law, to—

“(A) a civil money penalty of not more than \$5,000 for each such violation, and

“(B) a civil money penalty of not more than \$50,000, if violations have occurred with such frequency as to constitute a general business practice.

“(2) DETERMINATION OF VIOLATIONS.—Any willful violation committed contemporaneously with respect to the social security numbers of 2 or more individuals by means of mail, telecommunication, or otherwise shall be treated as a separate violation with respect to each such individual.

“(3) ENFORCEMENT PROCEDURES.—The provisions of section 1128A (other than subsections (a), (b), (f), (h), (i), (j), and (m), and the first sentence of subsection (c)) and the provisions of subsections (d) and (e) of section 205 shall apply to civil money penalties under this subsection in the same manner as such provisions apply to a penalty or proceeding under section 1128A(a), except that, for purposes of this paragraph, any reference in section 1128A to the Secretary shall be deemed a reference to the Commissioner of Social Security.

“(4) COORDINATION WITH CRIMINAL ENFORCEMENT.—The Commissioner of Social Security shall take such actions as are necessary and appropriate to assure proper coordination of the enforcement of the provisions of this section with criminal enforcement under section 1028 of title 18, United States Code (relating to fraud and related activity in con-

nection with identification documents). The Commissioner shall enter into cooperative arrangements with the Federal Trade Commission under section 5 of the Identity Theft and Assumption Deterrence Act of 1998 (18 U.S.C. 1028 note) for purposes of achieving such coordination.

“(g) LIMITATION ON REGULATION BY STATES.—No requirement or prohibition may be imposed under the laws of any State with respect to any subject matter regulated under subsections (a) through (d).

“(h) DEFINITIONS.—In this section, the term ‘display to the general public’ means the intentional placing of an individual's social security number, or identifying portion thereof, in a viewable manner on a web site that is available to the general public or in material made available or sold to the general public.”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) applies with respect to violations occurring on and after the date which is 2 years after the date of enactment of this Act.

By Mr. KERREY (for himself and Mr. HATCH):

S. 2555. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income of individual taxpayers discharges of indebtedness attributable to certain forgiven residential mortgage obligations; to the Committee on Finance.

MORTGAGE CANCELLATION RELIEF ACT OF 2000

Mr. KERREY. Mr. President, today I am introducing legislation to correct an inequity in the tax code which can hurt homeowners who sell their homes at a loss. I am delighted to be joined by Senator HATCH in introducing this legislation.

We all know someone who, for whatever reason, has wound up selling their home at a loss. In these situations, where the value of a home is less than the outstanding loan on that home, a mortgage lender will sometimes forgive all or part of the outstanding mortgage balance. Under current law, the amount forgiven is counted as taxable income to the seller.

This doesn't make any sense, particularly since gains on a principal residence are tax exempt up to \$500,000. The legislation we are introducing today will fix this problem by exempting taxpayers from including in ordinary income mortgage amounts forgiven by the lender on a principal residence, provided the proceeds of the home sale won't satisfy the qualified outstanding mortgage.

The legislation we are introducing today is targeted to protect against any abuse and we expect the cost to be very low over a 10-year period. I urge my colleagues to join us in cosponsoring this legislation.

Mr. HATCH. Mr. President, I stand before the Senate today to urge my colleagues to support a bill, the Mortgage Cancellation Act of 2000, that I am introducing along with Senator KERREY. This bill would fix a flaw in the tax code that unfairly harms homeowners who sell their home at a loss.

Often, homeowners who must sell their home at a loss are able to negotiate with their mortgage lender to for-

give all or part of the mortgage balance that exceeds the selling price. However, under current tax law, the amount forgiven is taxable income to the seller.

For example, suppose a young family purchased their home for \$150,000 with a \$130,000 mortgage, \$120,000 of which is still outstanding. Let us also assume that there is an economic downturn that has both decreased the value of the house to \$110,000 and put this family in financial distress because the primary wage earner has lost his or her job. Because the family is no longer able to meet their mortgage payments, they are forced to sell their home for \$110,000, \$10,000 below the value of the mortgage, with the condition that the lender will forgive this difference. Unfortunately, under current tax law, this family will have to recognize this \$10,000 difference as taxable income at a time when they can least afford it. This is true even though the family suffered a \$40,000 loss on the sale.

Mr. President, I find this predicament both ironic and unfair. If this same family, under much better circumstances, was able to sell their house for \$200,000 instead of \$110,000, then they would owe nothing in tax on the gain under current tax law because gains on a principal residence are tax exempt up to \$500,000. I believe that this discrepancy creates a tax inequity that begs for relief.

Finally, I want to stress that now is the time to address the inequity, while the economy is healthy, instead of waiting for the next recession, when this problem will be much more common. Luckily, the problem addressed by this bill is not widespread in our country right now. However, a few years ago, many families in my home state of Utah suffered losses on the necessary sale of their homes, and had to pay taxes on the canceled mortgage debt. Families in other areas of our nation experienced similar problems.

So, Mr. President, I urge my colleagues to join with Senator KERREY and me in support of this bill.

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

S. 2556. A bill to make technical amendments to the Medicare, Medicaid, and SCHIP Balanced Budget Refinement Act of 1999 regarding the implementation of the per diem prospective payment system for psychiatric hospitals; to the Committee on Finance.

LEGISLATION MAKING TECHNICAL AMENDMENTS TO THE MEDICARE, MEDICAID, AND SCHIP BALANCED BUDGET REFINEMENT ACT OF 1999

● Mr. MACK. Mr. President, I ask unanimous consent that a copy of the legislation I am introducing today with my colleague, Senator BREAUX, be printed in the RECORD.

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

S. 2556

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

SECTION 1. TECHNICAL AMENDMENTS TO THE BBRA.

(a) PER DIEM PROSPECTIVE PAYMENT SYSTEM FOR PSYCHIATRIC HOSPITALS.—Section 124 of the Medicare, Medicaid, and SCHIP Balanced Budget Refinement Act of 1999 (113 Stat. 1501A-332), as enacted into law by section 1000(a)(6) of Public Law 106-113, is amended—

(1) in subsection (b), by striking "October 1, 2001" and inserting "October 1, 2000"; and

(2) in subsection (c), by striking "October 1, 2002" and inserting "October 1, 2001".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect as if included in the enactment of section 124 of the Medicare, Medicaid, and SCHIP Balanced Budget Refinement Act of 1999 (113 Stat. 1501A-332), as enacted into law by section 1000(a)(6) of Public Law 106-113. •

ADDITIONAL COSPONSORS

S. 741

At the request of Mr. GRAHAM, the names of the Senator from New Jersey (Mr. TORRICELLI) and the Senator from Arkansas (Mrs. LINCOLN) were added as cosponsors of S. 741, a bill to provide for pension reform, and for other purposes.

S. 1333

At the request of Mr. WYDEN, the name of the Senator from Arkansas (Mr. HUTCHINSON) was added as a cosponsor of S. 1333, a bill to expand homeownership in the United States.

S. 1361

At the request of Mr. STEVENS, the name of the Senator from Missouri (Mr. ASHCROFT) was added as a cosponsor of S. 1361, a bill to amend the Earthquake Hazards Reduction Act of 1977 to provide for an expanded Federal program of hazard mitigation, relief, and insurance against the risk of catastrophic natural disasters, such as hurricanes, earthquakes, and volcanic eruptions, and for other purposes.

S. 1562

At the request of Mr. NICKLES, the name of the Senator from Alabama (Mr. SHELBY) was added as a cosponsor of S. 1562, a bill to amend the Internal Revenue Code of 1986 to classify certain franchise operation property as 15-year depreciable property.

S. 1638

At the request of Mr. ASHCROFT, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 1638, a bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to extend the retroactive eligibility dates for financial assistance for higher education for spouses and dependent children of Federal, State, and local law enforcement officers who are killed in the line of duty.

S. 1732

At the request of Mr. BREAU, the names of the Senator from Illinois (Mr. DURBIN) and the Senator from Virginia (Mr. ROBB) were added as cosponsors of S. 1732, a bill to amend the Internal Revenue Code of 1986 to prohibit certain allocations of S corporation stock held by an employee stock ownership plan.

S. 1805

At the request of Mr. KENNEDY, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 1805, a bill to restore food stamp benefits for aliens, to provide States with flexibility in administering the food stamp vehicle allowance, to index the excess shelter expense deduction to inflation, to authorize additional appropriations to purchase and make available additional commodities under the emergency food assistance program, and for other purposes.

S. 1810

At the request of Mrs. MURRAY, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 1810, a bill to amend title 38, United States Code, to clarify and improve veterans' claims and appellate procedures.

S. 2044

At the request of Mr. CAMPBELL, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 2044, a bill to allow postal patrons to contribute to funding for domestic violence programs through the voluntary purchase of specially issued postage stamps.

S. 2045

At the request of Mr. HATCH, the name of the Senator from Ohio (Mr. VOINOVICH) was added as a cosponsor of S. 2045, a bill to amend the Immigration and Nationality Act with respect to H-1B nonimmigrant aliens.

S. 2064

At the request of Mr. EDWARDS, the name of the Senator from Nebraska (Mr. KERREY) was added as a cosponsor of S. 2064, a bill to amend the Missing Children's Assistance Act, to expand the purpose of the National Center for Missing and Exploited Children to cover individuals who are at least 18 but have not yet attained the age of 22.

S. 2065

At the request of Mr. EDWARDS, the name of the Senator from Nebraska (Mr. KERREY) was added as a cosponsor of S. 2065, a bill to authorize the Attorney General to provide grants for organizations to find missing adults.

S. 2068

At the request of Mr. FITZGERALD, his name was added as a cosponsor of S. 2068, a bill to prohibit the Federal Communications Commission from establishing rules authorizing the operation of new, low power FM radio stations.

S. 2071

At the request of Mr. GORTON, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. 2071, a bill to benefit electricity consumers by promoting the reliability of the bulk-power system.

S. 2107

At the request of Mr. GRAMM, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 2107, a bill to amend the Securities Act of 1933 and the Securities Exchange

Act of 1934 to reduce securities fees in excess of those required to fund the operations of the Securities and Exchange Commission, to adjust compensation provisions for employees of the Commission, and for other purposes.

S. 2217

At the request of Mr. CAMPBELL, the name of the Senator from Arizona (Mr. KYL) was added as a cosponsor of S. 2217, a bill to require the Secretary of the Treasury to mint coins in commemoration of the National Museum of the American Indian of the Smithsonian Institution, and for other purposes.

S. 2311

At the request of Mr. KENNEDY, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 2311, a bill to revise and extend the Ryan White CARE Act programs under title XXVI of the Public Health Service Act, to improve access to health care and the quality of health care under such programs, and to provide for the development of increased capacity to provide health care and related support services to individuals and families with HIV disease, and for other purposes.

S. 2408

At the request of Mr. BINGAMAN, the names of the Senator from Georgia (Mr. CLELAND) and the Senator from Virginia (Mr. ROBB) were added as cosponsors of S. 2408, a bill to authorize the President to award a gold medal on behalf of the Congress to the Navajo Code Talkers in recognition of their contributions to the Nation.

S. 2459

At the request of Mr. COVERDELL, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. 2459, a bill to provide for the award of a gold medal on behalf of the Congress to former President Ronald Reagan and his wife Nancy Reagan in recognition of their service to the Nation.

S. 2539

At the request of Mr. BAUCUS, his name was added as a cosponsor of S. 2539, a bill to amend the National Defense Authorization Act for Fiscal Year 1998 with respect to export controls on high performance computers.

S. 2540

At the request of Mr. KERREY, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 2540, a bill to amend the Food Security Act of 1985 to require the Secretary of Agriculture to establish a carbon sequestration program to permit owners and operators of land to enroll the land in the program to increase the sequestration of carbon, and for other purposes.

S. 2546

At the request of Mr. BOND, the name of the Senator from Indiana (Mr. LUGAR) was added as a cosponsor of S. 2546, a bill to amend the Clean Air Act to prohibit the use of methyl tertiary

butyl ether, to provide flexibility within the oxygenate requirement of the reformulated gasoline program of the Environmental Protection Agency, to promote the use of renewable ethanol, and for other purposes.

S. CON. RES. 84

At the request of Mr. WARNER, the name of the Senator from Michigan (Mr. ABRAHAM) was added as a cosponsor of S. Con. Res. 84, a concurrent resolution expressing the sense of Congress regarding the naming of aircraft carrier CVN-77, the last vessel of the historic "Nimitz" class of aircraft carriers, as the U.S.S. *Lexington*.

AMENDMENT SUBMITTED

EXTENDING RETROACTIVE ELIGIBILITY DATES IN THE OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1968

LEAHY AMENDMENT NO. 3147

Mr. BURNS (for Mr. LEAHY) proposed an amendment to the bill (S. 1638) to amend the Omnibus Crime Control and Safe Streets Act of 1968 to extend the retroactive eligibility dates for financial assistance for higher education for spouses and dependent children of Federal, State, and local law enforcement officers who are killed in the line of duty; as follows:

On page 2, line 10, strike "May 1, 1978" and insert "January 1, 1978".

On page 2, line 12, strike "October 1, 1978" and insert "January 1, 1978".

NOTICES OF HEARINGS

COMMITTEE ON INDIAN AFFAIRS

Mr. CAMPBELL. Mr. President, I would like to announce that the Committee on Indian Affairs will meet during the session of the Senate on Wednesday, May 17, 2000, at 2 p.m. to conduct an oversight hearing on Implementation of the Indian Arts and Crafts Act, P.L. (101-644). The hearing will be held in room 562, Dirksen Senate Building. Those wishing additional information may contact committee staff at 202/224-2251.

COMMITTEE ON INDIAN AFFAIRS

Mr. CAMPBELL. Mr. President, I would like to announce that the Committee on Indian Affairs will meet during the session of the Senate on Wednesday, May 17, 2000, at 2 p.m. to conduct a hearing on S. 1148, to provide for the Yankton Sioux Tribe and the Santee Sioux Tribe of Nebraska certain benefits of the Missouri River Pick-Sloan Project and S. 1658, to authorize the construction of a Reconciliation Place in Fort Pierre, South Dakota. The hearing will be held in the Committee room, 485 Russell Senate Building. Those wishing additional information may contact committee staff at 202/224-2251.

COMMEMORATING AND ACKNOWLEDGING THE DEDICATION AND SACRIFICE MADE BY THE MEN AND WOMEN WHO HAVE LOST THEIR LIVES WHILE SERVING AS LAW ENFORCEMENT OFFICERS

Mr. BURNS. Madam President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. Res. 247, and the Senate then proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 247) commemorating and acknowledging the dedication and sacrifice made by the men and women who have lost their lives while serving as law enforcement officers.

There being no objection, the Senate proceeded to consider the resolution.

Mr. LEAHY. Madam President, we need to do a better job supporting our federal law enforcement officers and our State and local law enforcement officers. This is National Police Week and today was the National Peace Officers' Memorial Service in which we remembered another 139 federal, State and local officers who died in the line of duty. I commend Senator CAMPBELL for introducing S. Res. 247 back in January. I am sorry that the Judiciary Committee did not take it up and report it before today, but am supportive of his efforts and agreed to discharge the Committee, so as not to miss today's activities.

As someone who served in law enforcement for 8 years as the Chittenden County State's Attorney, I respect and admire those who devote their careers to public safety. I took issue with the extreme rhetoric that some have recently used to attack our Federal law enforcement officers who helped return Elian Gonzalez to his father.

For example, one of the Republican leaders in the House of Representatives was quoted as calling the officers of the U.S. Immigration and Naturalization Service, the U.S. Border Patrol, and the U.S. Marshals Service: "jack-booted thugs." And the Republican Mayor of New York City, who is seeking election to this body, called these dedicated public servants: "storm troopers." This extreme rhetoric only serves to degrade federal law enforcement officers in the eyes of the public.

Let none of us in the Congress, or who are seeking to serve in Congress, contribute to an atmosphere of disrespect for law enforcement officers. No matter what your opinion of the law enforcement action in South Florida, we should all agree that these law enforcement officers were following orders and putting their lives on the line, which they do everyday. Let us treat law enforcement officers with the respect that is essential to their preserving the peace and protecting the public.

This harsh rhetoric by Republican public officials reminds me of similar

harsh rhetoric used in April 1995, when the NRA sent out a fund-raising letter calling federal law enforcement officers "jack-booted thugs" who wear "Nazi bucket helmets and black storm trooper uniforms." President George Bush was correctly outraged by this NRA rhetoric and resigned from the NRA in protest. President Bush wrote to the NRA: "Your broadside against federal agents deeply offends my own sense of decency and honor. . . . It indirectly slanders a wide array of government law enforcement officials, who are out there, day and night, laying their lives on the line for all of us." I praised President Bush in 1995 for his actions and again recently.

President Bush was right. This harsh rhetoric of calling federal law enforcement officers "jack-booted thugs" and "storm troopers" should offend our sense of decency and honor. It is highly offensive and did not belong in any public debate on the reunion of Elian Gonzalez with his father, either. We are fortunate to have dedicated women and men throughout Federal law enforcement in this country who do a tremendous job under difficult circumstances. They are examples of the hard-working public servants that make up the federal government, who are too often maligned and unfairly disparaged. These are people with children and parents and friends. They deserve our respect, not personal insults.

In countless incidents across the country everyday, federal law enforcement officers, who are sworn to protect the public and enforce the law, are in danger. These law enforcement officers deserve our thanks and our respect. They do not deserve to be called "jack-booted thugs" and "storm troopers."

I went to the Senate floor in the wake of those comments to join the Federal Law Enforcement Officers Association in condemning these insults against our nation's law enforcement officers. Any public official who used this harsh rhetoric owes our Federal law enforcement officers an apology. I regret that members of the majority party have not followed President Bush's example and, likewise, condemned that extreme rhetoric.

This week is an annual occasion in which we pause to remember the federal, State and local officers who gave their lives in the line of duty over the past year. It is a difficult week and an important week. It should be a productive week, as well.

I said last week at the Judiciary Committee Business Meeting that the Committee should be taking up and reporting S. 2413, the bill that Senator CAMPBELL and I introduced to improve our Bulletproof Vest Grant Partnership Act by reauthorizing the program for another 3 years, raising the annual appropriation to \$50 million and guaranteeing to jurisdictions with populations less than 100,000 a fair share of these resources. This program has been

very helpful in offering federal assistance to help protect State and local officers in concrete ways. It is an extraordinarily successful program and it should be extended and expanded. I thank President Clinton for his support and for calling for enactment of this measure during his remarks at the National Peace Officers' Memorial Service today. I hope that when the Committee meets later this week, Senator HATCH will see fit to include this measure on the agenda and that the Committee will act favorably on it.

In addition, I look forward to enacting additional measures that protect and assist State and local law enforcement. In particular, I was extremely disappointed last year when an anonymous Republican objection prevented S. 521, my bill to improve the Bulletproof Vest Grant Partnership Act, from passing. This bill would allow the Attorney General to waive or reduce the matching fund requirement for assisting poor and rural law enforcement units to provide this life-saving equipment to officers and prevent injury and death. I cannot understand why anyone would want to oppose that effort.

Finally, I am disappointed that the Congress has not taken final action on the Public Medal of Valor Act, S. 39, championed by Senator STEVENS. The awarding of a medal for extraordinary valor shown by law enforcement officers every year would be a good way to draw attention to the service provided every day by officers all across this country. That bill passed the Senate a year ago by unanimous consent. I cosponsored the bill along with 28 others. For the past year, the House has not found the time to pass it. Today the President announced that he will explore ways to proceed to honor valor by our public safety officers through executive action if Congress continues to stall action on this bill. I hope that Congress will finally act on S. 39 this week and send it to the President for his signature.

These are just a few of the important legislative matters that the Congress should address to help our federal and state law enforcement officers. We should strive for constructive action rather than half-baked rhetoric.

Mr. GRAMS. Madam President, I rise today to honor Federal, State and local law enforcement officers who work to protect and serve the public on a daily basis. I am proud to be a cosponsor of S. Res. 247, which designates today as "Peace Officers Memorial Day" and recognizes law enforcement officers killed or disabled in the line of duty.

During National Police Week, law enforcement officers in all fifty states will pay tribute to their fellow officers who lost their lives in the line of duty. According to the National Law Enforcement Officers Memorial Fund, approximately 130 law enforcement officers lost their lives in 1999 while protecting the public. In my home state, 187 Minnesota law enforcement officers have died in the line of duty since 1914.

Most recently, the name of Minnesota State Patrol Corporal Timothy Bowe was added to the National Law Enforcement Officers Memorial. Sadly, more than 14,000 law enforcement officers paid this ultimate sacrifice during the 20th Century. I am honored to pay tribute to the men and women who demonstrated extraordinary bravery while caring for our families and communities.

I would also like to note the extraordinary sacrifice of families who have lost a son, daughter, spouse, parent, or relative who was slain while performing their police duties. We honor the memory of these officers by providing for the families that they have left behind. When I think about these families, I am reminded of the inscription on the wall of the National Law Enforcement Officers Memorial—"In valor there is hope."

I am very pleased that the Senate is continuing its efforts to provide support for the families of law enforcement officers killed in the line of duty. Specifically, I have cosponsored S. 1638, legislation introduced by Senator JOHN ASHCROFT that would retroactively provide financial assistance for higher education to the spouses and children of federal, state, and local law enforcement officers killed in the line of duty. Current law provides that the dependants of federal law enforcement officers killed in the line of duty after May 1, 1992, are eligible for this assistance. Dependants of state and local law enforcement officers killed in the line of duty after October 1, 1997, are also eligible. This legislation would change these dates to May 1, 1978, for federal law enforcement officers and October 1, 1978, for state and local law enforcement officers.

This important legislation, endorsed by the Fraternal Order of Police and the Federal Law Enforcement Officers Association, builds upon police benefits legislation that passed the 104th and 105th Congress with my strong support. Since 1995, we have enacted the Federal Law Enforcement Dependents Assistance Act of 1996, the Public Safety Officers Educational Assistance Act of 1998 and the Care for Police Survivors Act of 1998. These laws help to support the families of our law enforcement officers and keep alive the memory of these brave and heroic men and women.

During National Police Week, I join all Minnesotans in honoring the memory of slain law enforcement officers and their contributions to promoting public safety throughout our communities.

Mr. BURNS. Madam President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and, finally, that any statements in relation to the resolution be printed in the RECORD.

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

The resolution (S. Res. 247) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 247

Whereas the well-being of all citizens of this country is preserved and enhanced as a direct result of the vigilance and dedication of law enforcement personnel;

Whereas more than 700,000 men and women, at great risk to their personal safety, presently serve their fellow citizens in their capacity as guardians of peace;

Whereas peace officers are the front line in preserving our children's right to receive an education in a crime-free environment, which is all too often threatened by the insidious fear caused by violence in schools;

Whereas 134 peace officers lost their lives in the performance of their duty in 1999, and a total of nearly 15,000 men and women have now made that supreme sacrifice;

Whereas every year 1 in 9 officers is assaulted, 1 in 25 officers is injured, and 1 in 4,400 officers is killed in the line of duty; and

Whereas, on May 15, 2000, more than 15,000 peace officers are expected to gather in our Nation's Capital to join with the families of their recently fallen comrades to honor them and all others before them: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes May 15, 2000, as Peace Officers Memorial Day, in honor of Federal, State, and local officers killed or disabled in the line of duty; and

(2) calls upon the people of the United States to observe this day with appropriate ceremonies and respect.

Mr. BURNS. Madam President, I welcome our law enforcement officers to town. There are quite a few of them. They have a memorial at Judiciary Square here in town. They are acknowledging those young men and women who have fallen in the line of duty.

OMNIBUS CRIME CONTROL AND SAFE STREETS ACT AMENDMENTS

Mr. BURNS. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 434, S. 1638.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 1638) to amend the Omnibus Crime Control and Safe Streets Act of 1968 to extend the retroactive eligibility dates for financial assistance for higher education for spouses and dependent children of Federal, State, and local law enforcement officers who are killed in the line of duty.

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 3147

(Purpose: To further extend the retroactive eligibility dates to January 1, 1978)

Mr. BURNS. Madam President, Senator LEAHY has an amendment at the desk, and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Montana [Mr. BURNS] for Mr. LEAHY, proposes an amendment numbered 3147.

The amendment is as follows:

On page 2, line 10, strike "May 1, 1978" and insert "January 1, 1978".

On page 2, line 12, strike "October 1, 1978" and insert "January 1, 1978".

Mr. LEAHY. Madam President, I know that Senator ROBB strongly supports this bill and I was glad to work with him and Senator ASHCROFT to expedite Judiciary Committee action in February and finally to achieve Senate consideration today.

I support extending the educational assistance benefits to the families of public safety officers who died in the line of duty. I supported those efforts when we acted for federal officers' families back in 1996 and when we extended those benefits to State and local officers' families in 1998.

A number of us joined with Senator SPECTER and Senator KOHL back in 1996 to pass the Federal Law Enforcement Dependents Assistance Act. Our efforts grew out of the Ruby Ridge investigation and our shared concern to help the family of U.S. Marshal Bill Degan and the families of others killed in the line of duty.

At the time we were unable to gain the consensus needed to authorize these education benefits to State and local law enforcement officers. Some thought that would cost too much. We came back in 1997 and 1998 and were able to pass the Public Safety Officers Educational Benefits Assistance Act to extend these educational benefits to State and local public safety officers. We were led in that effort by Senators SPECTER and BIDEN.

I am delighted to see these benefits expanded further by extending them retroactively by this bill, S. 1638. We were told in February that the estimated cost of this expansion would be \$125 million. Since then we have received a significantly revised estimate from the CBO greatly diminishing the estimated costs. I do not know whether CBO was wrong in February or is wrong now, but I commend Senator ASHCROFT and all the sponsors of this measure for their willingness to make this investment and authorize these payments.

I have said that rather than move the eligibility dates back approximately between 14 and 19 years, we should consider removing them altogether. I do not want some to be penalized by the arbitrary selection of the eligibility date. In this regard I have urged an amendment to take the eligibility dates back to at least January 1978, in order to cover at least one, and possibly more, Vermont families who suffered the loss of a family member who was a public safety officer earlier that year. The family of Arnold Magoon, a Vermont game warden, should not be penalized again because he died on April 27 and not after May 1 or October 1 of 1978.

I said in February when the committee considered this measure that I

would be working to speed its passage and to help it achieve its goal of making these assistance payments as comprehensive as possible. As soon as the majority got around to suggesting consideration of this matter on Wednesday, May 10, I cleared it for consideration so that we could proceed.

In addition, I look forward to enacting additional measures that protect and assist State and local law enforcement. In particular, I was extremely disappointed last year when an anonymous Republican objection prevented S. 521, my bill to improve the Bulletproof Vest Grant Partnership Act, from passing. This bill would allow the Attorney General to waive or reduce the matching fund requirement for assisting poor and rural law enforcement units to provide this life-saving equipment to officers and prevent injury and death. I cannot understand why anyone would want to oppose that effort.

This year, in addition, I have joined again with Senator CAMPBELL to introduce S. 2413 to improve our Bulletproof Vest Grant Partnership Act by reauthorizing the program for another 3 years, raising the annual appropriation to \$50 million and guaranteeing to jurisdictions with populations less than 100,000 a fair share of these resources. Senator HATCH has joined us as a cosponsor of our measure.

I hope that the Judiciary Committee and the Senate will act on these measures without additional delay, as well.

Mr. BURNS. Madam President, I ask unanimous consent that the amendment be agreed to.

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

The amendment (No. 3147) was agreed to.

Mr. BURNS. Madam President, I ask unanimous consent that the bill be read a third time, and passed, the motion to reconsider be laid upon the table, without any intervening action, and that any statements relating thereto be printed in the RECORD.

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

The bill (S. 1638), as amended, was read the third time and passed, as follows:

S. 1638

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

SECTION 1. EXTENSION OF RETROACTIVE ELIGIBILITY DATES FOR FINANCIAL ASSISTANCE FOR HIGHER EDUCATION FOR SPOUSES AND CHILDREN OF LAW ENFORCEMENT OFFICERS KILLED IN THE LINE OF DUTY.

(a) IN GENERAL.—Section 1216(a) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796d-5(a)) is amended—

(1) by striking "May 1, 1992", and inserting "January 1, 1978,"; and

(2) by striking "October 1, 1997," and inserting "January 1, 1978,".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect October 1, 1999.

APPOINTMENTS

FEDERAL JUDICIAL CENTER FOUNDATION

The PRESIDING OFFICER. The Chair, on behalf of the President pro tempore, pursuant to Public Law 100-702, appoints John B. White, Jr. of South Carolina, to the board of the Federal Judicial Center Foundation, vice Richard M. Rosenbaum of New York.

OFFICE OF COMPLIANCE

The PRESIDING OFFICER. The Chair, on behalf of the majority and minority leaders of the Senate and the Speaker and minority leader of the House of Representatives, pursuant to Public Law 104-1, announces the joint appointment of Susan S. Robfogel, of New York, as Chair of the Board of Directors of the Office of Compliance.

ORDERS FOR TUESDAY, MAY 16, 2000

Mr. BURNS. Madam President, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 9:30 a.m., on Tuesday, May 16. I further ask consent that on Tuesday, immediately following the prayer, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate then begin a period of morning business until 11 a.m., with Senators speaking for up to 5 minutes each, with the following exceptions: Senator MURKOWSKI of Alaska or his designee, 45 minutes; Senator KENNEDY of Massachusetts, 35 minutes; and Senator DORGAN of North Dakota, 10 minutes.

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

Mr. BURNS. Madam President, I further ask consent that the Senate stand in recess from the hours of 12:30 p.m. to 2:15 p.m. for the weekly policy conferences to meet.

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

PROGRAM

Mr. BURNS. For the information of all Senators, the Senate will be in a period of morning business from 9:30 a.m. to 11 a.m. tomorrow. Following morning business, the Senate will resume consideration of the military construction appropriations bill. Any amendments prior to 2:15 p.m. must be cleared by both bill managers. However, those Senators who have general statements on the bill are encouraged to come to the floor during tomorrow morning's session. Votes are possible throughout tomorrow's session, and Senators will be notified as those votes are scheduled.

ORDER FOR ADJOURNMENT

Mr. BURNS. Madam President, if there is no further business to come before the Senate, I now ask unanimous

consent that the Senate stand in adjournment under the previous order, following the remarks of Senator KENNEDY of Massachusetts.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

EDUCATION LEGISLATION AND SCHOOL SAFETY

Mr. KENNEDY. Madam President, last Tuesday, the Senate suspended consideration of the education bill. I hope that our Republican friends have just temporarily suspended the bill, and not expelled it. We owe it to the nation's schools, students, parents, and communities to complete action on this priority legislation.

So far, we have considered only eight amendments to the bill over six different days.

When the bankruptcy bill was on the floor, our Republican colleagues did everything they could to satisfy the credit card companies. That bill was debated for 16 days, and 67 amendments were considered.

Obviously, when the credit card companies want a bill, our Republican friends put everything else aside to get it done. But when it comes to education, the voices of parents and children and schools and communities go unheard.

We should be debating education. It's a top priority for parents. It's a top priority for communities. It's a top priority for the country. And, it should be a top priority for Congress.

It is wrong for the Senate to leave the nation's schools with so much uncertainty about whether and when they will get urgently needed help to ensure better teachers, modern schools, smaller classes, and safe classrooms.

Democrats are ready to debate and address these issues now, and finish Senate consideration of the Elementary and Secondary Education Act. But, we have no assurance from the Republican majority that we will be able to do so.

Clearly, there are strong disagreements about how to address the issue of education reform. But, we should all agree to make it a top priority for final action.

Republicans have made block grants the centerpiece of their education proposal. But, block grants are the wrong approach. They undermine the targeting of scarce resources to the highest education priorities. They eliminate critical accountability provisions that ensure better results for all children. The block grant approach aban-

dons the national commitment to help the nation's children obtain a good education through proven effective reforms of public schools.

The lack of commitment by our Republican colleagues to genuine education reform is also clear in the recent actions by the Senate and House Appropriations Committee.

Both bills eliminate critical funding for reducing class size and improving teacher quality. Instead, they put some of those funds into the title VI block grant.

Both bills do nothing to guarantee communities help for modernizing their school buildings.

Both bills eliminate critical funding for helping states to increase accountability for results and turn around schools that aren't getting results.

At the same time that they expand support for block grants and eliminate support for greater accountability, Republicans are cutting funds to communities to improve education. Under the President's budget request, communities would have received a total of \$4.05 billion in the coming fiscal year to reduce class size, modernize school buildings, and improve teacher quality. The Republican bill block grants these programs and cuts total funding by \$2 billion below the President's request in the House and \$500 million below the President's request in the Senate.

Under the Republican block grant scheme, communities get less aid and parents get no guarantee that their children's classes will be smaller, that their teachers will be better qualified, or that their schools will be safe and modern.

Block grants are the wrong direction for education and the wrong direction for the nation. They do nothing to encourage change in public schools.

In the Republican ESEA bill, states are not held accountable for educational results until after 5 years. By that time, many students will have lost five years of potential gains in student achievement.

Block grants also leave the door open for needless waste and abuse. They provide no focus on proven effective strategies to help schools. Senator DEWINE, in urging increased accountability, pointed out the poor history of states and local school districts in spending Safe and Drug-Free Schools and Communities funds. He characterized those dollars as being "raided" for pet projects or to support ineffective methods.

Under block grants, school districts and schools can use scarce public tax dollars to support fads and gimmicks, with no basis in research or proven practice. They can even use the funds to support the football team, buy computer games, or buy new office furniture, if they decide that these uses serve so-called "educational purposes."

In short, block grants provide no assurance that federal education funds will be used where they're needed most—to improve instruction and

teacher quality, strengthen curriculum, reduce class size, provide after-school learning opportunities, or support other proven strategies for helping all students reach high standards.

The Republican block grant also undermines local control, because it concentrates educational decision-making at the state level. By authorizing the state to decide whether it will enter into a performance agreement, the Republican bill gives the state ultimate authority to determine the parameters of the agreement, including which schools and which school districts will receive funds, and how funds may be spent. Far from giving local districts flexibility, as the policies and waiver provisions under current law do, the Republican block grants will increase the power of governors over local education policy at the expense of local districts, local school officials, and parents.

The American people want a strong partnership that includes the important involvement of parents, local school boards, local community authorities, States, and the Federal Government. We are not looking to take over education. We are saying that educating the nation's children is a top national priority, and Congress ought to be a strong partner in efforts to improve education.

The Republican proposal says there will only be one member in the education partnership, and that will be the State. It won't be the local community or parents, because they give all of the funds to the States. Then the States make the judgment about how it is going to go down to the local level.

Parents want a guarantee that, with scarce resources, we are going to have accountability for results and for getting national priorities. They know and we know small class sizes work. We guarantee there will be a well-qualified teacher in every classroom.

We guarantee more afterschool programs, which are absolutely essential to help and assist children and enhance their academic achievement and accomplishment.

We guarantee strong accountability provisions.

We guarantee resources for technology in schools so we can eliminate the digital divide, as Senator MIKULSKI speaks to with great knowledge, awareness, and correctness.

But all of those efforts I have just mentioned are at risk with the proposal of the Republicans to just provide a blank check to the States and let the States work out what they might.

The Republican block grant approach abdicates our responsibility to do all we can to improve the current federal efforts. All that the GOP approach does is hand off the many current problems to states and local communities to solve.

Block grants are particularly harmful, because they abdicate our responsibility to help those most in need, such

as homeless children, migrant children, and immigrant children. States rarely spend their own funds to help these children now—and they won't do it under a block grant. These children need targeted federal assistance to help them succeed in school.

Prior to the time the Federal Government provided targeted programs for the homeless under the McKinney Act, the Emergency Immigrant Education program, and the Migrant Education program, these children were not getting the help they needed.

State help for these children is virtually nonexistent. The only help and assistance for any of these children is the assistance provided in the Elementary and Secondary Education Act. But the Republican bill wipes out these programs.

The parents of migrant children are among the most industrious, yet neglected, populations in the country. Poverty, mobility, health problems, isolation from the larger community are characteristics common to migrant families. In the 1997 to 1998 school year, an estimated 752,000 migrant children were counted as eligible for the Migrant Education Program. That would be block granted under the Republican blank check approach. Obviously, the States didn't worry about the problems of migrant children because they were here today and gone tomorrow. That has been the history. We are talking 752,000 children who are going to be cast adrift.

We had seen important progress, as I mentioned in the debate last week, where those working on the education of migrant children have worked out a process where they were able to get children's school records, provide some waivers that were essential to get children enrolled in the schools. We are having at least some positive impact in helping meet the needs of some of these children. With a block grant that goes to the States, that effort will be ended. Without the Federal Migrant Education Program, there are few incentives for schools to implement a means for improving instruction for migrant children.

The Republican block grant bill also wipes out assistance for the homeless children. Nationwide, homeless children are isolated and often stigmatized. They face significant barriers to obtain adequate services of all kinds, including education. According to the December 1999 report of the Interagency Council on the Homeless, most homeless children are young, 20 percent are age 2 or younger; 22 percent are age 3 to 5; 20 percent are age 6 to 8; and 33 percent are between 9 and 17.

According to a 1990 report from the Better Homes Fund, a nonprofit charity dedicated to helping homeless families, homeless children face extremely stressful situations. Each year, 90 percent of homeless children move up to three times; 40 percent attend two schools; 38 percent attend three or more schools; 21 percent of homeless

children nationwide repeat a grade due to homelessness, compared with only 5 percent of other children; 14 percent of homeless children are suspended from school, double the rate of other children.

This is what the National Coalition on Homeless says: The Federal program requirements that accompany McKinney funds focus upon State responsibility to ensure equal opportunity for homeless children and youth. They set forth the rights of homeless children to receive the same educational opportunities as their non-homeless peers.

Under the Republican proposal, States that opt for the block grant would no longer have to follow these programs. Without the McKinney Act requirements, homeless children and youth are shut out of school again, destroying their chance for school success. It is wrong for Congress to turn its back on these children.

Finally, the block grant ignores the pressing needs of immigrant children. In 1997, the foreign-born population in the United States was 25.8 million, the largest in the Nation's history. In fiscal year 2000, States reported that more than 864,000 recent immigrant students were enrolled in schools, with an increase of these students of 55,000 over 1995. Large numbers of immigrant students traditionally have been enrolled in schools in seven States: Arizona, California, Illinois, Florida, New Jersey, New York, and Texas. However, with the increase of immigrant students in other States, the percentage in these States has fallen from 80 percent in 1995 to 71 percent in 2000.

This year, a number of other States reported a dramatic increase in the recent immigrant student enrollment: Connecticut, up 72 percent; Georgia, up 39 percent; Louisiana, up 34 percent; Michigan, up 35 percent; Missouri, up 50 percent; Oregon, up 28 percent; Tennessee, up 33 percent; Utah, up 38 percent. Immigrant students, particularly those with limited-English proficiency, are at significant risk of academic failure. Among all youth ages 16 through 24, immigrants are three times more likely to be drop outs than native born students.

Our overall goal in this legislation should be to write an education guarantee to parents, children, and schools, a guarantee that we will work with them to improve their schools and ensure every student receives a good education. We want to guarantee a qualified teacher is in every classroom. We want to guarantee small class sizes. We want to guarantee modern and safe schools. We want to guarantee after-school opportunities for children to help them succeed in school and stay off the street. We want to guarantee the parents have more opportunities for significant improvement in their public schools. We want to guarantee a good education for homeless children, migrant children, and immigrant children. We want a guarantee that States,

and schools are held accountable for results. We want to guarantee parents that their children are free from guns in their schools.

Yesterday, to celebrate Mother's Day, hundreds of thousands of mothers from across the United States marched on the Nation's Capital to insist we do more to protect children from the epidemic of gun violence that continues to plague our country. The Million Mom March has focused the attention of the entire country on this critical challenge. The question now is whether Congress will at long last end the stonewalling and act responsibly on gun control.

For many months, Democrats have continued to ask the Republican leadership for immediate action on pending legislation to close the loopholes in the Nation's gun laws, but every request so far has been denied. In fact, as a conferee on the juvenile violence legislation, in 8 months in caucus, we have had 1 day of meetings. The reason is because, evidently, the leadership is sufficiently concerned that perhaps as a result of a conference between the House and the Senate we might pass sensible and responsible legislation that deals with gun show loopholes in our present laws.

Yesterday, hundreds of thousands of mothers from across the United States marched on the Nation's Capital to insist that we do more to protect children from the epidemic of gun violence that continues to plague our country. The Million Mom March has focused the attention of the entire country on this critical challenge. The question now is whether Congress is willing at long last to end the stonewalling and act responsibly on gun control. For many months, Democrats have continued to ask the Republican leadership for immediate action on pending legislation to close the loopholes in the Nation's gun laws, but every request has been denied.

Each day we fail to act, the tragic toll of gun violence climbs steadily higher. In the year since the killings at Columbine High School in Colorado, 4,560 more children have lost their lives to gunfire, and countless more have been injured. It is inexcusable that the Republican Congress continues to block every attempt to close the gaping loopholes that make a mockery of the Nation's current gun laws. The guns used to kill 9 of the 13 people murdered at Columbine High School were purchased at a gun show. The woman who bought the guns for the two young killers said she never would have purchased the weapons if she had to go through a background check.

Perhaps six year old Kayla Rolland in her first grade class in Flint, Michigan, would be alive today, if the gun her classmate used to kill her had a child safety lock on it. If Congress had listened after the school killing in West Paducah, Kentucky in 1997—or Jonesboro, Arkansas in 1998—or Columbine High School in 1999—thousands

more children would have been alive to celebrate Mother's Day yesterday.

By refusing to learn from such tragedies, we condemn ourselves to repeat them. How many wake-up calls will it take before Congress finally stops kowtowing to the National Rifle Association and starts doing what is right on gun control?

The evidence is all around us that more effective steps are needed to protect schools and children from guns. In a survey of over 100,000 teenagers conducted last month, 30 percent said they could get a gun in a few hours—and 11 percent said they could get a gun in one day. Four in ten of these teenagers said there are guns in their homes; more than half say they have access to those weapons themselves. The fact is there are more than a million children returning home today to homes where there are guns that are loaded and unlocked.

No other major nation on earth tolerates such shameful gun violence. According to a study by the Centers for Disease Control in 1997, the rate of firearm deaths among children 0–14 years old is nearly 12 times higher in the United States than in 25 other industrial countries combined.

In fact, I heard it said best from a person who was out marching yesterday on The Mall for the Million Mom March. She was asked about the presence of guns in our society and responded that only the United States and the IRA allow virtually unlimited access to guns. At least the IRA are preparing to turn theirs in.

At the very least, Congress owes it to the nation's children to take stronger steps to protect them in their schools and homes.

Gun laws work. Experience is clear that tough gun laws in combination with other preventive measures have a direct impact on reducing crime. In Massachusetts, we have some of the toughest gun laws in the country. We have a ban on carrying concealed weapons. A permit is required to do so. Local law enforcement has discretion to issue permits, and an individual must show a need in order to obtain the permit. We have a minimum age of 21 for the purchase of a handgun. We have increased penalties for felons in possession of firearms. We have an adult responsibility law. Adults are liable if a child obtains an improperly stored gun and uses it to kill or injure himself or any other person. We require the sale of child safety locks with all firearms. We have a Gun-Free Schools Law. We have a licensing law for purchases of guns. We have enhanced standards for the licensing of gun dealers. We have a waiting period for handgun purchases. It takes up to 30 days to obtain a permit. We have a permit requirement for secondary and private sales of guns. We have a ban on the sale of Saturday Night Specials. We have a requirement for reporting lost or stolen firearms.

As Boston Police Commissioner Paul Evans testified last year in the Senate

Health, Education, Labor, and Pensions Committee, "Any successful approach to youth violence must be balanced and comprehensive. It must include major investments in prevention and intervention as well as enforcement. Take away any leg and the stool falls."

Commissioner Evans also stated that to be effective, efforts must be targeted and cooperative. Police officers must be able to work closely with churches, schools, and health and mental health providers. After-school programs are essential to help keep juveniles off the streets, out of trouble, and away from guns and drugs.

There are partnerships between the Boston Public Schools and local mental health agencies. School districts are employing mental health professionals. Teachers and staff focus on identifying problems in order to prevent violence by students. The Boston police work actively with parents, schools and other officials, discussing incidents in and out of school involving students. The Boston Public Health Commission promotes programs by the Boston Police Department.

In developing an effective approach like this, Boston has become a model for the rest of the country. The results have been impressive. The success of Boston's comprehensive strategy is borne out in these results:

From January 1999 through April 2000, no juvenile in Boston was killed with a firearm.

In 1990, 51 Boston young people, ages 24 and under, were murdered by a firearm. Last year, there were 10 such murders.

Reports from emergency rooms about firearm injuries are also down dramatically.

It's no coincidence that the firearm death rate in Massachusetts is significantly lower than the national average. When we compare states with tough gun laws to those that have weak gun laws, the differences are significant. In 1996, across the nation, the number of firearm-related deaths for persons 19 years old or younger was 2 deaths per 100,000 persons.

In states that have the weakest gun laws, the number was significantly higher:

Utah had 5.1 firearm-related deaths per 100,000 people—two and a half times higher than the national average.

Indiana had 5.9 firearm-related deaths per 100,000—three times higher.

Idaho had 6.9 firearm-related deaths per 100,000—three and a half times higher.

Mississippi had 9.2 firearm-related deaths per 100,000—four and a half times higher.

It is clear that strict gun laws help to reduce gun deaths. Yet, every time that Democrats propose steps to keep guns out of the hands of young people—proposals that would clearly save lives—our Republican friends have nothing to say but no. No to closing the gun show loophole. No to child

safety locks. No to support for stricter enforcement of current gun laws. No to every other sensible step to reduce the shameful toll of gun deaths.

Nothing in any of our proposals threatens in any way the activities of law-abiding sportsmen and women. Surely, we can agree on ways to make it virtually impossible for angry children to get their hands on guns. We can give schools the resources and expertise they need to protect themselves from guns, without turning classrooms into fortresses.

We must deal with these festering problems. There is ample time to act before this session of Congress ends this fall. We could easily act before the end of the current school year this spring. We could act this week, if the will to act is there. All we have to do is summon the courage and the common sense to say no to the National Rifle Association—and yes to the Million Mom March.

I want to take a moment or two more to talk about the issue which has been raised by others who say, really the answer is just Federal enforcement of existing gun laws.

The National Rifle Association calls in public for more effective enforcement of the nation's gun laws. But it has waged a shameful and cynical campaign over the years to undermine Federal enforcement activities by restricting the budget for the very enforcement it calls for.

Between 1980 and 1987, for example, the number of ATF agents was slashed from 1,502 to 1,180, a reduction of over 20 percent, and the number of inspectors dropped from 655 to 626 even as the number of licensed firearms dealers soared.

For the past 25 years, Congress has provided ATF with far fewer funds than necessary to support enough inspectors and agents to effectively enforce the nation's firearms laws. In 1973, ATF and the Drug Enforcement Agency had comparable numbers of agents and nearly equal funding—about \$250 million a year. From 1973 to 2001 we see the cuts—in the number of agents—that have been made when we had the Republican leadership here in the Senate and in the House.

By 1998, however, the number of DEA agents had almost tripled, from 1,470 to 4,261, while ATF's remained constant. 1,631 ATF agents were on payroll in 1998—only 9 more than in 1973. Yet there are more licensed firearm dealers in the United States than there are McDonalds franchises.

A substantial increase in funding is needed if we're serious about helping ATF enforce the gun control laws. At every opportunity, the NRA and the Republicans say "We don't need more gun laws. We need to enforce what's already on the books." Well, enforcement is exactly what Federal agents and prosecutors are doing. The facts are clear:

Overall firearms prosecutions are up. Criticism of Federal prosecution statistics ignores the basic fact that both

Federal and State authorities prosecute gun cases, and Federal authorities generally focus on the worst type of offenders.

The gun lobby says that the Federal Government should prosecute every case in which a person lies on the background check form, without exception. The fact is that ATF and DOJ do not have the resources to prosecute every case. Instead, their strategy is to have state law enforcement officials investigate and prosecute most of the gun violations while federal law enforcement officials pursue the more serious cases.

Although the number of Federal prosecutions for lower-level offenders—persons serving sentences of 3 years or less—is down, the number of higher-level offenders—those sentenced to 5 years or more—is up by nearly 30 percent—from 1049 to 1345.

Do you understand that, Madam President? The number of Federal prosecutions for low-level offenders serving a sentence of 3 years or less is down. The number of higher level offenders of 5 years or more is up more than 30 percent. Why don't our Republican friends quote those statistics?

At the same time, the total number of Federal and State prosecutions is up sharply—about 25 percent more criminals are sent to prison for State and Federal weapons offenses than in 1992, from 20,681 to 25,186. The number of high-level offenders is up by nearly 30 percent.

The total number of Federal and State prosecutions is up. Twenty-five percent more criminals were sent to prison for State and Federal weapons offenses in 1997 than in 1992.

The instant background check, which the NRA initially fought, is a successful enforcement tool. It has stopped nearly 300,000 illegal purchases since 1994. It has also resulted in the arrests of hundreds of fugitives.

Violent crimes committed with guns, including homicides, robberies and aggravated assaults, fell by an average of 27 percent between 1992 and 1997, and the Nation's violent crime rate has dropped nearly 20 percent since 1992.

The results speak for themselves. The increased collaboration among Federal, State, and local law enforcement has resulted in a more efficient distribution of prosecutorial responsibilities, a steady increase in firearms prosecutions on a cumulative basis, and, most important, a sharp decline in the number of violent crimes committed with guns.

Those are the facts. We will hear, as I have heard in the Judiciary Committee and in various debates: This is not really about more laws; what we need to do is prosecute.

The Republicans have cut the agents who are responsible for the enforcement of the laws by 20 percent, and on the other hand, we have seen the total prosecutions, not only the prosecutions but the results of those prosecutions—people going to jail as a result of the

combination of Federal, State, and local prosecutions—has increased significantly. I hope in these final weeks of debate we will not keep hearing those arguments that have been made.

I mentioned Boston a few moments ago and about the stringent gun laws. Also, as Chief Evans has pointed out, we need effective prosecution; we need the laws, but we need prevention as well.

In Boston, between 1990 and 1999, homicides dropped by 80 percent.

In 1990, there were 152 homicides in Boston as compared to 31 in 1999. Indeed, serious crime across the board is at its lowest level in 30 years.

In 1999, no juvenile in Boston was murdered by a gun and none so far this year.

In 1990, 51 young Boston people, age 24 and under, were murdered by a firearm. Last year, there were 10; this year, thus far, 3.

Between 1990 and 1999, there was an 80-percent drop in young people age 24 and under murdered by a firearm.

There can be effective efforts, and they are making them. We ought to continue to eliminate, to the extent possible, the proliferation of weapons in the hands of children and those who should not have them. Every day in this country 12 children die. We need to make sure we take steps, including safety locks, parental responsibility, smart-gun technology, and the range of options to cut into that figure dramatically. We can do that. We cannot solve all the problems of violence in our society, but we can make a very important downpayment on it. That power is in our hands. I hope very much we will heed the mothers of this country who spoke out yesterday and listen to their message. They have spoken the truth with power. We should respond. I look forward to working with my colleagues in making sure we do.

Madam President, I yield the floor.

STAR PRINT—REPORT ACCOMPANYING S. 2507

Mr. DORGAN. Madam President, I ask unanimous consent that the report accompanying S. 2507 be star printed with the changes that are at the desk. I understand this has been agreed to.

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

Mr. DORGAN. Madam President, I ask unanimous consent to speak in morning business for 10 minutes.

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

FEDERAL RESERVE BOARD

Mr. DORGAN. Madam President, I thought I had seen some fairly unusual and Byzantine proposals around this town, but one that was described in last Friday's Washington Post almost takes the cake. Going back some years, there was a proposal by the U.S. Post Office that would allow people to file

change of address forms in the event of a nuclear war. I thought that was rather bizarre. One can imagine being under nuclear attack and trying to find the road to the post office to leave a forwarding address. That is not very likely. There is a proposal even goofier than that.

On Friday, May 12, John Berry, a Washington Post staff writer—someone for whom I have respect and he is an excellent writer and thinker—wrote an article about "Rate Forecasts Climbing." He was talking about interest rates. John describes the thinking of some members of the Federal Reserve Board and the Open Market Committee about what they intend to do with interest rates. I wish that this story, however, included an analysis of opposing views and there are some.

Here is the situation: Tomorrow morning at 9:30, there will be a meeting in this town of the Federal Reserve Board of Governors and regional Fed bank presidents—five of them—who will make decisions about interest rates. The speculation is they will increase interest rates by one-half of 1 percent despite the fact there is no evidence of inflation that suggests they should do this.

It is the same as deciding they are going to tax the American people. In fact, the rate increases last June, August, November, February, March, and now tomorrow—we will have another, mark my words—those rate increases have added about \$1,210 in interest charges to the average household. If one has a \$100,000 home mortgage, one is paying \$100 more a month because of what the Federal Reserve Board has done. Every household is paying on average some \$1,210 more per year in interest charges.

That is from the folks who meet in secret and effectively impose a tax on every single American. The only difference is, when it is done in this Chamber in the form of taxation, there is a debate and then a vote. It is done in the open. Tomorrow, the Federal Reserve Board will deal with interest rate questions in secret.

At 9:30, if those who are paying attention to C-SPAN want to go down to the Federal Reserve Board and say, I want to be involved in this discussion, they will be told: No, you cannot be involved; this is secret; the doors are locked; we intend to make decisions about your life and you can have no involvement.

Here is what the Washington Post article said about what these folks are going to think tomorrow which I think is bizarre. They are saying that American workers are becoming more productive and because the productivity of the American worker is up, they believe that justifies higher interest rates.

It used to be the same economists who cannot remember, in most cases, their home telephone numbers and their home addresses but who can tell us what is going to happen 5 years or 7

years from now, would say our problem is we have inflation pressures in this country because we do not have increases in productivity. If we have increases in productivity, that will deal with all of the other pressures that come to bear on the economy and offset them.

Now they are saying, but if workers become more productive, we are going to have to raise interest rates. You see, they are concerned about workers' pay. If workers in this country receive more pay, they say that is inflationary. So the workers are kind of stuck, aren't they?

The Fed has already said, if workers receive more money, that is going to drive up inflation. But in the past they have said, if workers' productivity goes up, that will be all right, because you can receive more money if you have greater productivity, right? You ought to. American workers ought to expect they would be able to share in their increased productivity and increased output.

Now the Fed is saying: That is not right either. Workers can be more productive, but we don't intend to see them get more money. We intend to continue to raise interest rates to slow down the American economy.

If workers in America become more productive, the Fed wants to go into a room tomorrow and penalize them—all of them. Talk about a goofy idea.

I was going to go through the entire article. I will not.

But let me do this, as I conclude. The folks who are going to do this, they all have gray suits, they all look like bankers, and they all think like bankers. They all have worked there for 100 years. These folks are confirmed by the Congress. To be appointed to the Board of Governors, they have to be confirmed by the Senate. But these other folks also serve on that Open Market Committee on a rotating basis—tomorrow five of them will be in a room with the Board of Governors. They are not confirmed by us. They represent their regional Federal Reserve Banks. They are all presidents of the regional banks. They are going to be voting.

I could have described what they said in that article. I could have described what Cathy Minehan said in that article. Strange. I don't understand this at all. Workers are more productive, and therefore you must penalize them? It used to be that people would say, if workers were more productive, they

would be able to expect to receive more wages.

None of you folks down at the Fed has ever given a whit about the top executives in this country who earn \$1 million, \$5 million, \$10 million, \$100 million, or \$200 million a year. You all have seen those numbers. I have spoken about some of them on the floor. It does not matter to these folks if the upper crust is getting a lot of money. But let the American workers get a gain in productivity and an increase in wages, and then you have these folks running in a room, closing the door, and, in secret, deciding they want to impose another higher interest rate on the American people. There is no justification for it at all.

The core Producer Price Index is up only three-tenths of 1 percent over the past 6 months. Retail sales are down. Auto sales fell seven-tenths of 1 percent—the second straight monthly drop. Building material sales are down 1.6 percent. These are the last monthly figures. There is no justification at all.

The only thing I can conceive of is these people just do not sleep. They see things that do not exist. Imagine how they must feel when the lights are turned off. They see inflation that does not exist.

For nearly a year they have been worried about inflation that does not exist. They have been willing to impose a penalty on the American economy and the average American household to the tune of \$1,210 a year.

What do you think people would say if this Congress said: We have a proposal; let's increase taxes on the American people \$1,210 a year on the average household? They would have apoplectic seizures around here. But these folks are doing it in secret, with no justification at all. Why? Because they tilt on the side of money center banks on the question of monetary policy. They always tilt that way. It is funny they can stand up, they tilt so far.

It seems to me this country deserves a monetary policy that allows workers in our factories, on our main streets, in our towns, to be more productive and to be able to receive the rewards of that increased productivity.

If these folks close that door tomorrow—and they will; mark my words—and increase interest rates another full one-half percent—and that is likely what they are going to do—they are going to continue to injure this economy and injure the American workers.

I said before that Mr. Greenspan has sort of used himself as a set of human

brake pads. His only mission in life somehow is to slow down the American economy. He has always insisted we could not grow more than 2.5 percent without more inflation and that we couldn't go below 6 percent unemployment without more inflation. He has been wrong on both counts. We have been below 6 percent unemployment for 5 years, and inflation has gone down. We have had more than 2.5-percent economic growth for some long while, and inflation has gone down.

At some point, the American people, through this Congress, ought to ask the tough questions of this Federal Reserve Board: How do you continue to justify this? How do you justify this at a time when there is no evidence of real inflationary trouble in this country, risking ruining our economy, ruining continuous economic growth for some while and imposing on the backs of the American citizen, on the backs of the average families in this country, such a significant penalty? It is wrong, wrong, wrong.

I will have more to say about this tomorrow, after the Federal Reserve Board meeting.

Madam President, I guess that ends the business for today.

I yield back my time.

ADJOURNMENT UNTIL 9:30 A.M.
TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands in adjournment until 9:30 a.m. tomorrow.

Thereupon, the Senate, at 5:16 p.m., adjourned until Tuesday, May 16, 2000, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate May 15, 2000:

DEPARTMENT OF STATE

PAMELA E. BRIDGEWATER, OF VIRGINIA, 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 BENIN.

DEPARTMENT OF JUSTICE

GLENN A. FINE, OF MARYLAND, TO BE INSPECTOR GENERAL, DEPARTMENT OF JUSTICE, VICE MICHAEL R. BROMWICH, RESIGNED.

DEPARTMENT OF VETERANS AFFAIRS

THOMAS L. GARTHWAITE, OF PENNSYLVANIA, TO BE UNDER SECRETARY FOR HEALTH OF THE DEPARTMENT OF VETERANS AFFAIRS FOR A TERM OF FOUR YEARS, VICE KENNETH W. KIZER, TERM EXPIRED.