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Senate

The Senate met at 9:31 a.m. and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

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

Sovereign God, our Help in all the ups and downs of life, all the triumphs and defeats of political life, and all the changes and challenges of leadership, You are our Lord in all seasons and for all reasons. We can come to You when life makes us glad or sad. There is no circumstance beyond Your control. Wherever we go, You are there waiting for us. You are already at work with people before we encounter them. You prepare solutions for our complexities, and You are always ready to help us resolve conflicts even before we ask. We claim Your promise given through Jeremiah: ''I have plans for you: plans for good and not evil, to give you a future and a hope.''—Jeremiah 29:11.

Lord, our only goal is to please You in what we say and accomplish. Bless the Senators in the decisions they make and the votes they cast. Give them, and all of us who work with them, Your strength to endure and Your courage to triumph in things great and small that we attempt for the good of all. In Your holy name. Amen

PLEDGE OF ALLEGIANCE

The Honorable GEORGE V. VOINOVICH, a Senator from the State of Ohio, 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.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able Senator from Ohio is recognized.

SCHEDULE

Mr. VOINOVICH. Today, the Senate will be in a period of morning business until 11 a.m. with Senators MURKOWSKI, KENNEDY, and DORGAN in control of the time. Following morning business, the Senate will resume consideration of S. 2521, the military construction appropriations bill. Senators who have general statements on the bill are encouraged to come to the floor during this morning's session.

As a reminder, votes are possible throughout the day's session and throughout the remainder of the week. Notification will be given as votes are scheduled. Senators can expect votes on Mondays and Fridays during the consideration of the appropriations bills. I thank my colleagues for their cooperation.

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

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

The legislative clerk proceeded to call the roll.

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 President, I ask unanimous consent that the order for the quorum call be rescinded.

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

RESERVATION OF LEADER TIME

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

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 11 a.m., with Senators permitted to speak therein for up to 5 minutes each.

Under the previous order, the Senator from Alaska, Mr. MURKOWSKI, or his designee, is recognized to speak for up to 45 minutes.

The Senator from Alaska is recognized.

NATIONAL ENERGY SECURITY ACT OF 2000

Mr. MURKOWSKI. Mr. President, I am going to take advantage of this time to speak on behalf of the National Energy Security Act of 2000.

For the benefit of the Chair, this is the result of a 10-member task force appointed by the Majority Leader, which he asked that I chair. The Task Force included Senators NICKLES, CRAIG, HUTCHISON, COLLINS, DOMENICI, SNOWE, ROTH, SANTORUM, and SMITH of New Hampshire.

The bill before us is S. 2557. The purpose of the legislation is to address a harsh reality that it is currently hard to identify just what the administration's policy is toward energy in this country at this time, other than to increase imports of crude oil coming into the country. The Majority Leader charged us to examine the impacts of increased U.S. dependence on foreign energy sources and the resulting increased energy cost to American consumers.

It is estimated that the increase in the price of crude oil, which has risen from roughly $10, $11, $12 a barrel a year ago, to as high as $34—and it is currently about $30—has resulted in an increase, if one could compare it to a tax increase, of about $100 billion to the American consumer.

If you have taken a cab in Washington, DC, you have noticed there is a little sticker that says they are going to charge 50 cents extra because of the increased cost of gasoline. If you have taken an airplane lately, you have noticed a surcharge from $20 to $40 on your ticket. So the multiplier is out there, Mr. President, and it is a significant factor in adding to inflation.

So at the leader's request, we have established a very simple goal for our energy security through this legislation. The goal of the bill is to decrease

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

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America's dependency on foreign oil to less than 50 percent by the year 2010. It is kind of interesting, but the current administration figures indicate that since President Clinton has come to office, we are currently consuming 14 percent more oil than we did approximately 7 years ago and producing 17 percent less.

There is indeed a need for an energy policy. This is what the National Energy Security Act of 2000 proposes to establish.

We anticipate achieving the goal of reducing our imports of oil through a number of considerations.

One is enhancing the use of renewable energy resources—including hydro, wind, solar, and biomass. We spend a good deal for experimental funding for these renewable sources. But the reality is we have a long way to go before they are going to take a major share of our energy production.

Second, we are proposing to conserve energy resources and improve energy efficiencies.

Third, we propose to increase domestic energy supplies, including oil, gas, and coal.

The bill also addresses the concerns of regional consumers, particularly in the Northeast.

It allows the Department of Energy's Secretary Richardson to create a home heating oil reserve and strengthen the weatherization program.

It establishes a State-led education program to encourage consumers to take action to minimize seasonal price increases and shortages of home heating fuel.

It provides incentives for construction and rehabilitation of private home heating oil storage facilities.

The purpose is very simple. Imported energy should supplement our domestic energy supplies—not supplant them.

The administration has looked for a quick fix and has pointed fingers. We understand that the American energy supply problem cannot be solved overnight. It is going to take a long-term view. We have to take it one step at a time. But it is time to begin taking those steps and that is a process we further today.

The administration continues to lull the American public into a sense of indifference about energy supplies and the energy situation and has really hidden behind a slight decrease in prices at the pump. However, I would suggest these reductions in price are not here to stay.

I refer to an article that appears in the Wall Street Journal of May 16 entitled ''Tight U.S. Gas Markets Boost Oil Prices''—a price of $30, and a year ago it was $12 or $13.

What about the inflation factor? A significant indicator is the increased cost of energy.

What about the balance of payments? One-third of our $300 billion deficit balance of payments—$100 billion—is the cost of imported oil.

As a consequence, we have had an opportunity to hear from consumers all over the country stung by the high prices of heating oil, particularly in the Northeast corridor. And it is fair to say that as we go into the summer, this particular area of the country, which is approximately 30-percent dependent on oil-powered generation, will experience substantial price increases as a consequence of increased energy demand, particularly for air-conditioning.

It is estimated that electricity costs in the Northeast region may double what they were last year and in some cases triple.

The idea is that the older oil-fired power generation facilities are the last to come online, and ordinarily there is a windfall profit associated with that. Whatever it takes to support financially the cost of the higher generating resource—namely, oil—the other energy sources, whether they be gas or coal, rise to that price level—a practice known as ''uniform pricing.'' The consumer is stuck as a consequence, and prices go up as a result of the windfall profit.

Finally, as the economies of Asia, Europe, and the United States continue to grow in the context of a set energy market, there will be increasing demands for energy resources by the fourth quarter of this year, again leading to tightening of petroleum supplies and a corresponding increase in prices.

Many of us in this body on both sides of the aisle have made statements that the administration really lacks an energy policy. If you go back and recognize that in 1973 and 1974 we were 34-percent dependent on imported oil, today we are 56-percent dependent. And last month we got up to 61-percent dependence.

The realities are, if we look to increasing imports to offset our increased consumption as well as the rest of the world, we are going to be paying the piper because, as indicated in this article today, we can look to OPEC and we can look to Venezuela, but, nevertheless, they have indicated self-discipline, and the price range is expected to be somewhere between $22 and $28 a barrel, which suggests, if you will, that the discipline to maintain this price is there.

I see another Member of our task force is on the floor and intends to speak on this.

As I have outlined our proposal in general terms and identified our goals—I again point out the realization that we want to protect energy security, we want to protect consumers and low-income families, and we want to increase domestic energy supplies—it should be noted that the last written statement from the administration about its proposal on energy was a narrow one. It came out during the last week of April from the Office of the Secretary of Energy, entitled ''Energy Secretary Richardson Announced Six Short-Term Actions to Help Prevent Power Outages.''

I think it is appropriate to highlight just what this contains because clearly it does not address increased production.

It specifically states in the six points:

First, to work with agencies to identify opportunities to reduce liquid consumption and Federal water problems during times of peak demand.

I assume that means we are going to shut off water and our irrigation projects.

Second, it urges the Federal Regulatory Commission and State utilities to commission, solicit, and improve targets that will help reduce electric demand.

So we are going to propose an increase in the price of electricity to ensure that people reduce their consumption.

Third, explore opportunities for use of existing backup generators during power supply emergencies.

I wonder if we are going to confiscate the private sector generators.

Fourth, conduct an emergency exercise with State and local governments to help prepare for outages.

It looks as if they are pretty much giving up the ship and are preparing for those outages as opposed to generating more energy.

Fifth, work closely with the utility industry to gain up-to-date, relevant information about potential grid-related problems.

They are going to keep us informed.

Lastly, they are going to prepare public service announcements. So we will know what is coming.

I hardly think that fits the bill as we address the need for precise energy policy and the realization that the administration lacks an energy policy of any kind.

In conclusion, let's relate the position the administration has taken with regard to energy.

There is no effort to spur domestic oil and gas production.

There is no effort to open up the area of the Rocky Mountain overthrust belt to encourage exploration for gas.

There is no effort by the administration to loosen the noose they have put around the neck of our domestic energy industries.

They are refusing to resolve the nuclear waste issue.

They have refused to recognize hydro as a renewable resource and are proposing in some cases to take dams down out west.

If you identify the energy resources and recognize the position of the administration, it is quite clear that they do not have an energy policy. That is why I commend the leader and the other members of the task force for developing a plan that is a workable, achievable plan that will substantially address the emergency associated with our energy situation in this country. I again refer to this as the National Energy Security Act of 2000.

I see the leader on the floor, and perhaps at this time he wishes to introduce the bill and make some remarks.

ENERGY SECURITY ACT OF 2000

Mr. LOTT. Mr. President, it is my pleasure this morning to introduce and cosponsor, with the distinguished chairman of the Energy and Natural Resources Committee, S. 2557, the Energy Security Act of 2000.

There is a dark cloud on the horizon for America's future and for our economy and for job creation. This cloud could cause serious problems in the future. That cloud is the fact that we don't have a national energy policy. Despite a lot of rhetoric that we do—there is nothing to worry about—there is plenty to worry about.

The American people remember the long lines we faced at the gasoline stations in the 1970s. At that time, we were dependent on foreign oil for much less than 50 percent, probably around 45 percent at the time. We passed legislation in an attempt to deal with that problem and, for a variety of reasons, the prices came back down. The problem was not resolved, and the problem is much worse today.

In today's Wall Street Journal, for instance, there is an article entitled ''Tight U.S. Gas Market Boosts Oil Prices.'' I ask unanimous consent to have the article printed in the RECORD.

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

[From the Wall Street Journal, May 16, 2000]

TIGHT U.S. GAS MARKET BOOSTS OIL PRICES

(By Alexei Barrionuevo)

A tight U.S. gasoline market drove world crude-oil prices back to nearly $30 a barrel yesterday, and analysts say little in the short term will help arrest the run-up.

This time, the worry isn't about a shortage of oil, but a confluence of gasoline-related issues and a hot economy.

In the past five weeks, wholesale gasoline prices have shot up 30% out of concerns about refinery production, new environmental regulations and a patent dispute. That has left the false impression that crude is in short supply, pulling crude-oil prices up more than $4 a barrel.

The drop in retail gasoline prices, which normally trail wholesale prices by a month or more, has stopped dead in its tracks, with the average U.S. price at $1.46 a gallon of regular unleaded, according to the Energy Information Administration. With U.S. refineries expected to get little help from foreign sources this summer because of new environmental gasoline requirements, price spikes are possible.

The new surge in oil prices is also bound to intensify inflation concerns. Analysts have dismissed the significance of a creep up in consumer prices earlier in the spring, saying that it was a temporary trend driven by the jump in oil prices and would likely recede once oil prices fell.

Since the Organization of Petroleum Exporting Countries loosened up production in late March, the attention has turned to refiners, who must crank up production to meet summertime demand. Refiners, who had cut production and scheduled more maintenance work over the winter amid depressed margins, now are trying to catch up in a hurry. U.S. refiners are currently running at about 92% of capacity and will need to kick production up to 97% to meet expected demand.

Gasoline inventories continue to be low, in part because of demand for a federally mandated cleaner-burning gasoline to be required in about one-third of the U.S. beginning June 1. European and Venezuelan refiners, which usually provide a total of 400,000 to 500,000 barrels a day of gasoline and gas components, have had difficulty making the fuel. And some ''blenders,'' which are critical to upgrading foreign gasoline, particularly in the Northeast, are holding off on reformulated gasoline because of concerns about gas patents held by Unocal Corp., which has been pursuing violators.

Add to all that strong gasoline demand despite the steepest pump prices in years. ''High prices pull down demand but income pulls it up, and right now income is winning out over price,'' said Larry Goldstein, president of Petroleum Industry Research Foundation in New York.

U.S. officials, who two months ago put heavy pressure on OPEC to increase production when oil hit $34 a barrel, are scrambling once again. Energy Secretary Bill Richardson met with OPEC President and Venezuelan Minister Ali Rodriguez over the weekend to urge OPEC ministers to open up the taps a bit more next month.

Mr. Richardson, who thinks $30-a-barrel oil is too high, is expected to discuss new visits to producing countries at a White House meeting today focusing on oil and electricity issues, government officials said. ''I will continue to do what we said we would do, monitor the oil market and stay in touch with producing countries and others,'' Mr. Richardson said yesterday in La Jolla, Calif.

With the current run-up in crude prices, OPEC is entering territory where its price-band mechanism could be tested. The band, agreed to in March, gives Mr. Rodriguez power to direct changes in production based on a 20-day average of prices that translate to roughly $24 to $30 a barrel for West Texas Intermediate.

Even if prices are within the band, most analysts expect OPEC to vote to put more oil on the market at its meeting next month. ''We are now talking about prices that make a number of producers uncomfortable,'' Mr. Goldstein said. Only three countries—Saudi Arabia, Kuwait and United Arab Emirates—have spare capacity, and most of it is in Saudi Arabia.

Speaking yesterday, Mr. Rodriguez said there is ''no inclination to increase production,'' but that oil prices would ''return to an acceptable level.''

Mr. LOTT. It says in this article that crude oil prices were back up to nearly $30 a barrel yesterday, and for the last month our dependency on foreign oil was in the range of 60 percent. This is going to have an effect on the price of fuel oil. It will have an effect on the price of gasoline. It will have an effect on the economy. While we saw some leveling off or some general slide back, we have done nothing to secure our country's energy future.

Earlier, I tried to put in place some reduction in the Federal gasoline tax, to stop until the end of the year the 4.3-cent Federal gasoline tax that was added back in the early 1990s and say if nationwide gas reached an average of $2 a gallon, we would suspend the entire Federal gasoline tax for the balance of the year. The Senate was not inclined to go along with that.

My purpose was a wakeup call—first, that gasoline prices are probably not going to go down; more than likely, they will go up. But the wakeup call was bigger than that, to try to make people realize that we don't have a national energy policy.

What are we going to do? I ask the American people: Do we feel safe with the idea we are dependent on foreign oil, OPEC oil, oil from Iraq, oil from Libya? I don't. What if they decide not only to turn down the spigots but to turn the spigots off? What would America do? Within 30 days we would be in serious trouble.

Now, we have a strategic oil reserve, and that was a very wise decision; it could be helpful in dealing with a national security emergency. It would help deal with a crisis created if the spigot should be cut off. However, I think to not have a plan to be less dependent on foreign oil is irresponsible. We can't tolerate it.

So what are we going to do? We know now we are dependent on the foreign oil imports to the tune of 56 percent of oil consumed, compared to 36 percent imported in 1973 when we had the Arab oil embargo. Even the Department of Energy predicts America will import at least 65 percent of foreign oil for our energy needs by the year 2020. Secretary Richardson even admitted that the administration had been caught napping when energy prices began to rise a few weeks ago.

We appointed a task force to deal with this problem, to look at it, to see what we could do to address our energy needs for the future. It is a multifaceted proposal, not only aimed at gasoline or oil but across the spectrum. This task force has been working to find these reasonable solutions to give us more of our own energy supplies. Chairman MURKOWSKI has headed that task force. This task force has been a diverse group, including Senators from all over the country—Senator CRAIG from Idaho, who is on the floor; Senator NICKLES from Oklahoma; Senator HUTCHISON from Texas; also Senators from the Midwest and Northeast, including Senator COLLINS of Maine; Senator SNOWE; Senator ROTH of Delaware; Senator SANTORUM of Pennsylvania, Senator SMITH of New Hampshire. They have worked together and have come up with a proposal that I think will make a real difference. It will encourage alternative sources. It will try to enhance the use of renewable energy resources, including hydro, nuclear, coal, solar, and wind.

We need to increase our domestic supplies of nonrenewable resources, including oil and natural gas. In my own State of Mississippi, and in the gulf off the coast, we have a tremendous supply of natural gas. Natural gas is relatively cheap and is a very clean source of energy. Yet there is no incentive to make greater use of natural gas. We have more oil deposits. We know it. Some of them are in marginal wells, some are in large areas such as off the coast of Alaska. We have to do something to take advantage of these resources, give incentives to take advantage of them.

I absolutely support the effort by the Alaskan Senators who advocate getting the oil off the coast of Alaska in

what is commonly referred to as ANWR.

We should also look at unique needs within the country, in the Northeast where they have extraordinarily cold weather, compared to my part of the country, where people are dependent on home heating fuel. We need to strengthen the Department of Energy weatherization program. We need to establish a State-led education program to encourage consumers to take actions to minimize seasonal price increases and fuel shortages. We should authorize the expensing of costs associated with building new home heating oil storage. We should authorize the Secretary to build a home heating oil reserve. If we don't do that, more than likely there will be a problem in the Northeast next year. We have a number of tax incentives that would encourage more production. We would provide relief for marginal wells.

By the way, these so-called marginal wells are responsible for 50 percent of U.S. production, so they may be marginal but they are significant. It allows for expensing of oil and gas exploration costs. It would delay rental payments. The 1999 Taxpayer Relief Act had a 5-year carryback provision, and that is included.

Finally, there is an expansion of tax credits for renewable energy to include wind and biomass facilities. Some people say we shouldn't be giving any kind of consideration or breaks to people who are out there trying to produce more oil and gas; they may not need it; it may not be good for the environment.

What do you mean? That is the most fallacious argument of all. It can be done safely and cleanly and we need that resource. The alternative is to go ahead and continue to be dependent on OPEC and other countries for our energy needs. It is irresponsible.

This is a broad package. It is a good package. I thank Senator MURKOWSKI and the task force for their work. We will talk more about it later. I encourage my colleagues on both sides of the aisle to take a look at this. This is something that should not be partisan. It is not partisan. It should be bipartisan. It will help our country all across the Nation both in terms of energy needs and in terms of energy production. This is not something that is aimed only at this administration. I emphase this administration has no plan to deal with this problem, but this administration is going to be leaving shortly. What are we going to do about the future? We need to come together. We cannot continue down the path we are headed. If we do, I predict disaster looms on the horizon. I want to make sure that we make our best effort to do something about it so we can avert this disaster.

I yield the floor.

Mr. MURKOWSKI. Mr. President, I ask how much time remains on our side.

The PRESIDING OFFICER. The Senator has 32 minutes.

Mr. MURKOWSKI. I thank the Chair.

MEASURE READ FOR THE FIRST TIME—S. 2557

Mr. LOTT. Mr. President, in order to have this important bill placed on the calendar, I ask for the first reading of S. 2557.

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

The legislative clerk read as follows:

A bill (S. 2557) to protect the energy security of the United States and decrease America's dependency on foreign oil sources to 50 percent by the year 2010 by enhancing the use of renewable energy resources, conserving energy resources, improving energy efficiencies, and increasing domestic energy supplies, mitigating the effect of increases in energy prices on the American consumer, including the poor and the elderly, and for other purposes.

Mr. LOTT. I ask for its second reading, and I object to my own request.

The PRESIDING OFFICER. The objection is heard.

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

Mr. LOTT. I yield the floor.

Mr. MURKOWSKI. Mr. President, I believe the Senator from Idaho would like to be recognized to speak for 10 or 15 minutes.

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

Mr. CRAIG. Mr. President, this is an important day in the Senate. I think it is important for us to let Americans know there is a group of their national leaders who are focused on developing a national energy policy for this country. You have heard the majority leader of the Senate speak for just a few moments. He touched on some very critical questions that I think Americans are asking when they go to the gas pump and they find, as they have found for the last good many months, that their energy costs are going up dramatically. But high oil prices are doing more than raise the price of gasoline. With spikes in electrical production during this last heat spell on the east coast, we are going to find that when the power bill gets to that consumer, his or her power bill has gone up substantially.

As a result of sustained high oil prices, several weeks ago the majority leader convened a task force in the Senate, led by Senator FRANK MURKOWSKI, who is chairman of the full Energy and Natural Resources Committee. I, as chairman of the Republican Policy Committee, served with that task force and today our work product has been introduced. But this is a work product that resulted not by just a group of us coming together to decide what was a better idea, it is a product of a good many hearings held by the Senate Energy and Natural Resources Committee to explore the effects of the cost of energy now and in the future on the American consumer.

As a result of that, S. 2557 has been introduced today. That is better known as the National Energy Security Act for 2000. The legislation is designed to do a number of things, but its overall objective is to reduce our dependence on imported crude oil below 50 percent. Crude oil and gas prices shot up earlier this year. At the time we were importing about 55 percent of our crude oil needs. Now, according to the latest Energy Information Administration figures, U.S. dependency on foreign crude oil as of May 5, is just over 60 percent. We are getting about 9.2 million-barrels-a-day from somewhere else in the world. The U.S. is now importing about a million barrels a day more than we were importing in January of 1999.

In addition, the U.S. is importing more finished petroleum products. That is a rather new phenomenon. We have seen the tearing down of many of our refineries during the last good number of years for failure to retrofit to meet Clean Air Act requirements because there was no cost incentive to do so. In fact, there has not been a major refinery permitted in the U.S. since 1975. Now we are importing more finished product.

In January of 1999, our daily import level of motor gasoline, for example, was about 441,000 barrels per day. During the week ending May 5, according to the Energy Information Administration, the U.S. imported an average of 562,000 barrels a day of motor gasoline.

In other words, if the average consumer were looking at a chart graphed along with these increases we have just talked about, the price of gasoline would be going up and so is our reliance on imports. We are no longer the masters of our own destiny. We no longer control the future of energy in this country. That is a sad day for Americans, when that reality is in front of us. It is something I think this country has to deal with.

The Energy Information Administration estimates our dependency on imports could rise to more than 65 percent by the year 2020. At the rate we are going, my guess is we will be there long before that.

For the last nearly 8 years, the Clinton-Gore administration has refused to develop an effective national energy policy. The administration has published national energy plans and, I will be blunt, I do not think they are worth the paper on which they are printed. Here is exactly why. Their plans pay only lip service to the need to increase domestic oil and gas production. They have consistently underfunded research into more efficient and clean use of coal for electric generation. Yet the U.S. has an abundance of coal that we ought to be using in an effective and environmentally sound way. They have underfunded research into how we can improve the efficiency and safety of our nuclear generating stations. And they have refused to recognize hydropower as a renewable resource.

The Presiding Officer and I come from an area of the country where hydropower is king. Many of our rivers are dammed to produce an abundance

of electrical energy, and our electrical energy costs to consumers are the lowest in the Nation, while our environment is generally very clean. Yet as the chairman of the Energy Committee said just a few moments ago, this administration has, as a policy, not recognized hydroelectricity as a renewable resource. Quite the opposite: It proposes that we ought to start removing dams from our rivers for environmental reasons and without regard for existing economic uses.

Instead of strong producing policies for our country and incentives for producers to produce more energy, the Clinton-Gore administration has focused its attention on solar energy and wind power and energy from biomass, and demanded significant increases in Federal money to encourage more use of these resources. There is nothing wrong with supporting renewables. I support renewables. I think most in the U.S. Congress do. We have been subsidizing solar and wind now for more than 25 years, but they meet only about 3 percent of our total energy demand. I think renewables, including hydropower, must play a role in meeting the needs of the U.S., but the real solution lies in boosting oil and natural gas production and finding cleaner, more efficient ways to use coal. That is where our research dollar ought to be going because that is the only way we will be able to meet the demands of the marketplace.

The bill Senator LOTT has just introduced is the product of several months of discussion and analysis that I have already outlined. The committee was chaired by Senator FRANK MURKOWSKI. Let me take just a few more minutes and explain a the major steps the bill takes to improve our energy future.

The bill would require the Secretary to report annually on progress toward limiting our dependence on foreign oil down to no greater than 50-percent. The Secretary must lay out legislative and administrative steps to meet that goal and recommend alternatives for reducing crude oil imports. To increase our use of natural gas, the bill creates an interagency working group to design a policy and strategy for greater use of natural gas.

The bill extends authority to the Strategic Petroleum Reserve and prevents drawdown of the reserve until the President and the Secretary of Defense agree that a drawdown will not threaten our national security.

Our bill contains a title to protect consumers and low-income families, and to encourage energy efficiency. It expands eligibility for residential weatherization programs, creates a program to educate consumers to help them avoid seasonal price fluctuations, and also establishes a heating oil reserve to help the Northeast deal with shortages and severe price fluctuations.

Our bill also contains a title addressing increased use of other domestic energy sources like coal and more efficient use of our nuclear and hydro resources. It also requires the Federal Energy Regulatory Commission to report on how costs for relicensing hydroelectric facilities can be lowered.

The bill also authorizes a Federal oil and gas leasing program for the Arctic National Wildlife Refuge in Alaska, one of the remaining great potential sources of crude oil in this country, with estimated yields of well over 16 billion barrels, the kind of production that could come in at about 1.5 million barrels a day and do that for nearly 20 years or more. Despite that potential the Clinton-Gore administration opposes going there to explore for oil.

The amount of additional domestic production would, if added to today's domestic production, reduce our 60-percent dependency below the 50-percent mark that our legislation seeks. I think 50 percent is a responsible goal, not only one demanded by the public but demanded by the Congress and that should be supported by this administration and future administrations.

The bill also contains provisions to streamline and reduce the costs associated with gas and oil leasing on Federal lands to enhance domestic production and to encourage small oil producers to keep low-volume wells operating during harsh economic times.

Finally, we have included in the legislation tax credits for wind and biomass energy and electrical production from steel-making facilities and tax incentives for residential solar use. In other words, we want to encourage all kinds of energy. We do not want to pick and choose and decide that some do not fit our policy or our lifestyle. What this public wants is a market basket full of reasonable energy sources at reasonable costs. It is to our benefit, it is to our economy's benefit, and it is to the world's benefit that we drive these technologies as well as conventional forms of energy production.

What is the policy of the Clinton-Gore Administration? My colleagues have seen it in action. We saw our Secretary of Energy walking around the Middle East with a tin cup: Oh, sheik, oh, sheik, if you are from the Middle East or if you are from Venezuela or if you are from Mexico, please, turn on your valves and give us a little oil. Please, please, it may hurt our lifestyle.

How sad it is that our great country has been reduced to that kind of policy. The legislation Senators LOTT and MURKOWSKI have introduced today can help us regain control of our energy destiny from the Middle East and OPEC.

The news today reported there is a huge new discovery of oil in the Caspian Sea which is years away from production, and if it comes online, it will be in a politically unstable place in the world over which we have little or no control.

Does the average consumer going to the gas pump every day want to have to turn to the East and ask a sheik to turn on a valve so that he or she can get to work at a reasonable cost? I doubt that, and that is what this legislation is about. That is why Senator MURKOWSKI, Senator LOTT, I, and others have joined together to offer up this legislation as a national energy policy for this country, not only to direct this Congress, but to direct this administration and future administrations to an achievable goal of reducing foreign crude oil imports below the 50-percent level and recognizing the great creativity in this country to produce energy in abundance, at low cost, and through a variety of resources.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. Mr. President, how much time remains on the special order?

The PRESIDING OFFICER. Eleven minutes.

Mr. MURKOWSKI. I thank the Chair.

Mr. President, I compliment my friend from Idaho. He has outlined very carefully the basic underlying theme, which is we are proposing an energy policy. That energy policy is enunciated in the National Energy Security Act of 2000, S. 2557, which was introduced by the leadership this morning and on whose behalf the Senator from Idaho has spoken.

We have—I emphasize this—we have laid down an energy policy for this country. I suggest there is not one Member who can identify specifically what is the administration's energy policy. We know what it is not. Let's take nuclear power. We know they are opposed to it. They will not address the issue of nuclear waste.

We know they are against domestic oil and gas production.

We know they are against hydroelectric power expansion.

We know they are against new natural gas pipelines.

What are they for then? It is pretty hard to identify until one begins looking at the record of the Secretary in trying to generate relief from the oil shortage we are experiencing.

I will speak about the oil shortage specifically because it is very real and is identified on this chart.

This chart is designated by quarter, this is global demand and global supply for each quarter this year. The reality is, by the end of the fourth quarter, the demand will exceed the supply by about 2 million barrels a day. I could spend a lot of time on this chart and show where the oil comes from—OPEC, Iraq, OPEC supply, non-OPEC supply—but we have a basic economic factor where we have more demand than supply. When we have that kind of situation, the price goes up and the American taxpayers pay through the nose. Last year, oil was $11, $12, $13 a barrel. Earlier this year, we saw $34-a-barrel oil. Currently we are at about $29 to $30.

Where are we looking to accommodate this increase demand with this administration? We are looking to Iraq—

of all nations of the world, Iraq. Think about it. This next chart shows our imports from Iraq. They were very small through 1997. In 1998, they began to jump up. The specifics are, in 1998 we imported 300,000 barrels a day from Iraq; currently, we are importing 700,000 barrels a day. How quickly we forget that in 1990 and 1991 we fought a war with Iraq. We lost 293 American lives. There were 467 wounded. There was a cost to the American taxpayers of approximately $7.4 billion.

What have we done since then? We have enforced a no-fly zone. That is very similar to an aerial blockade.

What has it cost the taxpayers of this country since the war? It has cost the taxpayers approximately $10 billion just to keep Saddam Hussein fenced in.

The American press does not even print this anymore. We get the figures from the French press of what is going on over there. Enforcing the no-fly zone in Iraq has required more than 240,000 sorties since the end of the gulf war at an average cost of $7 million an hour. We have flown 21,000 missions since 1998. We have bombed them on more than 145 days since Desert Fox in December of 1998. Since December of 1998, Iraq reports 295 of their citizens have been killed and 860 wounded in airstrikes. Airstrikes on Iraq occur almost daily. Where are we looking for oil? Iraq. What kind of a foreign policy does this administration have?

Saddam Hussein seems to be deliberately luring us, sadistically using his own people as bait, into killing innocent Iraqis for sympathy to lift the no-fly zone. At the same time, he is dramatically increasing his own military capacity. What is happening? He is smuggling out an awful lot of oil. What is he using the funds for? Every Member of this body should get a classified briefing from the Intelligence Committee and find out for themselves what he is doing. It is a very dangerous situation with which we are going to have to reckon at some point in time, and God help us.

U.N. sanctions certainly have not done the job. What we are doing with Saddam Hussein is rewarding him. Iraq will export $8.5 billion in oil this year, and it is estimated the smuggling will generate approximately $400 million which goes to enrich Saddam Hussein and goes to his Republican Guard which keeps him alive.

Think about it. We are looking to Iraq for our oil. What is Iraq looking towards? This is a bizarre pattern.

If we think about it, it is fairly simple. It is so simple that I hope my colleagues will reflect on its significance. He uses the money we send him for new arms—new biological technology—we take his oil, and we fill our warplanes. And what do we do? We go bomb him. Then we buy some more of his oil, send him some money, and the process starts all over again.

We are spending billions and billions of dollars to contain Iraq's expansion, and billions and billions of dollars to permit Iraqi expansion by increasing their refining capacity. As we do this we are risking the lives of American service men and women, our security, the security of our allies, and the American way of life, if you will, pursuing an energy policy which can only end in a tragedy.

I think today my colleagues who have joined the leader in the introduction of the National Energy Security Act of 2000 have put forward an energy plan, an energy policy. It is up to the administration now to match it. Because so far the only thing the administration has done is to come out with six very weak short-term actions: to help prevent power outages which would terminate the generation to Federal water projects; it would encourage price increases; it would explore the opportunities for the inventory of generators held by the private sector; it would conduct emergency exercises; it would work with the utility industry to update information; and prepare public service announcements.

What kind of an energy policy is that?

I see my good friend, the junior Senator from Texas, seeking recognition.

Mr. President, how much time remains on our side?

The PRESIDING OFFICER. Two and one-half minutes.

Mr. MURKOWSKI. I yield the remainder of our time to the Senator from Texas.

The PRESIDING OFFICER. The Senator from Texas is recognized for 2½ minutes.

Mrs. HUTCHISON. Mr. President, I thank the Senator from Alaska for heading the task force that put together a balanced approach, with a clear goal—a simple goal—of reducing foreign oil dependence in the United States of America to under 50 percent by the year 2010, so that 10 years from today we could have what I think is a very modest goal of 50-percent capability in the United States of America to produce the oil and gas needs of our country.

It does not take a rocket scientist to see what has been happening to oil prices over the last 3 years. First, we went down so low that the little guys could not make it. We lost thousands of small well producers because they could not make it on $10-a-barrel oil. They could not meet their expenses. So they went under and they capped the wells.

When a well is capped, it is almost impossible to reopen it because it is so expensive. These are wells that produced 15 barrels a day or less. We are not talking about gushers. We are not talking about thousands of barrels a day, which some do produce in other parts of the country. We are talking about 15 barrels a day, a barely break-even proposition at any price, but certainly not at $10.

What we are trying to do is take the artificially low prices and the ridiculously high prices that we see today because we are dependent on foreign imported oil, and say: What will allow us to stabilize these prices? What will allow us to stabilize these prices is exactly what is in the bill we are introducing today and which we hope Congress will act on before we leave; and that is, we encourage the little guys by giving them a floor—just as we do farmers—when prices go below $17 a barrel. We would just give them a tax credit so they could stay in business.

The Senator from Alaska talked about many of the other parts of this bill. I hope we can have bipartisan support so we can stabilize the prices for consumers in America and jobs in our country.

Mr. President, I yield the floor.

ORDER OF PROCEDURE

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, I ask for a clarification from the Chair.

It is my understanding that the Republican side of the aisle was given 45 minutes in morning business, and they were to complete that at 10:15. But they started a little late, and now it is after 10:25. I want a clarification that the Democratic side, in morning business, will be given the entire 45 minutes allocated.

The PRESIDING OFFICER. Is there objection?

Mr. BURNS. Mr. President, I hope I do not have to object. I do want to resume my military construction bill at 11 o'clock, as in the previous order.

Mr. DURBIN. If I might respond to the Senator from Montana, his colleague from Alaska started late. He was to start at 9:30. He started about 10 minutes late. We have waited over here until the Senator from Texas, the Senator from Alaska, and the Senator from Idaho all had their chance to speak. I think we have accommodated them. We only want to use the 45 minutes we were allocated in morning business.

Mr. BURNS. I have no objection.

Mr. BIDEN. I have no objection.

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

Mr. DURBIN. I don't know if the Senator from Delaware has a request at this time.

The PRESIDING OFFICER. Under the previous rule, the Senator from Massachusetts has 35 minutes and the Senator from North Dakota has 10 minutes.

The Senator from Delaware.

Mr. BIDEN. Mr. President, I ask unanimous consent that I be allotted 10 minutes, in addition to the time that is available.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. DURBIN. Mr. President, of the 35 minutes allotted to the Senator from Massachusetts, I ask unanimous consent that the Senator from California, Mrs. BOXER, have 5 minutes and that I

be allocated 5 minutes, and then the Senator from North Dakota be recognized for his 10 minutes, and then the Senator from Massachusetts for the remainder of his time.

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

The Senator from California.

Mrs. BOXER. I thank our assistant floor leader, Senator DURBIN, for arranging this time.

THE MILLION MOM MARCH

Mrs. BOXER. Mr. President, I had a tremendous honor this weekend to march in the Million Mom March, along with about 750,000 citizens of this great country. They were moms; they were dads; they were grandmas and grandpas; and children in strollers.

We really all had in our hearts one wish for Mother's Day—to turn around the gun violence that is plaguing our Nation.

It was quite a march. It was quite an event because the emotion was high. The spirits were high. Perhaps the most touching part of it, for me and for many others, was the presence of so many moms and dads whose families have been touched by gun violence, whose children have been killed by gun violence, cut down by gun violence, maimed by gun violence.

The victims were there with a message: That they want to make sure other families never have feelings of pain and loss and anguish which will last all their lives.

I am embarrassed to say to my constituents that this Congress has done nothing—nothing at all—to reduce gun violence in our country. After Columbine, we passed five sensible gun measures—very modest, good, sensible gun measures—such as making sure every handgun is sold with a safety lock, and others that are very sensible: closing the gun show loophole so that a mentally imbalanced person or a criminal cannot walk into a gun show and simply be handed a gun—hand the cash over and get the gun with no background check.

We know the background checks work, but they don't apply to gun shows. So Senator LAUTENBERG offered a very important amendment and it was added to the juvenile justice bill to close that gun show loophole. Vice President AL GORE cast the tie-breaking vote. We know that will keep guns out of the criminals' hands. But what has happened in this Senate? Nothing. The power of the gun lobby can be felt in this Chamber—the power of the money of the gun lobby, the power of the threat of the gun lobby, and the gun lobby rules in this Senate, the gun lobby rules in the House of Representatives, and the gun lobby says if one of the candidates is elected President—namely, George Bush—they will run an office out of the White House.

Mr. President, enough is enough. Let's look at the deaths from gun violence in our country. There were 58,168 deaths in Vietnam over 11 years. They were tragic deaths. People were cut down in the prime of their lives. In 11 years, there were 58,168 deaths. Let's look at the last 11 years in America—the war on our streets, the war in our schools and, yes, even the war in our churches and Jewish community centers, where gunmen come in and cut people down in the prime of their lives; and they cut children down. There were 395,441 gun deaths in the 11-year period.

Now, we stopped the war in Vietnam—Democrats, Republicans, Independents, people of every race, color, and creed. We stopped that war. We can stop this war. But I will tell you, it isn't going to be easy. The gun lobby is not going to make it easy. We have to have courage. There are those of us in this Senate who are going to be on this floor from now on, in the name of the million moms who marched with the dads, the grandmas, the grandpas, and the children. We are going to be here. We are going to be here day after day. We are going to force this Senate to look this issue in the eye, to look families in the eye, to bring out the five sensible gun control measures that are in the juvenile justice bill. What excuse is there since Columbine High School, where 13 people were killed? Thirteen kids are killed every day.

Thank you, Mr. President. We will be back on this issue.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. DURBIN. Mr. President, I thank my colleague from California. Every day in America, 13 mothers receive a phone call or a knock on the door, a word from a neighbor, and their lives are changed. Every day in America, 13 mothers learn that one of their children has been killed by a gun. Every day in America, 13 mothers have a pain in their heart that will be there for a lifetime.

This last Sunday, I went to Chicago, IL, on the banks of Lake Michigan. Our Million Mom March chapter came together, and thousands of people came out. They were inspired, of course, by the fact that it was Mother's Day and that we were addressing this issue because it is a family issue, and especially an issue that mothers take to heart because mothers, by their nature, protect their children. They came forward on the banks of Lake Michigan in Chicago and here on The Mall in Washington, DC, and in Los Angeles, and in cities across America, to say: Let us protect our children; protect our children from the gun criminals who menace our neighborhoods, our communities and our schools; protect our children from the gang bangers who spray these bullets from semiautomatic and automatic weapons across playgrounds, day care centers, and bus stops; protect our children from careless gun owners who insist on their constitutional right to own a gun but will not accept their moral responsibility to store it safely away from children; protect our children from a gun lobby in this town that has made a mockery of democracy, which owns this Chamber and owns the House of Representatives, which stops us in our tracks; protect our children from the indifference of millions of American families who know what I say is true but who didn't come to the march, who don't call a Congressman or a Senator and just shake their heads and say, ''It's politics, it's hopeless; they don't listen, they don't care.''

The Million Mom March was an inspiration to so many people. It was an inspiration to me because at the end of the march in Chicago, the Bell Campaign, which sponsored it, invited the families of gun victims to come forward and literally ring a bell for their victim. They started coming slowly from the crowd, and then the numbers increased. The procession went on and on and on—black, white, brown, men, women, brothers and sisters, sons and daughters, breaking down in tears as they pealed that bell for a gun victim.

I stood there, as a Member of the Senate, humbled by that experience, trying to imagine for one brief moment what it must be like to receive that telephone call or that knock on the door. I vowed I would come back to this Chamber this week and begin a personal campaign, a personal crusade to make the Senate act on this issue. To think that it is 1 year after Columbine and we have done nothing—we have not passed a bill to keep guns out of the hands of criminals or kids; we have been totally stopped by this gun lobby—it is a disgrace, a disgrace to this Chamber, to the Congress, and to this country. The million moms who came forward are watching and waiting and praying that before this ends, we will do something.

The National Rifle Association bought a full-page ad in the Washington Post Friday criticizing the Million Mom March. Here is what they said: ''It is a political agenda masquerading as motherhood.''

I have a message for the National Rifle Association. This was no masquerade; this was the real thing. These were real families who have endured the pain and suffering of gun violence. They are coming forward and challenging you, gun lobby, National Rifle Association, and challenging us in the Senate and in the House to do what is right for America, to reduce gun violence, reduce the pain, and reduce the suffering.

There is no excuse for the fact that, for 1 year, the Republican leadership in the House and Senate has refused to bring a bill to the floor so we could vote and send to the President a bill to keep guns out of the hands of criminals and kids. You will hear more about this issue.

Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from North Dakota is recognized for 10 minutes.

FEDERAL RESERVE BOARD MEETING

Mr. DORGAN. Mr. President, a meeting started 1 hour and 5 minutes ago at 20th Street and Constitution Avenue here in Washington, DC. The Federal Reserve Board is meeting in a large room in a building that takes up nearly the entire block.

No one in this Chamber is allowed at that meeting. No ordinary American citizen is allowed at this meeting. The door is locked. They are meeting behind closed doors at the Federal Reserve Board to decide how much they want to raise interest rates once again.

I think it is important to allow people to see who is meeting. Here are the pictures of the folks at the Fed—the Federal Board of Governors. The ones with the stars are the regional Federal Reserve bank presidents who will make the decision this morning.

They increased interest rates last June, in August, in November, in February, and again in March. In North Dakota, in Idaho, in Illinois, and in California, the average American household is now paying $1,200 a year in additional interest charges as a result. If you have a $100,000 mortgage, you are paying $100 a month more for your mortgage payment. Why? Because the Federal Reserve Board feels that too many people are working in this country and that our economic growth ought to be slowed.

If you ask them about the circumstance, they would say: We really have controlled inflation; it is because we have increased interest rates that inflation has been under control.

That is like the weatherman taking credit for the sunshine. The fact is, this economy has worked in spite of the Federal Reserve Board.

This Federal Reserve Board, under Mr. Greenspan's tutelage, has added nearly a three-quarters of 1 percent increase in the real Federal funds rate during his term versus the 20 years prior. It has added nearly a two percent increase in the real prime rate during the Greenspan years versus the prior years. They have leaned and tilted their interest rate policies towards the big banking center interests, and against the consumer's interest and against the taxpayers' interests.

By what justification would they increase interest rates this morning? This morning the Consumer Price Index came out. It is flat; plumb flat. The Producer Price Index from last month was down. The core inflation rate is down.

By what justification will the Federal Reserve Board decide to charge higher interest rates on the American people? They say, in a Washington Post article by John Berry, that the new theory of the Fed is that if worker productivity is up in this country, it puts pressure on the economy, and, therefore, they should raise interest rates to slow down the economy.

What a prosperous notion. It used to be when I came to the floor and indicated that the Fed complained workers were getting more money, or there was a threat that they would get more money but their productivity wasn't rising, the Fed used to say that is inherently inflationary. Now what they say is that it doesn't matter how productive they are; in fact, the more productive they are, the more likely it is the Fed wants to raise interest rates.

Talk about people flying blind. I learned to fly an airplane about a quarter century ago. I remember that as you do your solo cross-country flying the airplane, you have to learn to rely on instruments. How do you know where you are going? You have to read your instruments? The fact is, the Federal Reserve Board doesn't have instruments that work anymore.

To the extent you could picture a group of bankers in gray suits and wearing goggles, with a leather helmet and a silk scarf—to the extent you could picture them flying and flying blind—I respectfully say they are flying in the wrong direction and are perfectly happy to do so even when told.

The thing that I find interesting is this: We have an economy that has been remarkably strong. The Fed has been remarkably wrong all along. They have said our economy cannot grow more than 2½ percent, and if it does we are going to have more inflation. It has and we haven't.

They have said that unemployment can't go below 6 percent. If it does, we will have more inflation. Unemployment has been below 6 percent for 5 years, and inflation has been down.

The Federal Reserve Board has been wrong about the performance of this economy. Yet as they write about the Fed, they simply take what the Fed says, print it, and they print no discussion about the alternatives. So we have no real debate about this.

The interesting thing is 30 years ago a one-quarter percent increase in interest rates proposed by McChesney Martin caused an outcry in this country. It was front-page headlines. Lyndon Johnson was President. He called this guy down to the ranch in Texas and put pressure on him all the weekend. It was front-page news. Today the Fed can go behind closed doors and raise interest rates one-half percent, and nobody seems to mind.

All of these chairs are largely empty in the Senate. I wonder where people are. What if someone were to bring to the floor of the Senate a proposal that said, what we would like to do is increase taxes on the average household in this country by $1,210 a year. If there were a proposal to increase taxes in the amount of $1,210 a year, all of these chairs would be full. There would be a raging debate, and all of the folks would come to the floor to talk about taxes. They would be hollering and bellowing.

But guess what. You can increase interest rates five, six, or seven times by the Federal Reserve, and impose an additional $1,210 a year interest charge on the average household, and there is not a whimper.

Again, let me give credit where credit is due. All of these folks look alike. They largely think alike. All of them wear gray suits. All of them have a banking background. When they close the doors and lock the American citizens out down at the Federal Reserve Board, they are going to make a banking decision.

What is the banking decision? They increase interest rates on the American people in order to protect the big banking center interests.

The point is this: There is no inflation. There is no evidence of inflation.

It is going to be uncomfortable for the Fed. But of course they do not deal with comforts. Once they close the doors, they have all the comforts at hand.

Just this morning the Consumer Price Index was announced, and it is flat; no inflation.

Just this morning—a little over an hour ago—they went into the room, closed the doors, and locked everybody else out. Guess what they are going to decide. They will announce that they have decided, despite the fact there is no inflation, because American workers are more productive that justifies an increase in the interest rates.

Why if the American worker is more productive should the American worker not be entitled to a better share of income? Of course, they should. That is not inflationary. But the Federal Reserve Board has now concocted this goofy new theory that says if the American worker is more productive, they must impose an added charge on the average American.

You talk about people who can't think. I don't understand. Maybe they need to loosen all those neckties. But there is something wrong at the Fed.

I would be happy to yield for a question.

Mr. HARKIN. I thank the Senator for yielding. I thank him for bringing us back to this point about the Fed behind closed doors. When they raise the rates, this is really a hidden tax, is it not, I ask the Senator.

Mr. DORGAN. It certainly is, and it is a tax that was not a part of any public discussion and imposed in a room with the doors locked.

Mr. HARKIN. No representation for the American people.

Mr. DORGAN. No representation.

Mr. HARKIN. I want to ask the Senator another question. The decisions they make today are behind closed doors. Does the Senator know how long it will be before we will be able to look at the detailed books to find out why they made those decisions? I will answer it. It will be 5 years before we will fully know why they made the decisions. Maybe if we knew tomorrow, or next week, or next month why they made the decision, we might want to make some changes around here in the way we operate. They make the decisions, and we will not know the full picture for 5 years why they did it.

Mr. DORGAN. We will know in 5 minutes that it was a mistake. If these folks at a time when there is no additional inflation raise interest rates once again to try to slow down this economy and penalize the American workforce for being more productive, we will know in 5 minutes that is a mistake.

I hope with this announcement that will apparently be made at about 2 o'clock this afternoon this group of folks perhaps might exhibit some good sense for a change.

Mr. HARKIN. I thank the Senator.

Mr. DORGAN. I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, as I understand it, we are in morning business, and we have some 22 minutes remaining.

The PRESIDING OFFICER. The Senator is correct.

The Senate is in morning business.

The Senator from Massachusetts is recognized.

THE SENATE AGENDA

Mr. KENNEDY. Mr. President, I yield myself 7 minutes, the Senator from Minnesota, 7 minutes, and the Senator from Iowa, the remaining time.

First of all, I join with our colleagues who spoke earlier about the extraordinary events we saw on The Mall this past weekend.

I was here a few moments ago when we listened to the majority leader talk about the urgency of passing a comprehensive energy program. Energy programs are important, and we have a great interest in it in our part of the country, particularly as we are looking forward to another fall and another winter, and the importance of developing some protections in the form of reserves and other factors. That is a very important policy issue. I am glad our Republican leader thinks that is of such urgency.

But the fact is, the issues which the Senator from California and others have spoken about, and taking sensible and responsible and commonsense actions on guns, particularly to ensure greater safety and security in the schools of this country, are also a matter of enormous importance.

I am reminded of the debate we had on elementary and secondary education. We had 6 days of debate, although some of that was limited in terms of being able to debate only a handful of amendments. We took 16 days on the bankruptcy bill and had 67 amendments.

Many of us on our side believe we ought to put our priorities straight. One of them is to take action in terms of sensible and commonsense issues on the proliferation of guns.

Second, we ought to be addressing the education issue, which is of such importance to families across this country.

We reject the position of the majority in giving short shrift on the issue of education. We want to debate that, and we want action on it.

BANKRUPTCY REFORM

Mr. KENNEDY. Mr. President, I want to bring to the attention of the Senate the continued deterioration of the position which had been accepted previously by the Senate on the issue of bankruptcy.

That may seem an issue that is distant and remote to many of our colleagues or many around this country, but it is an issue that will affect basically working women who are disproportionately hit by the pressures of bankruptcy because of the allocations of credit at the time of separation or their shortage of alimony or the shortage of child payments. It hits them disproportionately.

It hits older workers disproportionately in terms of their medical bills. About half of those bankruptcies are a result of the escalation and the costs of medical bills, coupled with the fact of prescription drug costs and the shortage of prescription drugs. That is another matter of priority. That is another matter we believe ought to be addressed. The failure of this body to address providing decent quality prescription drugs on the basis of need and on the ability to pay is also a major gap in our Medicare system. We should be taking action on that. When we don't, we find increasing numbers of individuals are falling into bankruptcy because they can't afford the prescription drugs. The credit cards last for only so long, and the payments they receive in terms of working families last only so long, and then they get overwhelmed with their payments and they go into bankruptcy.

There is a third group of individuals who go into bankruptcy as a result of being downsized. They worked hard all of their lives. The people who go into bankruptcy have the same work habits as those who do not. The overwhelming majority are hard-working Americans who fall into hard times.

As has been stated time and time on the floor of this body, it is always useful to ask who is going to benefit from a piece of legislation and who is going to pay a price with the passage of a piece of legislation. I have not seen in this Congress or any recent times the scales so unbalanced. Those that are going to benefit are going to be the credit card companies, banking interests; those harshly treated will be average working Americans who have fallen into difficult times, either economically or because of health care needs or because of age and the job challenges they are facing.

Only recently there was an excellent article in Time magazine. The total number of individuals going into bankruptcy is declining. Still, we have this economic power that is trying to jam this legislation through the House of Representatives and the Senate of the United States behind closed doors. I was listening to my colleagues talk about actions taken behind closed doors. They find out on the bankruptcy legislation these are matters that are taking place behind closed doors as well.

The Time magazine article pointed out what is happening to an average family. Charles and Lisa Trapp are mail carriers in Plantation, FL, where Annelise, 8 years old, developed a muscular disorder and needed around-the-clock nursing care. Lisa had to quit her job, and with $124,000 in doctor bills, insurance will not cover paying off credit cards, which is the least of their worries. They have filed for chapter 7 bankruptcy. The medical costs are what the Trapp family insurance did not cover. They had to use credit cards to buy groceries and they have an accumulation of $59,000 in credit card bills. The point is, they used the funds available on the credit cards for their groceries so they could use what income they had to pay for the needed prescription drugs.

This family, under this Republican bill, is treated harshly and poorly. The Trapp family are a brave and courageous family. And this situation is being replicated. It is fundamentally wrong.

Mr. President, for over two years, Congress has been struggling to reform the bankruptcy laws. From the beginning, the debate has been unfairly slanted toward the credit card companies and banks at the expense of vulnerable Americans. It is especially disturbing that the final bill may well be drafted without the appointment of conferees or even public meetings. The American people deserve a better process and a fairer bill.

A fair bankruptcy reform bill will balance the needs of debtors and creditors. It will not allow credit card companies and other special interests to take unfair advantage of thousands of citizens who find themselves in economic crisis—citizens like the Trapp family recently featured in Time magazine.

The Trapps are not wealthy cheats trying to escape their financial responsibilities. They are a middle class family engulfed in debt because of circumstances beyond their control. Like half of all Americans who file for bankruptcy, the Trapp family had massive medical expenses.

Charles and Lisa Trapp met while working as mail carriers in Plantation, Florida. They married and have three children—the youngest, Annelise, has a degenerative muscular condition. She requires round-the-clock medical care. In her wheel chair or in bed, she uses a respirator at least eight hours a day. As a result, the Trapps have $124,000 in doctors' bills that insurance won't cover, and $40,000 of credit card debt for groceries and other necessities.

The plight of the Trapp family is similar to that of many other American families confronted with serious illness and injury. Over 43 million

Americans have no health insurance, and many millions more are under-insured. Each year, millions of families spend more than 20 percent of their income on medical care. Older Americans are hit particularly hard. Too often, each of these families and senior citizens is one serious illness away from bankruptcy.

A report recently published in Norton's Bankruptcy Adviser says,

> The data reported here serve as a reminder that self-funding medical treatment and loss of income during a bout of illness or recovery from an accident make a substantial number of middle class families vulnerable to financial collapse . . . For middle class people, there is little government help, so that when private insurance is inadequate, bankruptcy serves by default as a means for dealing with the financial consequences of a serious medical problem.

The data collected in the report make clear that this problem affects both the poor and the middle class. In many cases, health insurance is insufficient to protect a family with medical problems. ''The bankruptcy courts are populated not only with the uninsured, but also with those whose insurance does not cover all the financial consequences of their medical problems''—families facing medical debts that have outrun their policy limits—facing co-payments beyond their means—facing lost income not covered by their insurance.

When the health care system fails these men and women and children, the bankruptcy system catches them before they hit rock bottom. What will happen to these families if we fundamentally destroy the bankruptcy system?

What will happen to those who can't pay their bills because they were laid off in a merger or downsizing that left them without adequate income or basic benefits? Over half of all Americans say that the reason they file for bankruptcy is because of job loss. That fact is not surprising. Despite low unemployment, a record-setting stock market, and large budget surpluses, Wall Street cheers when companies—eager to improve profits by down-sizing—lay-off workers in large numbers.

Often, when workers lose a good job, they are unable to recover. In a study of displaced workers in the early 1990s, the Bureau of Labor Statistics reported that only about one-quarter of these workers were later employed in full-time jobs paying as much as or more than they had earned at the job they lost. Too often, laid-off workers are forced to accept part-time jobs, temporary jobs, and jobs with fewer benefits or no benefits at all.

For many hard-working men and women, these job benefits—particularly a pension— can be the difference between a secure retirement and poverty. But instead of action by Congress to expand pension benefits, an offensive anti-pension provision was quietly slipped into the bankruptcy reform bill at the last minute.

It is wrong for Congress to let credit card companies and other lenders pressure workers to give up the protection they now have for their pensions in bankruptcy. Clearly this so-called ''pension waiver'' provision should be struck from the final bill.

It would also be a mistake to ''cap'' the amount of pension assets that a worker can protect in bankruptcy. Federal law already imposes strict limits on pension contributions. Unlike homestead abuses, retirement plans can't be used as part of a scheme to divert assets before bankruptcy.

It was the combination of a medical problem and a job loss that pushed Maxean Bowen—a single mother—into bankruptcy. Maxean told Time magazine that she was a social worker in the foster-care system in New York City when she developed a painful condition in both feet that made her job, which required house calls, impossible. As a result, she had to give up her work and go on the unemployment rolls. Her income fell by 50 percent. She had to borrow from relatives, and she used her credit cards to make ends meet. Like so many others in similar situations, she believed that she would soon be back on her feet and able to pay her debts. But, like thousands who file for bankruptcy, even when Maxean was able to work again, she owed far more than she could repay.

She was at the mercy of her creditors. ''They would call me on the job . . . that was very embarrassing. They call you early in the morning. They call you late at night. Sometimes I get calls at 10 o'clock at night. And they are very nasty.'' Maxean tried paying her creditors a few hundred dollars when possible, but it wasn't enough to keep her bills from piling up because of interest changes and late-payment fees. Maxean said she was ''going crazy.''

If she was going crazy, so are many others. Reports show that by the time individuals and families file for bankruptcy protection, more than 20 percent of income before taxes is going toward paying interest and fees on their debts. Time magazine reports that study after study proves that Chapter 7 debtors have little if any ability to repay more of their debts. ''The notion that debtors in bankruptcy court are sitting on many billions of dollars that they could turn over to their creditors is a figment of the imagination of lenders and lawmakers.''

Maxean's plight was made worse by the fact that she is a single mother. In 1999, over 500,000 women who head their own households filed for bankruptcy to try to stabilize their economic lives. 200,000 of them are also creditors—trying to collect child support or alimony. The rest are debtors struggling to make ends meet. Divorced women are four times more likely to file for bankruptcy than married women or single men.

The House and Senate bankruptcy bills are especially harsh on divorced women and their children. Under current law, an ex-wife trying to collect support enjoys special protection. Her claims—like very few others—survive her husband's bankruptcy and provide a realistic opportunity to collect support payments from her former husband. Under the pending bill, however, credit card companies are given a new right to compete with women and children for the husband's limited income after bankruptcy.

It is true that the bill moves support payments to the first priority position in the bankruptcy code. But that only matters in the limited number of cases in which the debtor has assets to distribute to a creditor. In most cases—close to 99 percent —there are no assets, and the list of priorities has no effect.

The claim of ''first priority'' in bankruptcy is a sham to conceal the real problem—the competition for resources after bankruptcy. This legislation creates a new category of debt that cannot be discharged after bankruptcy—credit card debt. And, when women and children are forced to compete after bankruptcy with these sophisticated lenders, the women and children lose.

In ways like these, the bankruptcy reform bills currently being negotiated by the House and the Senate are a travesty. They remove the bankruptcy safety net that has been a life-line for the poor and middle class. The credit card companies will receive a huge windfall, and they will walk away with few incentives to act more responsibly. And in a further insult, the House Republican negotiators want to preserve one of the most flagrant fat-cat loopholes—the ability of wealthy debtors to escape their responsibilities by using the homestead loophole in the current bankruptcy code.

The Time magazine article makes these points effectively by comparing the plight of two debtors—James Villa and Allen Smith. James Villa is a 42 year-old stockbroker living in a $1.4 million home in Boca Raton, Florida. He was President, CEO and indirect owner of 99.5 percent of the stock of H.J. Meyers & Co., Inc—a brokerage firm with offices around the country. During the firm's heyday, Mr. Villa bought expensive cars, boats, and jewelry. But he fell on hard times when Massachusetts securities authorities found that his firm had engaged in fraudulent and unethical practices. Before further action could be taken, the firm closed its doors and Mr. Villa moved to Florida. That state has a broad homestead exemption, which allowed him to protect $1.4 million of assets—his Boca Raton home—from creditors, including clients of the brokerage firm who had lost their savings.

How can that be fair, when Allen Smith, a retired security worker, has lost everything? Mr. Smith served in the Coast Guard during World War II and later went to work at Chrysler. He was eventually laid-off during a downsizing. Too young to collect Social Security, he started working as a security guard. He and his wife Carolyn

bought a home and lived a solid middle-class lifestyle until their lives started to crumble.

Beginning in 1984, Mr. Smith's wife lost her toe, then one leg, then the other leg to diabetes. To accommodate her disability, Mr. Smith renovated their home using money borrowed against the equity. He developed throat cancer, high blood pressure, and a heart murmur and had to leave his job. The family was $115,000 in debt—double their annual income—so the Smiths filed for bankruptcy. They agreed to pay $100 a month under the requirements of Chapter 13.

Carolyn Smith died later that year, and Mr. Smith was left—without her companionship or Social Security checks—to struggle alone. Eventually—after being hospitalized with a stroke, after cataract surgery, and after an irresponsible friend didn't pay his mortgage—Mr. Smith's Chapter 13 bankruptcy failed. His situation isn't unusual—two-thirds of all Chapter 13 plans fail—but the consequences were devastating. Mr. Smith will be moved to Chapter 7, and he will lose his home.

Any bill sent to the President for his signature must not make Allen Smith's life more difficult while protecting James Villa's ability to live in luxury. Congress must pass a better and fairer bill worthy of the name reform. The President should not hesitate to veto a bad bankruptcy bill that flunks the fairness test.

For over a century, the bankruptcy laws have provided needed relief for those who fall on hard times. This Congress should not be a party to unfair reforms designed to benefit the powerful credit card industry and wealthy debtors, at the expense of the large numbers of needy citizens whom the bankruptcy laws are supposed to help, not hurt.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. How much time remains?

The PRESIDING OFFICER. Under Senator KENNEDY's control, Senator WELLSTONE has 7 minutes and Senator HARKIN has 7 minutes, and, following that, Senator KENNEDY retains 2 minutes.

Mr. WELLSTONE. Mr. President, I am pleased to join Senator KENNEDY and some of my other colleagues on the floor here today to talk about the so-called bankruptcy reform bill. I spoke for about twenty minutes yesterday on the same topic and my intent then is the same as that of my colleagues today: which is to shine a line on this bankruptcy bill, and focus the attention of the Senate on what Congress is poised to do to harshly punish working families overwhelmed by debt.

Yesterday I mentioned the Bartlett and Steel article from Time magazine of last week entitled ''Soaked by Congress.'' I commend it to my colleagues' attention. And yesterday I also read some excerpts from that article to give colleagues an idea of what a typical family actually looks like who files for bankruptcy. In all honesty, I think many in the House and Senate were hoodwinked last year by a very clever media campaign on the part of the big banks and the credit card industry. I mean, it shouldn't be too surprising that the bill passed with the overwhelming margin that it did if you assumed that colleagues focused on the media campaign, the ad campaign, the legions of Gucci loafer wearing lobbyist that descended on the Hill. Because, frankly, I don't believe that many of my colleagues who did vote for the bill would have done so had they known then what they should know now, now that there has been some balance to the debate.

Now the House and Senate leadership have staff burning the midnight oil trying to finish this bill so that they can stick it in an unrelated conference report. But while they do that, we have 40 million Americans without health insurance who we aren't rushing emergency legislation to safeguard. The Patients' Bill of Rights is MIA in conference for almost a year. We are crawling along—actually not even crawling anymore it appears—on Education—though schools are crumbling and kids can't learn because we aren't investing what we should into their education. I mean these are real emergencies facing millions of Americans. And yet it is so-called bankruptcy reform that the House and Senate are falling all over themselves to pass. This morning I want to focus on the reasons why this bill is being moved at light speed—the false reasons as well as the real reasons.

Bankruptcy does not occur in vacuum. We know that in the vast majority of cases it is a drastic step taken by families in desperate financial circumstances and overburdened by debt. The main income earner may have lost his or her job. There may be sudden illness or a terrible accident requiring medical care. Certainly most Americans have faced a time in their lives where they weren't sure where the next mortgage payment or credit card payment was going to come from, but somehow they scrape by month to month. Still, such families are on the edge of a precipice and any new expense—a severely sick child, a car repair bill—could send a family into financial ruin. Despite the current economic expansion there are far too many working families in this situation. That is the true story behind the high number of bankruptcy filings in recent years and I want to make clear to my colleagues that the evidence shows that the very banks and credit card companies who are pushing this bill have a lot to do with why working families are in this predicament today.

The bankruptcy system is supposed to allow a person to climb back up after they've hit bottom, to have a ''fresh start.'' There is no point to continue to punish a person and a family once their resources are over matched by debt. The bankruptcy system allows families to regroup, to focus resources on essentials like their home, transportation and meeting the needs of dependents. Sometimes the only way this can occur is to allow the debtor to be forgiven of some debt, and in most cases this is debt that would never be repaid because of the debtor's financial circumstances. In fact, in over 95% of bankruptcy cases creditors receive no distributions from the filer's assets—not because folks are able to beat the system—but because in the vast majority of cases the debtor simply has no assets left.

The sponsors of this measure and the megabanks and credit card companies behind this bill don't like to focus on those situations. They paint a picture of profligate abuse of the bankruptcy system by irresponsible debtors who could pay their debt but simply choose not to. Such people do take advantage of the system, there is no question. But this bill casts a wider net and catches more than just the bankruptcy ''abusers.''

''Soaked by Congress'' does an excellent job of setting the record straight. It notes that a study last year by the American Bankruptcy Institute found that only 3 percent of debtors who file under Chapter 7—where debtors liquidate assets to repay some debt while the rest of the debtor's unsecured debt is forgiven—would actually have been able to pay more of their debt than they are required to under Chapter 7. Even the U.S. Justice Department found that the number of abusive claims was somewhere between 3 percent and 13 percent. This means that the number of people filing abusive bankruptcy claims is astonishingly low. But this legislation seeks to channel many more debtors into chapter 13 bankruptcy—where the debtor enters a 3–5 year repayment plan and very little debt is forgiven. Yet in the pursuit of the few, this bill imposes onerous conditions, and ridiculous standards on all bankrupts alike. Additionally, under current law, 67 percent of the debtors in chapter 13 fail to complete their repayment plan often because they did not get enough relief from loans, and because economic difficulties continued. So this legislation would take individuals, the majority of whom desperately need a true ''fresh start'', and force them into a bankruptcy process which ⅔ of debtors already fail to complete successfully. And my colleagues call this reform?

Furthermore, the consumer credit industry would like this to be a debate about financial responsibility. But

what is apparently not obvious to many of my colleagues is that debt involves both a borrower and a lender. Yes, a person should be responsible for repaying money lent to them on fair terms. But is it not in the lender's interest to not over lend? Should not the banks, and the credit card companies, and the retailers bear some responsibility for the so-called bankruptcy crisis?

As high cost debt, credit cards, retail charge cards, and financing plans for consumer goods have skyrocketed in recent years, so have the number of bankruptcy filings. As the consumer credit industry has begun to aggressively court the poor and the vulnerable, bankruptcies have risen. Credit card companies brazenly dangle literally billions of card offers to high debt families every year. They encourage card holders to make low payments toward their card balances, guaranteeing that a few hundred dollars in clothing or food will take years to pay off. The lengths that companies go to keep their customers in debt is ridiculous.

So any thinking person would ask at this point. Why is the House and Senate calling out the stops to pass this bill? What's driving this bill? Well as ''Soaked by Congress'' notes, the big banks spent $5 million last year specifically on bankruptcy lobbyists and another $50 million on firms that lobbied on bankruptcy as well as other matters. I wonder how much money working families overburdened with medical bills paid to influence Congress last year? Is that why we weren't listening?

That makes this a reform issue, a basic question of good government. Regardless of how you feel about the bill, this is terrible legislating. I don't think that the 100 members of the Senate or the 435 members of the House came to Congress to be dictated to by secret committees formed by the leadership. This week we are debating education in the Senate. Can you imagine trying to explain to a 9th grade civics class what the House and Senate leadership are trying to do? They would learn how minority rights are protected in the Senate, about how there are regular procedures—high bars—for the majority to overcome to force something to passage over the objections of a determined minority. All of that goes out the window for the 4th branch of government—the conference committee.

We don't have time for debate, we don't have time for legislative battles in this Congress. We don't have time for the hallowed traditions of the Senate. Just form a secret committee and stick in an unrelated conference report in the dead of night. What is so essential about this bill that the leadership must make such a mockery of the legislative process?

The most expedient means is the best means according to this logic. But at what cost? Only a handful of power brokers are at the table. Working families aren't represented. Seniors aren't at that table. Minorities aren't in the loop. Women and children, and single parent families weren't invited.

So I would say to my colleagues in closing, folks can make the claim that big money doesn't buy results in Congress but they won't use this bill as the poster boy for that argument. I urge my colleagues on both sides of the aisle to go to their leadership. It isn't too late to ask them to reconsider this course.

We come to the floor today as Senators to shine a light on the bankruptcy bill. I spoke about this bill for some 20 or 30 minutes yesterday. I thank two fine journalists, Bartlett and Steele, for their fine work, ''Soaked by Congress.'' I sent this article out to every Senator. I hope my colleagues will read this article. It is about how the House and Senate were hoodwinked last year by a clever media campaign on the part of big banks and the credit card industry.

I point out not to my colleagues but, frankly, to people in the country that some of the House and Senate leadership, with the majority party taking the lead, have been burning the midnight oil trying to finish this bankruptcy bill so they can stick it into an unrelated conference report. While they do that, we have 40 million people who don't have any health insurance at all. That is not an emergency? While they do that, the patient protection bill of rights is barely moving at all. It may be crawling; it may not even be crawling. While they do that, we don't pass any kind of education measure. While they do that, there is no response to 700,000-plus mothers—Sheila and I were proud to join them this past Sunday—who came to Washington, DC. They said: We are a citizens' lobby. We will take on special interests. We will be here for our children. We will be here to reduce violence. We will be here for sensible gun control. But there has been no response to that. That is not considered to be an emergency?

But boy, oh boy, when it comes to this bankruptcy bill, some of my colleagues, some of the leadership on the other side, can't wait to stick this into an unrelated conference report. I think there is a reason for that. In the piece that Bartlett and Steele wrote called ''Soaked by Congress,'' they do an excellent job of getting the record straight. As opposed to the media campaign by these banks and credit card companies about all of this abuse, it turns out that the American Bankruptcy Institute found only 3 percent of debtors under chapter 7 could have done any better.

Now, all in the name of a few people who abuse this system, we have families my colleague, Senator KENNEDY, talked about, with 40 percent of them in bankruptcy because of medical bills, and the vast majority of the remaining are because someone lost their job or because there has been a divorce and now they are a single parent.

What in the world is going on here? In this piece, ''Soaked by Congress,'' Barlett and Steele point out that big banks spent $5 million last year specifically on bankruptcy lobbyists and another $50 million on firms that lobbied on bankruptcy as well as other matters.

I say to my colleague Senator FEINGOLD, and my colleague Senator HARKIN, and I would say it to my colleague Senator KENNEDY if he were on the floor, this is the ultimate reform issue. We are talking about people, mainly women, mainly senior citizens, mainly working-income, maybe low-income people, people without much clout who are completely rolled by this bill.

Now we find out all about the pension grab. Now we find out about all sorts of other provisions that are egregious, that I do not have time to summarize, that I summarized yesterday. Now we find out that, given where this bill is going in conference, it is going to be even more harsh toward the most vulnerable citizens in this country. But that will not see the light of day; it will get tucked into an unrelated conference report.

I say to my colleagues, we do intend to speak out on this issue. I hope the President will make it clear he will veto this bill. It is too harsh, there are too many egregious provisions, and right now we are not conducting our business the way we ought to as the Senate.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa is recognized for 7 minutes.

Mr. HARKIN. Mr. President, I thank Senator KENNEDY and others for getting this time to talk about the bankruptcy bill.

I must at the outset admit that due to the press of business around here, and I am not on that committee that formulated this bill, I had not really looked at the bankruptcy portions of it in depth. A lot of people I admire and have respect for have supported the bill. I supported a number of amendments. When the bill finally passed, I had some qualms about it. I voted against it. But I had not really delved into it in very much depth until a week ago, last week, when Time magazine came out with one of the longest stories I have ever seen Time magazine do. It has been mentioned by the previous two speakers, a story called ''Soaked By Congress.'' It is 12 pages or more long.

I read it. When I read it, some memories started coming back to me of my days when I was a legal aid lawyer before coming to Congress. I was thinking about the people we represented at the low end of the economic spectrum who could not afford to get another attorney from a private law firm, and the people we took through bankruptcy. These were people at wit's end. I remember them. Often it was a woman with a couple of children, her husband

took off, there was illness in the family, she racked up a lot of bills, and she had nowhere to go.

At that time in Iowa, we were also debating a bill in the Iowa Legislature to limit the amount of interest that could be charged on a credit card. The Iowa Legislature in fact at that time passed a limit of 15 percent. It did not hurt the State at all. I remembered that, reading this article.

When you heard the debate out here on the bankruptcy bill, you would think these were people out living high on the hog, going to the best restaurants, taking foreign vacations, driving Mercedes Benz cars and BMWs, they have beautiful homes and stuff, and all of a sudden they decide they have been living the life of Riley and they do not want to pay their dues, so they go into bankruptcy court. That is the image of the average person filing bankruptcy that came out here on the Senate floor during that debate. That is a very bad misrepresentation.

As the Time magazine article pointed out, the median characteristics of a person discharging chapter 7 bankruptcy: Gross income, $22,800—gross; reported expenses, $20,592; total debt, $42,000, of which miscellaneous debt—medical bills is about $10,000; unsecured debt, credit card, about $23,000; and secured debt, a car, about $9,000.

Another thing I remembered from my days as a legal aid lawyer: Most of the people going into bankruptcy were women. It has not changed. As the Time magazine article points out, 497,000 single women filed for bankruptcy last year compared to only single 367,000 men.

What are the reasons? Because of a job loss, 51 percent; 46 percent because of medical reasons; 19 percent because of a family breakup. The reason that adds up to more than 100 percent is that people said: I lost my job and my family broke up. That is why most people are going into bankruptcy court today, not because they have been living high on the hog and they are out there trying to get away.

We heard statements made on the floor that bankruptcy is not as shameful as it used to be. I beg to differ. Most of the people who go into bankruptcy court are embarrassed, they are ashamed. I remember them from my days as a legal aid lawyer. They fell on hard times, the interest charges keep piling up and piling up, and they could never get ahead of it. They have kids to care for, and they have expenses they have to keep up just to take care of their families. That is who is going into bankruptcy court. It is not because of living high on the hog.

The real deviousness of the expected final version of the bill, what is really bad, is, for example, as Time magazine pointed out, an individual who had made millions of dollars sort of scamming the system on investments—Villa, his name is. James Villa is a 42-year-old one-time stockholder who lives in a $1.4 million home in Boca Raton. They contrasted him to 73-year-old Allen Smith, a retired autoworker with throat cancer who lives in an $80,000 home in Wilmington, DE.

They go through the whole story. I do not have the time. You can read it. But Villa profited handsomely, he bought Ferraris, he bought a $22,000 Rolex watch for his wife, a 3-carat $44,000 wedding ring, $9,000 diamond earrings. In October 1988, Massachusetts securities authorities ruled he had been engaging in fraudulent and unethical practices. They revoked their broker-dealer registration. He packs up, moves to Florida, takes his money, and buys this huge $1.4 million house. Guess what. It is beyond the reach of his creditors thanks to the homestead exemption in Florida.

How about 73-year-old Allen Smith of Wilmington, DE? He served in World War II, worked hard all his life as an auto mechanic, and, guess what. He lost his job, then his world started falling apart, and now he has cancer. He has filed chapter 13, and now they can take his house away from him.

We stopped that abuse in the Senate version of the bill. But, unfortunately, I am told that the loophole filled provision in the House that will allow this practice to continue is likely to be in the final measure. This bill is bad, it is getting worse.

The PRESIDING OFFICER (Mr. ENZI). The time of the Senator has expired.

Mr. FEINGOLD. How much time do Senators KENNEDY and WELLSTONE have remaining?

The PRESIDING OFFICER. Senator KENNEDY has 5 minutes remaining.

Mr. FEINGOLD. I ask unanimous consent I be yielded Senator KENNEDY's time.

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

Mr. FEINGOLD. Mr. President, I am pleased to join my colleagues on the floor this morning to talk about the bankruptcy bill. We need to talk about this bill because what is now going on is that those who desperately want to pass the bill are acting in secret to try to avoid the public scrutiny that might lead to some changes in the bill that will benefit average people.

The latest rumor is that the bankruptcy bill's sponsors want to combine it with the ''e-signature'' bill and a bill that has never even been considered on the Senate floor—the bill to increase the number of H–1b visas—and bring it to us as a package. Supposedly this will make it more appealing to some people who oppose one or another of those bills. But I think combining major pieces of legislation in a package like this just makes things worse. We are talking here about doing an end run around the legislative process simply to get things done for a narrow set of special interests. I think that's a disgrace and I hope my colleagues will resist it.

This is a bill that gets worse the more you look at it. I am disturbed by reports that the final bill will look more like the House-passed bill than the bill that passed the Senate. But it does not surprise me that this is happening, since a bill that is worked out behind closed doors is much more likely to favor powerful financial interests. A public process generally serves the public interest. So no one should be shocked that the private process that the bill's proponents have been following is going to yield a bill that leaves the public behind.

I commend to all my colleagues a major investigative story in the May 15th issue of Time Magazine by reporters Donald Bartlett and James Steele. Bartlett and Steele have done a masterful job in explaining how bankruptcy reform legislation ended up being a wish list for the credit card industry. Even more important, they show us the kinds of people who will be hurt by this bill—honest debtors who are down on their luck, forced into bankruptcy by the loss of a job or divorce or catastrophic medical bills. The bill is particularly detrimental to the interests of women. They constitute the largest segment of bankruptcy filers in 1999. These are the people that this bill turns its back on, at the same time that it gives the credit card industry virtually everything that it asked for.

Now I don't deny that there is need for some reform in our nation's bankruptcy laws. But what happened with this bill is that when monied interests were given an inch to correct some abuses they took a mile. One area that I devoted a lot of time to on the Senate floor was the treatment of tenants under this bill. The landlord-tenant provision of this bill is typical of the sledgehammer approach that the bill takes to alleged abuses by people declaring bankruptcy.

It started with stories of people repeatedly filing for bankruptcy in order to avoid paying rent. But to address that situation a provision was inserted in the bill that completely eliminates the protection of the automatic stay for tenants in bankruptcy. And when I suggested in an amendment that tenants who had never before filed for bankruptcy and were willing to pay their rent during the bankruptcy proceedings should be protected from being thrown out on the street, the proponents of this bill said no. The National Association of Realtors and other groups representing landlords adamantly opposed any weakening of the extreme provision in the bill. And they got their way.

That is the kind of excess that you get in legislation when one side is dumping money into the process and the other side is not or cannot. Common Cause just put out a stunning report recently on the amount of money that the credit industry has contributed to members of Congress and the political parties in recent years. $7.5 million in 1999 alone, and $23.4 million

in just the last three years. One company that has been particularly generous is MBNA Corporation, one of the largest issuers of credit cards in the country. In 1998, MBNA gave a $200,000 soft money contribution to the Republican Senatorial Committee on the very day that the House passed the conference report and sent it to the Senate.

This year, MBNA gave its first large soft money contribution ever to the Democratic party—it gave $150,000 to the Democratic Senatorial Campaign Committee on December 22, 1999, right in the middle of Senate floor consideration of the bill.

So it is no mystery to me why this bill is so anti-consumer, and I don't think it's a mystery to the public either. The bill contains precious little to address abuses by creditors in debt collection and reaffirmation practices, and it contains very weak credit card disclosure provisions. The credit card industry has ridden the rise in personal bankruptcies to get the changes in the law that it wants, but has resisted efforts to inform consumers of the risks of overuse of credit cards. Better disclosure might reduce the number of bankruptcy filings in this country, but the credit industry has successfully prevented the Congress from requiring such disclosure.

There is still time to step back from the brink. Nonpartisan experts have many recommendations to reform the bankruptcy laws in a balanced and fair way to get at the abuses, without causing undeserved misery to thousands of powerless and defenseless Americans. Let's listen to them rather than the credit card issuers who are lining our campaign treasuries.

I again thank the Senators from Massachusetts, Minnesota and Iowa and my other colleagues who are here this morning to call attention to this crucial issue, and I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from Delaware for up to 10 minutes.

SUPREME COURT DECISION IN U.S. v. MORRISON

Mr. BIDEN. Mr. President, I attended the Million Mom March with my wife. I do not think anyone should misunderstand the significance and consequence of so many mothers and a number of fathers giving up Mother's Day to make an important point. These were not a bunch of wild radicals. These were a bunch of moms from rural areas, inner cities, and suburban areas. They were black, they were white, Hispanic, Asian American. They were basically making a plea. As I stood there and listened, I was reminded of a quote attributed to John Locke speaking about someone he heard. He said:

> He spoke words that wept and shed tears that spoke.

I do not know how anyone could have attended any significant portion of that march and not felt, as John Locke felt, listening to the words these women spoke that wept and the tears they shed that spoke volumes about the insanity of our policy.

Irony of all ironies; the next day, on Monday, the Supreme Court hands down a decision, not about guns but about the protection and empowerment of women in society. Yesterday, in United States v. Morrison, the Supreme Court struck down a provision of an act that I spent 8 years writing and attempting to pass—six of which were in earnest—the so-called Violence Against Women Act. There is one provision of that act they struck down and only one provision. That is the provision that empowered women to take up their cause in Federal court to make the case they were a victim of sexual abuse because, and only because, of their gender and to sue their attacker for civil damages in Federal court; empowering women to not have to rely on the prosecutorial system or anyone else to vindicate the wrong that had been done to them if they can supply the proof.

As the author of that act, I must tell my colleagues that I was disappointed by the Court's decision but, quite frankly, not surprised by it.

I emphasize, though, the Morrison case struck down the civil rights cause of action women have in Federal court, no other part of the act. Nothing in the Court's decision yesterday affects the validity of any other provision, any other program, or the need to reauthorize these programs through my bill, the Violence Against Women Act II, which now has 47 cosponsors.

Unfortunately, I believe the Court's ruling yesterday will have a significant impact on Congress' ability to respond to public needs in a way that has not been constrained since the 1930s. The Court has been inching toward this decision and this line of reasoning in case after case over the last several years. The Court has grown bolder and bolder in stripping the Federal Government of the ability to make decisions on behalf of the American people, part of the objectives of the Honorable Chief Justice, who believes in the notion of devolution of power and thinks that the Federal Government should have significantly less power.

The Court's decision—and these have all been basically 5–4 decisions—in United States v. Lopez in 1995 struck down the Gun-Free School Zones Act, a decision upon which the Court heavily relied in the Morrison case in striking down the civil rights remedy.

In the case of Boerne v. Flores, a 1997 case, the Court struck down the Religious Freedom Restoration Act. Again, this is not mostly about what act they like and do not like; it is about Congress' power. Those who thought we should not be dealing with guns were happy with the Lopez case substantively. Those who thought we should have more religious freedom in public places, our conservative friends—and I happen to agree with them on that point—were disappointed when the Supreme Court reached in and said as to section 5 of the 14th amendment, which is the provision which says the Congress shall determine how to enforce the 14th amendment, no, no, no, Congress is not the one; we—the Court—are going to decide.

There, then, was another decision, the Supreme Court's watershed decision in the Seminole Tribe of Florida v. Florida, a 1996 decision, and the cases that followed, in which the Court limited Congress' ability to authorize private citizens to vindicate Federal rights in lawsuits against their States, and that included the Fair Labor Standards Act and the Age Discrimination Act.

Putting it in simple terms, if the State of Florida discriminated against somebody in State employment because of age in violation of the Federal act, the Court said: Sorry, Florida has immunity. A Federal Government cannot protect all Americans against age discrimination because of a new and novel reading of the 11th amendment.

The Court's decision today is at peace with those rulings. Fundamentally, this decision is about power. Who has the power, the Court or the Congress, to determine whether or not a local activity, such as gender-motivated violence, has a substantial impact on interstate commerce? Yesterday the Court said it: The Court has this power—echoes of 1920 and 1925 and 1928 and 1930, the so-called Lockner era.

I find it particularly striking the Court acknowledged in Morrison that in contrast to the lack of congressional findings supporting the law struck down in Lopez, the civil rights remedy is supported by numerous findings regarding the serious impact of gender-motivated violence on interstate commerce. I conducted 4 years of hearings to make that record.

We showed overwhelmingly that the loss of dollars to the economy of women being battered and abused and losing work is billions of dollars. We showed overwhelmingly that women make decisions about whether to engage in a business that requires them to cross State lines based in significant part upon the degree to which they think they can be safe, based upon a survey of 50 State laws, and whether or not they adequately protect women as they do men against violence.

The record is overwhelming. Nonetheless, instead of applying the rule they had traditionally applied in determining whether Congress has the right to be involved in what is a local matter, they came up with a new standard.

Instead of applying the old standard of: Is there a rational basis for Congress to find, as they did, the traditional ''rational basis review'' to decide whether Congress' findings in this case were rational—and I cannot conceive of how they concluded they could not be—the Court simply disagreed with the

findings, marking the first occasion in more than 60 years that the Court has rejected explicit factual findings by the Congress, supported by a voluminous record. They, in fact, explicitly rejected the findings that a given activity substantially affects interstate commerce.

The Court justified the abandonment of the deference to Congress by declaring that whether particular activities sufficiently affect interstate commerce ''is ultimately a judicial rather than a legislative question.''

I could not disagree more fundamentally with the Court's ruling. Quite frankly, this will affect the Violence Against Women Act less than it is going to affect a whole lot of other things. The Supreme Court precedents have long recognized that Congress has the power to legislate with regard to local activities that, in the aggregate, have a substantial impact on interstate commerce.

I personally believe Justice Souter, who wrote the principal dissent in this case, had it right when he explained that:

> [t]he fact of such a substantial effect is not an issue for the courts in the first instance, but for the Congress, whose institutional capacity for gathering evidence and taking testimony far exceeds ours.

I am left wondering, where does the Court's decision leave Congress' formerly plenary power to remove serious obstructions to interstate commerce, whatever their source?

It is reminiscent of the Lockner era when they said, by the way, you have those labor standards having to do with mining—mining is not interstate commerce. Then they came along and said production is not interstate commerce. Then they said manufacturing is not interstate commerce. Until midway in the New Deal, with the end of the Lockner era, they said: Woe, woe, woe; wait a minute, wait a minute.

Unfortunately, this decision yesterday reads more as a decision written in 1930 than in the year 2000.

As Justice Souter documented so well in his dissent, the Court appears to be returning to a type of categorical analysis of Congress' power under the Commerce Clause that characterized the pre-New Deal era, where, as I said, manufacturing, mining, and production were all held to be off limits despite their obvious impact on interstate commerce. Now it is a new standard: ''Economic activity'' versus ''non-economic activity.''

If Congress can regulate activity with substantial effects on interstate commerce, then I, as Justices Souter and Breyer, do not understand what difference it makes whether the causes of those substantial effects on interstate commerce are in and of themselves commercial.

In any event, suffice it to say that this type of formalistic, enclave analysis—where certain spheres of activity are held off limits to Congress—did not work in the 1930s and will work no better in the 21st century.

Because it is impossible to develop judicially defined subject matter categories spelling out in advance what is in Congress' Commerce Clause power and what is out, I believe the dissenting Justices are correct that Congress, not the courts, must remain primarily responsible for striking the right Federal-State balance, and that the Members of Congress are institutionally motivated to strike that balance by virtue of the fact that we represent our States and local interests as well as the Federal interest.

So why has the Court revived the form of analysis that so ill-served the Nation in the years leading up to the judicial crisis of 1937? Again, I find Justice Souter's explanation convincing: In both eras, the Court adopted these formalistic distinctions in interpreting the Commerce Clause in service of broader political theories shared by a majority of the Court's members.

In the pre-New Deal era, that broader political theory was laissez faire economics; now it is the new federalism. In both instances, the Court has been eager to substitute its own judgment for that of the political branches democratically elected by the people to do their business.

Those of you who are conservatives in this Congress, who say that you, in fact, want the democratically elected bodies making these decisions, I suggest to you that this is one of the most activist Courts we have had in 50 years. It is supplanting its judgment for the democratically elected branches of the Government.

So have at it, conservatives. This judicially active Court is supplanting their judgment for the democratically elected bodies.

Justice Stevens put it bluntly in his recent dissent in the recent age discrimination case. He said: The Court's federalism decisions constitute a ''judicial activism''—that is his quote, not mine—that is ''such a radical departure from the proper role of this Court that it should be opposed whenever an opportunity arises.''

This is one Senator who plans to keep up that opposition.

Stay tuned, folks, because what this upcoming election is about is the future—the future—of the power of the elected branches of the Government versus the Court which is appointed for life. This is a conservative agenda that is being forced upon the democratically elected bodies, as it was in the 1920s. The next President is going to get to pick somewhere between one and three new Justices.

Mr. President, I ask unanimous consent that a speech I made on the Supreme Court and its changing direction be printed in the RECORD.

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

REMARKS BY JOSEPH R. BIDEN, JR., TO THE NEW HAMPSHIRE SUPREME COURT, SEPTMEBER 17, 1999

Today marks the anniversary of an extraordinary event, the 212th anniversary of the birth of the Constitution of the United States. On September 17, 1787, the Constitutional Convention, its work complete, rose and submitted the Constitution to the thirteen states for ratification. Bringing together thirteen different states with diverse cultures and established governments—some of these harking back a hundred years—did not come easy. In 1775, at the time of the Continental Congress, John Adams, writing to his wife, Abigail, described: ''[f]ifty gentlemen meeting together all strangers * * * not acquainted with each other's language, ideas, views, designs. They are therefore jealous of each other—fearful, timid, skittish.''

The men who attended that Constitutional Convention knew, even then, that they had begun the greatest political experiment in human history, producing a document that would become an engine of change throughout the world. According to James Madison's account, Governor Morris of Pennsylvania stated that:

> He came here as a Representative of America; he flattered himself he came here in some degree as a Representative of the whole human race; for the whole human race will be affected by the proceedings of this Convention.

''This Country,'' Governor Morris continued, must be united. If persuasion does not unite it, the sword will. * * * The scenes of horror attending civil commotion can not be described. * * * The stronger party will then make [traitors] of the weaker; and the Gallows & Halter will finish the work of the sword.

The Framers, in their vision and wisdom, did unite the country, fashioning a government that was both federal—that is, comprised of sovereign states—and, at the same time, truly national in power. The Framers respected and sustained the essential role of the states. But, at the same time, the Framers made national law supreme, a principle enshrined in the Supremacy Clause of the Constitution, and created a government empowered to bind both the states and individuals, powers denied the government under the Articles of Confederation.

The Constitution also established a vigorous and independent presidency—what Alexander Hamilton in the Federalist Papers called ''energy in the executive''—by freeing the Chief Executive from selection by the legislature and granting the President real and meaningful powers. As early as McCulloch v. Maryland, Chief Justice John Marshall in 1819 recognized the ''great powers'' the national government possessed:

> to lay and collect taxes; to borrow money; to regulate commerce; to declare and conduct a war; and to raise and support armies and navies. The sword and the purse, all the external relations, and no inconsiderable portion of the industry of the nation, are entrusted to its government.

And, on this 212th anniversary of the crafting of the Constitution—a day and age now marked by national malaise about and distrust of our government and its institutions—it is only fitting to reflect on how right Governor Morris was about how the Framers' creation has transformed—and transfixed —the human race. Under this Constitution, we settled a vast continent—from the Atlantic to the Pacific coasts; we mobilized millions of men to unite the nation and end slavery, fulfilling the promise of the Constitution; we ascended, like the mythical phoenix, from the ashes of the Great Depression; we turned back despotism and preserved a free Europe in two World Wars; we won the Cold War; and we now enjoy economic and military power unrivaled across the globe and unmatched in the history of the world. No small achievements, these.

These achievements make us the envy of the world. Just last week, I returned from a trip to six European countries, including Kosovo, and I met with six Presidents. The President of Bulgaria said to me:

I know of no other country that has risked the lives of its young men and women and would spend $15 billion dollars on behalf of a place in which it has no economic interest, no strategic interest, and no territorial interest—only an interest in defending human rights.

Could we have achieved these successes without vigorous presidential leadership? We owe our position in the world to the choices made by the Framers at the Constitutional Convention. Imagine accomplishing what we have in the two centuries of our brief history without a strong federal government and a strong president.

More than our achievements, though, it is our public institutions that other nations seek to imitate. In every place I traveled around the world last month, every one of those six foreign Presidents talked about how they wanted to mimic American governmental institutions—our Congress, our President, our courts. They do not talk about our resources; they do not talk about the American people themselves; they talk about our institutions. It is these public institutions—not a common ethnicity or religion, which, of course, we do not share—that acts as the glue that binds this country together.

But although other nations clamor to model their institutions after ours, our own public discourse reflects a deep and abiding angst about and suspicion of our government. Last November, only 38 percent of Americans voted, a 50-year low that ranks the United States at or near the bottom of the world's democracies in voter participation. As of 1995, voter turnout in 14 European countries, by contrast, was above 70 percent.

And take Washington Post reporter Bob Woodward's recent book, Shadow: Five Presidents and the Legacy of Watergate, which New York Times columnist Frank Rich recently nicknamed ''All the Presidents Stink.'' Woodward's book puts between two covers a cynicism about government that you can purchase for fifty cents by picking up a daily newspaper, and for less than that by turning on your television. A style of attack and scandal journalism toward public officials dominates the news media—and studies by Kathleen Hall Jamieson, Dean of the Annenburg School of Communication and her colleague Joseph Cappella, have shown that cynical coverage breeds cynical voter reactions.

It produces the kinds of expectations what were well captured by Marvin Lucas, a 59-year-old custodial supervisor at a college in Milledgeville, Georgia. Responding to a Washington Post-Kaiser Foundation interviewer, Mr. Lucas said ''I compare politicians with used car salesmen: say one thing, do another.''

And the ''other thing'' that politicians do, of course, is to feather their own nests and the nests of special interest groups that support their reelection campaigns. That is the dominant opinion people have of American elected officials. If that is your starting point, it is no wonder that in 1994, 56 percent of Americans thought that government did more to hinder their family's achieving the American dream than to help them achieve it, while only 31 percent thought that government helped them. (The numbers had improved by 1997, but were still negative—47 percent to 38 percent).

Heaven knows that politicians are far from perfect, and our own missteps and, yes, deceptions, contribute to the country's cynical attitude. Some historians trace the contemporary decline in faith in government to Lyndon Johnson's 1964 Presidential campaign, where he pledged that ''no American boy will fight a foreign war on a foreign soil if I'm elected President.'' Within a year of that statement, Johnson had ordered massive increases in draft calls and the military build-up for the Vietnam War. Then Watergate cut right to the heart of our faith in elected officials.

And today, highly negative campaigning has become an art form, as each candidate tries to tag his opponent with being an insider, or else being a corrupt person who just hasn't had the chance to be corrupt on the inside yet. When Majority Leader George Mitchell was retiring from the Senate, he remarked to Jim Lehrer on the News Hour that so long as campaigns consist of one candidate calling his opponent a crook and the other calling his opponent a scoundrel, is it any wonder that Americans believe that Congress is filled with crooks and scoundrels?

So I don't want to understate the complexity of the sources of contemporary cynicism and distrust toward elected officials. What worries me, though, is that this cynicism and distrust is way out of proportion to the actual accomplishments of the federal government, and way out of proportion to the sincerity and honesty with which my colleagues conduct themselves every day in doing the country's business.

This public cynicism is not the only current raging in American politics today, however. There is a movement among intellectuals, historians, and political scientists to shift the locus of political power, or to ''devolve power,'' from the national government to the states. George Will, one of the champions of this ''devolution of power'' movement, explained its premise as follows:

[I]t is unwholesome that Washington, like Caesar, has grown so great. Power should flow back to where it came from and belongs, back to the people and their state governments, back to state capitals * * *

This is nothing less than a fight for the heart and soul of America. This is a fight about power. And it is a fight about who will be left in charge.

In my view, the value of devolution of power from the national government to the states can be overstated. Certainly the abuse of power, whenever it occurs, must be checked. The federal government admittedly does tend to grab power for itself without due regard for whether its goals can better be achieved at the local level. But the state and local governments, in contrast, tend toward parochialism without due regard for the national interest. Thus, devolution of power is not per se a good thing. At whatever level of government, it all depends how that power is used.

It cannot be that the Framers intended to hamstring the federal government in favor of the states. If that was their intent, why abandon the Articles of Confederation? And just try to imagine the United States attaining its successes to date without a strong national government and a vigorous President. To go one step further—imagine how difficult it will be to fortify our position in the world in the 21st century without a powerful central government.

The current cynicism about our public institutions, it seems to me, is also beginning to gain a foothold in the constitutional decisions of the Supreme Court, and that is also of concern to me, and is something I would like to spend the next few minutes discussing with you. Now first I want to say that today's Supreme Court is the best-informed, hardest working Court we have ever had. In particular, I want to commend Justice Souter, a native son of this great state of New Hampshire, for writing several of the most scholarly and persuasive dissents this Court has seen in recent years—dissents that I am confident will prove prophetic.

Yet the Supreme Court of today embodies both strands of the phenomenon now plaguing our American culture—both the public cynicism about, and the intellectual disdain for, our national government. The Court is sharply critical of the political branches of our federal government, accusing them in case after case this decade of arrogating power to themselves at the expense of state governments. But in assuming the role of ''Chief Protector'' of the allocation of power between the federal government and the states, the Supreme Court of late has regrettably adopted a court-centered view of the scope of federal power. In doing so, it has arrogated to itself a responsibility that more properly befits the political branches.

In my opinion, we have in the past eight years or so begun to see a series of opinions in which the Supreme Court has become bolder and bolder in stripping the federal government of the ability to make decisions on behalf of the American people. So far, the immediate effects of these decisions are real, but relatively modest. They may represent marginal readjustments in the allocation of power under the Constitution. On the other hand, if I am right and the jurisprudence is being driven by an oversized sense of distrust and cynicism toward democratically elected government—and especially toward the federal government—the decisions could constitute the beginnings of a sea change that could take us quite literally back to a style of judicial imperialism unseen in this country since the early 1930s.

The trio of cases decided by the Supreme Court at the very end of the last Term are a prime example of this court-centered view of federal power. For example, in its 5–4 decision in Florida Prepaid Postsecondary Education Expense Board v. College Savings Bank, the Court held that Congress had no power to subject the states to private patent infringement suits in federal court because in the Court's view, the statute was not ''appropriate'' legislation to enforce the Fourteenth Amendment. The Court said no to patent infringement cases against state entities because the Court—not Congress—decided that legislation remedying patent infringement by state entities was not really necessary. In so deciding, the Court made a quintessentially legislative judgment.

To the same effect was the companion case, College Savings Bank v. Florida Prepaid Postsecondary Education Expense Board, in which the Court dismissed out of hand Congress' effort to hold state entities accountable to private parties for misrepresenting the states' commercial products in violation of federal trademark law, because the Court decided that the statute did not protect ''property rights'' within the meaning of the Fourteenth Amendment.

The two Florida Prepaid decisions unfortunately flow directly from City of Boerne v. Flores, in which the Court in 1997 struck down the Religious Freedom Restoration Act as also exceeding Congress' authority under section 5 of the Fourteenth Amendment. In ruling that Congress had gone too far in protecting religious liberty, the Court in essence held that Congress had not done its homework to the Court's satisfaction. The Court attacked the legislative record as lacking what it considered to be sufficient modern instances of religious bigotry and found that the statute was ''out of proportion'' to its supposed remedial or preventive objects. Again, the Court in effect decided that a law simply was not really necessary.

Implicit in the Court's obvious willingness in Boerne to second-guess Congress' legislative judgment in the name of protecting

state governments is the notion that it is for the Supreme Court, and not Congress, to specify the meaning of the provisions of the Constitution, even when Congress claims to enforce the individual liberties protected by the Fourteenth Amendment.

It is as if the Court has forgotten that the only institution mentioned in section 5 of the Fourteenth Amendment is Congress. The text of section 5 is clear and simple: ''The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.'' It was for Congress, not the courts, to be the primary guarantor of individual rights as against oppression by state authorities, and for Congress, not the courts, to assess whether and what legislation is needed for that purpose. Remember that the Fourteenth Amendment was adopted in the long shadow of the Dred Scott decision. The court-centered view the Court has since taken of that amendment is directly at odds with the universal sentiment at the time of its adoption that it was our federal legislature, not the courts, that could best be trusted to police the states.

What seems to lie at the heart of the headline-grabbing cases of the past few terms is the Court's willingness to disregard the views of Congress in favor of its own. It is as if the Court believes that it has a better sense of the economic and other real-world implications of the laws Congress passes than do those elected by the people to serve in that branch.

The Court's recent decisions contain troubling echoes from the New Deal era, when the Supreme Court was swift to substitute its own judgment of what was desirable economic legislation for that of Congress and the President. Here is just one illustration from that bygone era: In Railroad Retirement Board v. Alton Railroad Co., the Court in 1935 struck down the Railroad Retirement Act as unconstitutional, in part because the Court concluded that it was not a valid regulation of interstate commerce. Congress enacted the statute, which established a compulsory retirement and pension system for all railroad carriers, to promote ''efficiency and safety in interstate transportation'' both by reducing the aging population of employees and by improving the employees' sense of security and morale. In its opinion, the Court stated, however: ''We cannot agree that these ends * * * encourage loyalty and continuity of service.'' We cannot agree. That is a breathtaking statement by a court which had abandoned its proper role. We cannot agree?

And in denying Congress what Justice Breyer in dissent has called ''necessary legislative flexibility,'' such as to create, for example, ''a decentralized system of individual private remedies,'' the Court has returned to the kind of court-centered conception of federal power that typified not only the New Deal era, but the Lochner era as well. As Justice Souter predicted in his Alden v. Maine dissent lamenting the Court's sovereign immunity decisions:

The resemblance of today's state sovereign immunity to the Lochner era's industrial due process is striking. The Court began this century by imputing immutable constitutional status to a conception of economic self-reliance that was never true to industrial life and grew insistently fictional with the years, and the Court has chosen to close the century by conferring like status on a conception of state sovereign immunity that is true neither to history nor to the structure of the Constitution. I expect the Court's latest essay into immunity doctrine will prove the equal of its earlier experiment in laissez-faire, the one being as unrealistic as the other, as indefensible, and probably as fleeting.

(Justice Souter, I sincerely hope that you are correct when you said ''probably as fleeting'' because if you are wrong, and the Court's pronouncements endure, then I am afraid that the country is in bigger trouble than I thought.)

Don't misunderstand me. I do not mean for a second to disparage the role of the states. The states play a critical part in warding off tyranny by the national government and in performing all the fundamental functions with which the governments closest to the people are charged. Certainly those of you who live in this great state of New Hampshire—whose motto is ''Live Free or Die''—understand that better than anyone else. As James Madison wrote in the Federalist Papers:

The powers reserved to the several States will extend to all the objects which, in the ordinary course of affairs, concern the lives, liberties, and properties of the people, and the internal order, improvement, and prosperity of the State.

But we should think long and hard before allowing one branch of our government—the federal judiciary—to cripple its co-equal branches, the political branches, of government. To do so is to put in jeopardy all that we have accomplished in our brief history and all that we may do in the future.

I must tell you that I am gravely concerned about the direction the Court is headed. I have a particular stake in this which I will confess now and that is the fate of the civil rights remedy created by the Violence Against Women Act of 1994, which I wrote. Earlier this year, the U.S. Court of Appeals for the Fourth Circuit invalidated the civil rights remedy in Brzonkala v. Virginia Polytechnic Institute & State University, and the case may come before the Supreme Court in the coming Term if the Court grants review.

The civil rights remedy creates a new federal cause of action allowing a victim of gender-motivated violence to sue her attacker in court. I believe—indeed, I know—that violence against women restricts the participation of women in the national economy, inhibits their production and consumption of goods and services in interstate commerce, and obstructs their ability to work and travel freely. In short, violence against women was, and is, a national problem of epic proportions that substantially and adversely affects interstate commerce. A massive legislative record compiled after four years of fact-finding hearings in Congress irrefutably confirms the impact of violence against women on the national economy and interstate commerce.

When we enacted the Violence Against Women Act civil rights remedy in 1994, the Senate Judiciary Committee explicitly found that the provision satisfied the ''modest threshold'' required by the Commerce Clause, and we in Congress were confident of the statute's constitutionality. The civil rights remedy quite appropriately attempted to remove an obstruction to interstate commerce, much as the Civil Rights Act of 1964 barred race discrimination in hotels and restaurants because such discrimination, as the Court put it in upholding the statute, ''imposed 'an artificial restriction on the market.'''

But less than a year after we enacted the Violence Against Women Act and its civil rights remedy, the Supreme Court decided United States v. Lopez and invalidated, as beyond Congress' Commerce Clause authority, the Gun-Free School Zones Act, which prohibited the possession of a firearm within 1000 feet of a school. In the wake of Lopez, I find myself asking: Will this Court accept the congressional judgment that violence against women adversely affects the national economy? Or will this Court second-guess the remedy we chose to address that effect?

Ironically, the Court may find itself the champion of states' rights that the states do not even want. Just as with the Patent Remedy Act, where no state testified in favor of immunity from private patent infringement actions, the vast majority of states strongly favor the Violence Against Women Act civil rights remedy. Forty-one state attorneys general wrote to Congress in favor of the statute, including the civil rights remedy, before its enactment. Only a few weeks ago, 33 Attorneys General submitted an amicus brief to the Supreme Court asking the Court to grant the petition for certiorari and uphold the statute because the states ''agree with Congress that gender-based violence substantially affects interstate commerce and the States cannot address this problem adequately by themselves.''

I also fear that the Supreme Court's readiness to disregard the people's judgment has served as a clarion call to the federal courts to usher in what Judge Douglas Ginsburg of the U.S. Court of Appeals for the D.C. Circuit has called the ''Constitution in Exile.'' According to Judge Ginsburg, the doctrine of enumerated powers, the nondelegation doctrine, the Necessary and Proper, Contracts, Takings, and Commerce clauses, had become ''ancient exiles, banished for standing in opposition to unlimited government.''

In service of this ''Constitution-in-Exile,'' the lower courts have begun to read the Constitution in a revolutionary way. Thus, a district court in Alabama decided, remarkably, that the Superfund amendments were unconstitutional because they did not regulate interstate commerce, a decision later reversed on appeal. Similarly, the Fourth Circuit's ruling striking down the civil rights remedy of the Violence Against Women Act transforms Lopez v. United States from an important reminder that Congress' commerce power is not without limits, into what is arguably the most momentous decision of the last fifty years regarding the scope of federal power.

That same court of appeals has tightened the noose in yet another way. The Fourth Circuit ruled last year in Condon v. Reno, a case now under review by the Supreme Court, that Congress may not pass a law when that law applies only to the states, and not also to private individuals. In other words, Congress may not require the states to comply with federal law if the law does not also affect private individuals.

The jury is still out on whether the Supreme Court will let the other shoe drop and sustain these additional restrictions on federal power, but the Court seems primed and poised to do so. Much hangs in the balance. If your eyes glaze over when I speak about Congress authorizing private actions for patent infringement or trademark violations by state entities, then think about the Fair Labor Standards Act, which the Court held last June in Alden v. Maine could not be enforced against noncompliant states by state employees seeking backpay. How far we have come from the Framers' vision of a federal government strong enough and flexible enough to do the people's business. As Justice Souter observed in his dissent in Alden v. Maine:

Had the question been posed, state sovereign immunity could not have been thought to shield a State from suit under federal law on a subject committed to national jurisdiction by Article I of the Constitution.

Other cases could potentially serve as a resounding wake-up call as to the extent to which the federal government's hands have been tied in addressing problems of national import. In the coming Term, the Court will take up the question whether the Congress had the power in the Age Discrimination in

Employment Act to authorize private law suits against state violators. A case raising a similar issue with respect to the Americans with Disabilities Act is sure to follow. And if the Court says no, private individuals who suffer age, disability, and other forms of discrimination at the hands of state actors will have few means at their disposal to enforce their rights under federal law, and the federal government will rarely be able to help them.

The Court left open the possibility that the federal government could sue noncompliant states, but if you think that it is realistic for the federal government to come to the rescue by going into court on a regular basis to vindicate the federal rights of private individuals, think again. I do not see a massive expansion of the federal litigating corps happening any time soon. Nor do I see how that could be anything but self-defeating if the goal is to minimize the federal intrusion into state government affairs. By elevating the states' sovereign immunity to an immutable principle of constitutional law, the Court, as Justice Breyer recognized in his College Savings Bank dissent: ''makes it more difficult for Congress to decentralize governmental decisionmaking and to provide individual citizens, or local communities, with a variety of enforcement powers. By diminishing congressional flexibility to do so, the Court makes it somewhat more difficult to satisfy modern federalism's more important liberty-protecting needs. In this sense, it is counterproductive.''

Now don't get me wrong. Sometimes the federal and state governments do not get their relationship quite right. We do not have infallible institutions. But when the Supreme Court restricts the flexibility of Congress to decide how best to address national problems within the scope of its enumerated powers, the Court truncates the learning process otherwise underway in our political institutions—a result a conservative court—conservative with a small ''c''—should hesitate to effect.

The Court has imposed by fiat limitations on the exercise of federal power that might very well have come about without the Court's interference. In other words, the Court in Garcia v. San Antonio Metropolitan Transit Authority got it right when, in 1985, it overruled National League of Cities v. Usery, a case decided a decade earlier, that had restricted the federal government's power to regulate the states ''in areas of traditional governmental functions.'' Instead, the Court announced in Garcia that the political process, not the Court, should serve as the principal check on federal overreaching. I must disagree with the notion that leaving it to Congress and the President is like leaving the fox to guard the chicken coop, or as Justice O'Connor put it in her dissent in Garcia, like leaving the ''essentials of state sovereignty'' to Congress' ''underdeveloped capacity for self-restraint.''

The Violence Against Women Act civil rights remedy is a good example of Congress' developing capacity for self-restraint. At the outset, those most concerned about domestic violence and rape wanted a statute with a broad sweep, and so we started out by introducing a provision in 1990 that arguably would have federalized a significant portion of state laws against domestic violence and rape. But the Conference of Chief Justices of State Supreme Courts, the Judicial Conference of the United States—and Chief Justice Rehnquist, in particular—pointed out to Congress, while the bill was under consideration, that the civil rights provision might significantly interfere with the states' handling of domestic relations and rape cases, while at the same time, overburdening the federal courts. The federal and state judiciaries raised the concern, we examined it, and we decided that they were right. Congress then carefully redrafted the civil rights remedy so that it would not have that effect.

There are other recent examples—such as the Unfunded Mandates Act—that came about because the states complained to Congress that we were forcing them to use their tax dollars to do whatever we mandated in Washington. The states staged a mini-rebellion. So Congress wrote a new law requiring federal restraint. And for that, I must give my Republican colleagues their due.

But when the Supreme Court plays traffic cop on the streets of federalism, the Court does our country a disservice by cutting this national political dialogue short. We are already reaching many of the conclusions the Court has now cemented into the Constitution. James Madison wrote in the Federalist Papers that the new federal government would be sufficiently national and local in spirit as ''to be disinclined to invade the rights of the individual States, or the prerogatives of their governments.'' Our political institutions can be trusted. The Framers understood this.

In short, the disconnect between our public and cultural perceptions of our institutions and reality is stunning. Keep in mind that the rest of the world is struggling to emulate our institutions because they believe it is our institutions that separate us from other nations—indeed, from other democracies—and are the bedrock upon which our successes are founded.

Yet our public discourse, our legal opinions, our very culture, are compelling us to overlook or scorn our own accomplishments. We are losing, as a nation, the communal notion that our strength lies in our institutions. Relentlessly accentuating the negative when it comes to our political institutions, however, eclipses our considerable successes. And this predilection to distrust the political branches now seems to be shared equally by the judicial branch, not only when it comes time to decide how to distribute power between the federal government and the states, but also when it comes to making a judgment of what is in the best interests of Americans.

I talked to you tonight about cynicism, devolution of power, and how we got here. In my view, all of that can be overcome by the right leadership, the right people in power, who will recharge the public's imagination and confidence. The public mood can be transformed in an election, a single cycle. Maybe it will take a generation. But it can be changed. Elected officials who cater too much or too little to state interests can be voted out of office. But if the Supreme Court chisels into stone new constitutional restrictions on federal power, new hoops through which Congress must leap, where will we be then? You cannot go to the polls to undo a constitutional ruling of the Supreme Court. There is no further appeal—no appeal to a higher court, no appeal to the voters. Nothing short of a new constitutional convention or an amendment to the Constitution—and you know how easy that is—or will do. James Madison was right: trust the political process. ''WE CANNOT AGREE''? Please.

Let me conclude by making the following simple point: if, at the federal level, we are such a failure institutionally, why does the rest of the world look to us to copy our supposed frailties? If we are such a failure—with our last six Presidents supposedly flops—how is that our incomes are actually growing, crime is going down, drug use is down, and our economy is in better shape than that of any nation in the history of the world? How did we produce a nation willing and able, as the President of Bulgaria pointed out, to spend billions of dollars and risk the lives of its men and women to advance the cause of human rights? Did it happen by chance? Did it happen by accident? It happened as a direct result of our unique political institutions.

The Framers set out to create a centralized government robust enough to deal with national problems, but with built-in guarantees that it be respectful of, and sensitive to, local concerns. There is an inherent tension in the document. But look at the sweep of history: as the balance of power has shifted back and forth between the national government and the states, our resilient political branches have adjusted and responded. The rest of the world gets it.

We must remember that politics—and politicians—are not the enemy. The Constitutional Convention was composed of men who were regarded as gifted even in their own day. As the French charge d'affaires wrote to his government as the Convention convened:

If all the delegates named for this Convention at Philadelphia are present, we will never have seen, even in Europe, an assembly more respectable for the talents, knowledge, disinterestedness, and patriotism of those who compose it.

Above all else, these men were politicians. And I am not suggesting by this that our government today boasts the likes of a Jefferson or a Madison, but I am suggesting that we have fine and decent men and women with significant capabilities who choose public service. And some of you are among them.

The hostility we see from the Supreme Court toward the elected branches of government is the same suspicion we see in the eyes of the ordinary person on the street. ''Politics'' has become a dirty word. But as those of you here who live in this state of strong local community governments and town hall meetings, know better than anyone, ''politics'' is fundamental to how we govern ourselves in a democracy. At the end of the day, politics is the only way a community can govern itself and realize its goals without the sword.

So I stand before you today, on this 212th anniversary of the completion of the work of the Constitutional Convention, ready and willing to defend politics—even national politics. It was what those 50 gentlemen, all strangers, who met 212 years ago defended and vindicated. And it is what, in the end, has made and will continue to make us secure and strong.

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.

The 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 Chair recognizes the Senator from Montana.

Mr. BURNS. The ranking member of this committee has some chores to do. I am finding no one on the floor who wants to talk on this piece of legislation, unless the Senator from Delaware wants to make his Kosovo statement.

Mr. BIDEN. I will do whatever the Senator would like me to do.

Mr. BURNS. I tell the Senator, I have a feeling we are not going to really get into the meat of this bill until after the policy luncheons.

If the Senator would like to open it up, say, with your statement at around 2:15, we might be able to arrange that. Until then, I would put the Senate back into morning business.

Mr. BIDEN. Mr. President, if the Senator will yield, I would be happy to do that. But would I be able to appropriately ask unanimous consent that I be recognized first, unless the managers wish to be recognized, when we reconvene after our party caucuses?

Mr. BURNS. Let's hold up for a minute until we get some consultation.

Mr. BIDEN. Mr. President, let me rephrase that. I ask unanimous consent that after the managers and/or either party leader I be recognized to make my statement on Kosovo.

Mr. BURNS. I have no objection.

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

Mr. BURNS. I thank my good friend from Delaware.

Mr. President, seeing no one to speak on this issue—and I think most everybody is awaiting the debate for this afternoon—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. BURNS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

MORNING BUSINESS

Mr. BURNS. Mr. President, I ask unanimous consent that there be a period for the transaction of morning business until 12:30 p.m. today and that Senators be permitted to speak therein for up to 10 minutes.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

THE DISASTER IN NEW MEXICO

Mr. DOMENICI. Mr. President, I note on the floor with me this afternoon is Senator BINGAMAN. We are both here to speak about the disaster and catastrophe that has occurred in New Mexico. I would like to speak maybe for 5 or 6 minutes, then yield to my colleague, and then come back and do a little more.

During my time in the Senate, which is now approaching 28 years, I vividly remember coming down and hearing Senators have to tell the Senate about a disaster of significant proportions in their home State. The Senator wanted to tell us about how bad things were and lay the groundwork for the Congress, the Government of the United States, to do what it must to help those who are victims in a disaster.

To tell you the truth, I have been to Los Alamos, oh, so many times over the last 28 years. Most of them have been very joyous occasions, when we met with some of the greatest scientists in the world, talked about some fantastic science, met some wonderful people, and saw a beautiful town up there in the mountains. It came into being when the United States of America decided a former boys' academy up there in the mountains would be the center around which we would develop our first atomic weapons. It was a closed city for a long time but a beautiful place.

Sure enough, never did I expect to see what I saw last Thursday when Senator BINGAMAN and I, the Secretary of Energy, and James Lee Witt, the head of our emergency disaster relief agency for the United States, and others flew out there. Then we helicoptered around. Then we drove the streets to see what was occurring.

Senator BINGAMAN took a little different tour than I. He saw some of the housing. I saw where they set up the headquarters to manage and operate things. So he will have some very vivid recollections of what he saw, of houses burned to the ground.

Essentially, it is, indeed, a very sad day when probably one of the greatest laboratories human beings have ever set up—in terms of great science, not just because of great buildings but because great scientists have lived there and worked—is surrounded by flames. Many people supported those most talented of Americans—and even some of our greatest friends from other countries have been there as part of America's research in atomic and nuclear weapons safety, responsibility, and reliability—to go there and see a ghost town as you drive the streets, with smoke on one side, fire on one side, a house burned down, your heart kind of goes out. A great deal of empathy pours from you.

We are very lucky, the Senate should know; even though over 44,000 acres have burned, something like 400 housing units have burned to the ground, and upwards of 25,000 people have been evacuated—many are returning now. Damage and fire are still going in some of the canyons—but, we are very grateful that in the canyons that are still burning there are not very many housing units in the path. The forest is still burning and will burn for a long time. Yet nobody died, nobody got seriously hurt. Two or three firemen were injured, as I understand it, and none of those was serious.

The fire is now no longer threatening the houses of the city of Los Alamos or of White Rock, the adjoining community. In some very miraculous way, none of the big administrative and research buildings of the laboratory was hit by this fire. It went around them and got some housing subdivisions, but only a few buildings of minor significance that are part of this enormous science complex were burned.

The houses that burned, burned right to the ground. All that is left is cement foundations, as Senator BINGAMAN will describe and perhaps show some pictures. If there were houses that had cars in the front yards, the cars were burned to a crisp. The metal is twisted and burned. In some places, you can see an icebox that is hanging over the vacuum that used to be sheltered by walls and roofs. The icebox just melted. It is no longer even noticeable. You cannot recognize it as being such. It is melted and completely different in form.

Essentially, all this was going on right around and close to a laboratory that does an awful lot of nuclear work, that has some compounds that are housed in cement bunkers so nothing can happen to them. And, sure enough, to this day there has been no radioactivity escape from any of these buildings and/or research facilities.

That is not just the Federal Government saying it. The New Mexico environmental department has monitored this. The greatest and best monitors from around the country are located there, and the ambient air monitors have indicated there is no radioactivity in the air. So now we have to start back up the path of trying to see how we can rebuild the lives of people there.

I am not going to go into detail other than to say we are beginning to move in the right direction. The laboratory personnel will begin to move in and see what is needed. In one of the communities, people are coming back. Parts of Los Alamos will be reoccupied soon. But I am sure Senator BINGAMAN and I will be asking the Senate, from time to time, to assist us, either with legislation that will direct how this should be handled, or certainly with money that will make the repairs and bring this facility back to where maybe we could say we will make it as whole as possible.

I want to close my first few remarks, and then yield to my friend, Senator BINGAMAN, by saying that right next to this forest, which surrounds Los Alamos, the Los Alamos property that belongs to the Department of Energy, is a national monument called Bandelier. It is rather renowned.

Both Senator BINGAMAN and I have had reason to work specifically for things to preserve and make the Bandelier National Monument a great and beautiful place. But it appears that in order to clear out that Bandelier forest a bit, because so much growth had accumulated and because of so many fallen trees and other things, that a planned burn took place. It looks as if

that planned burn got out of hand. It further looks as if it maybe should not have been started at all. I think the House passed a resolution today indicating that the U.S. Government is responsible for all these damages because of this controlled fire that got out of hand. Surely that will be looked at.

The Energy and Natural Resources Committee, chaired by Senator MURKOWSKI, with Senator BINGAMAN as ranking member, has asked the General Accounting Office to begin an investigation. The executive branch has been rather forthcoming. They have told us, by Thursday evening, no later than Friday, they will give us, and I presume the people of New Mexico, the country, and Los Alamos, the results of an evaluation by some of the Government's best experts on controlled fires and forest maintenance. They will tell us what they think went wrong.

At this point, I do not think there is any question that, at least—I start with the proposition, and I am certain Senator BINGAMAN will address the same issue—we are responsible to make that community whole, to make those individual residents who lost their homes and lost their property whole, and whatever expenditures have been incurred by the people and by the community that we, as a national Government, must make them whole. I am not sure what that means. But it will not take us long to find out.

In the meantime, I am very pleased that New Mexico's delegation is going to meet this afternoon. Hopefully, we will all be working together, the three House Members and the two Senators—Senator BINGAMAN and myself—in an effort to bring before the Senate and the House the appropriate remedies and the appropriate resources that are needed to do everything we can to make that community whole and make the individuals who have been subject to this terrible disaster as whole as possible.

I have additional remarks, about another forest fire occurring in another part of New Mexico and about some of the heroes there. There were heroes in other fires, too. But I yield to Senator BINGAMAN for his comments, and then I will reclaim some time when he is finished.

I thank the Senate and the Presiding Officer and yield the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from New Mexico.

Mr. BINGAMAN. I thank my colleague, Senator DOMENICI.

It is a pleasure to work with him in trying to solve some of these imminent problems that afflict our State. We hope very much we can do that in an effective way, with the help of the rest of the Senate and the rest of Congress.

Mr. President, on May 4, National Park Service officials set a fire in Bandelier National Monument to clear brush and deadwood that had accumulated in one corner of the monument, known as the Cerro Grande. We all know now what happened next.

That fire became an uncontrollable wildfire as high winds fanned the flames over the next several days.

Its smoke plume stretched across New Mexico and into Texas and Oklahoma—a plume that was visible from outer space.

The fire spread across the Santa Fe National Forest and torched the northern and western parts of the City of Los Alamos, destroying 260 homes and other residential units that had housed over 400 families.

The fire has, as of yesterday evening, consumed over 44,000 acres. Its perimeter last night was 85 miles.

The City of Los Alamos and the neighboring community of White Rock evacuated a total of over 20,000 people. A voluntary evacuation of 3,000 persons also took place in the next closest city, Espanola

The fire has damaged over 10 percent of the Santa Clara Pueblo Indian Reservation, where 1,500 people live, and threatens both the water supply and economic lifeline for that community.

On Saturday, President Clinton declared a Major Disaster in 12 New Mexico counties, as a result of the Cerro Grande fire and wildfires in several other locations in the State.

This week, and perhaps next week as well, we will be considering appropriations bills that contain emergency supplemental spending for a variety of disasters that have occurred over the past several months. I believe that it is important for the Senate to make some critical adjustments to these spending bills to mitigate the effects of the Cerro Grande fire, and to prevent the occurrence of other catastrophic fires in the West this spring and summer.

As a first step, we should consider additional defense emergency spending to mitigate damage that has occurred at Los Alamos National Laboratory due to the fire. Thankfully, the laboratory was spared major destruction. At the same time, the damage to the laboratory was not zero. A number of buildings and trailers were destroyed, and the fire pointed up some systemic weaknesses in some of the laboratory's emergency and security systems that need to be addressed

Second, we need to deal with the aftermath of the destruction of dwellings for over 400 families in Los Alamos. The Administration and the Congress needs to act quickly to make them whole for the destruction of their homes and the loss of their belongings. I'm sure we have all seen pictures that show the total loss suffered by many families.

Making these Los Alamos community members and their families whole is not simply a matter of fairness—the government, after all, set the fire that burned them out. What happens to the residents of the City of Los Alamos and the surrounding communities also affects our national security.

The prime national security asset at Los Alamos, when you stop to think about it, is not some scientific facility at the lab or a stockpile of some special nuclear material. The most important national security asset at Los Alamos are the people who work there. It is their brains, their special expertise, and their detailed knowledge of nuclear security issues that won the Cold War. Without the continuance of this human resource, the long-term future of our nuclear deterrent will be in jeopardy, and we may find ourselves prone to unpleasant surprises in a world where nuclear proliferation is still an important threat.

If we do not act quickly to help the scientists and engineers at Los Alamos rebuild their lives there, some of them may take their insurance money and go to rebuild their lives in other places where they can find high-tech employment. That would be a terrible loss to this country's national security. I believe that we have to especially worry about two populations at the laboratory who may find it hardest to rebuild there—the young scientists and engineers who have recently been hired at the lab, and the scientists and engineers who are nearing retirement.

The young scientist or engineer who has been at the laboratory for only a few years has many other professional options in today's high-tech economy.

For most of them, working at Los Alamos pays considerably less than working for the private sector. Many of these individuals may not be fully insured for their potential losses. If we face these younger investigators with a prolonged stay in temporary housing a substantial distance from the laboratory, or if we ignore their uninsured losses, they may wonder about our long-term commitment to their careers supporting the nuclear security of this country. Already, there have been concerns that the recent attrition rate for these investigators has been higher than the historical average.

Another population at risk for loss to the lab is typified by the senior scientist or engineer who is close to retirement. It is hard for these individuals to start all over again, when they face the prospect of a potential second starting-over when they retire in a few years. These individuals are particularly needed over the next 4 to 5 years. That is the time period during which we will have to make the transition from a laboratory workforce with substantial experience in designing and conducting underground nuclear tests to a workforce that will have to maintain our nuclear stockpile without nuclear tests. According to an analysis carried out last year for my staff, much of the workforce at Los Alamos with substantial experience at the Nevada Test Site testing the primary components of nuclear weapons is aged 56 or older. The lab has an aggressive plan to capture and formalize their expertise in computer models over the next 4 to 5 years. We need to validate the computer codes that will be used in the long-term to certify the nuclear

weapons stockpile before these weapons designers with direct test experience retire.

As far back as 1955, laws like the Atomic Energy Communities Act stated that the continued morale of nuclear defense laboratory personnel ''is essential to the common defense and security of the United States,'' and that the federal government needed to maintain conditions in these communities ''which will not impede the recruitment and retention of personnel essential to the atomic energy program,'' as the nuclear weapons program was then called. These principles are still true today. They indicate that we quickly move to restore the homes, the community facilities, and the physical infrastructure of the communities around the laboratory.

In addition to the workers at Los Alamos National Laboratory, the Cerro Grande fire is also threatening some of the most economically vulnerable citizens of northern New Mexico. These are the rural residents and the Native Americans who depend critically on the land that is being burned and its resources for their livelihood. I am particularly concerned about the residents of the Santa Clara Pueblo Indian Reservation, who face the loss of their natural water supply and of numerous sacred and historic sites as the fire progresses. Native American firefighters have been at the forefront of battling this blaze, and have been unstinting in their time and efforts to protect the federal government's property and that of their neighbors. We need to make sure that they are not forgotten in any restitution and recovery plan.

The Cerro Grande fire is one of several major fire disasters now facing the State of New Mexico.

Down in Otero County, New Mexico, near the town of Cloudcroft, the Scott Able fire in the Lincoln National Forest has burned over 21,000 acres. The fire was started last Thursday by a downed power line and is still not contained.

In Otero and Lincoln Counties, the Cree Fire, which started May 7 from a campfire, has burned over 8,700 acres. It has cost over $1.7 million to fight this fire to date.

Up north in Mora and San Miguel Counties, the Manuelitas Fire in the Santa Fe National Forest, which also started last Thursday from an unknown cause, has burned approximately 1,400 acres. And yesterday, another fire broke out and closed a five-mile portion of Interstate 25 near Pecos, New Mexico.

We need to make sure that we provide the persons and communities who have been damaged by these fires emergency relief and, where appropriate, compensation, as well.

All of these fires, taken together, illustrate the broader danger that States like New Mexico face in this severe fire season from areas of our national forests and public lands that are very close to towns, but in need of management of their vegetation to remove or reduce the dangers of wildfire and to improve the health of the forests. The Forest Service has asked for funds for the past few years to support such activities. This kind of funding would reduce the risk to human life and property while providing a source of local jobs in the rural West. As part of the upcoming emergency appropriations, we need to make sure that we not only provide extra funds for fire fighting, but also for the type of vegetation management, including thinning the forests of certain small-diameter trees, that will help prevent catastrophic fires near cities and towns in the West that are bordered by public forests.

I hope that all my colleagues here in the Senate will join me in making sure that the destruction caused by this fire is quickly remedied, and that the funds are rapidly made available to help prevent more repeats of that destruction this spring and summer out West.

Mr. President, to reiterate, it is clear now, and acknowledged by the Park Service and by the Secretary of the Interior, that the fire was started by the Park Service on May 4 —well over a week ago—and was set as a so-called controlled burn, which got out of control.

This is, unfortunately, not the only instance we know of right at this current time where we have fires out of control which started as controlled burns. So we have a serious problem here.

Let me show you a couple of these photos that have been in the newspapers in New Mexico and in some of the national newspapers to show what we are talking about.

As you can see from this photo, this is the smoke plume from the fire. From the photo, you can see the red. This is Los Alamos. This is the State of New Mexico. This is the State of Colorado above, and then Texas and Oklahoma.

You can see this smoke plume extending to the east out of Los Alamos and out of New Mexico into Texas, into Oklahoma, and into Colorado. That gives you some sense of the size of this conflagration we have been trying to put out as a result of this so-called controlled burn.

I have one or two other photos which I also would like to show, just to give you an idea. This is a picture of the perimeter. Last night the perimeter of this fire was 85 miles. The fire has now destroyed something over 44,000 acres. This photo shows the largest of the fires.

As Senator DOMENICI has said, we have other fires going on in our State. Those have also been devastating for those communities.

Let me just mention those and indicate that we hope that whatever we do here will also provide relief for those communities as well.

The Cerro Grande fire is the largest in our State. But in Otero County, near Cloudcroft, we have the Scott Able fire which has burned over 21,000 acres. The fire started last Thursday by a downed power line.

In Otero and Lincoln Counties, the Cree fire was started May 7 from a camp fire. It has burned nearly 9,000 acres.

Up in Mora and San Miguel Counties, we have another fire that was started last Thursday that has burned approximately 1,400 acres.

We have serious human tragedies resulting from each of these fires. We hope we can get it all addressed.

The particular thing about this large Cerro Grande fire at Los Alamos, as Senator DOMENICI pointed out, is it was started by the Government. The laws we have passed, as I understand them, providing for Federal assistance in the case of disasters, do not contemplate a circumstance where the disaster was caused by Government action. They are generally disaster relief proposals and resources made available through those statutes, because the Government is stepping in to try to assist where there has been a hurricane or there has been an earthquake or there has been a flood or there has been a fire. Here we have all of that, but we also have the extra overlay and responsibility that I think comes with the fact that the Government set the fire.

Los Alamos National Laboratory was spared major destruction. That is a very important fact. It was not spared totally. There have been some damages. I hope we can see to it that those damages are repaired. But fortunately for the country, as well as for our State and the community of Los Alamos, the major facilities of the laboratories were not burned.

I do think this fire, though, reminds us of our national security assets located in Los Alamos. They are not just the facilities, and they are not just the nuclear material or equipment that has been developed there over many decades; the main asset we have there with a national security significance to it is the scientists and engineers and other people who work at that facility.

For that reason, it is absolutely essential we step up, as Senator DOMENICI said, to make these people whole, do what can be done by way of resources at this point, to help them rebuild, help them get through this period of turmoil, and get back to work on our very important national security needs.

We have various distinctions in our State. One that I have always enjoyed is that we have more Ph.D.'s per capita in New Mexico than any other State in the Union. People say, well, that is an unusual statistic. It is a statistic which relates directly to the Los Alamos National Laboratory and to the Sandia National Laboratory.

We have many extremely well-trained, well-qualified people working there. These are people who have alternative careers they can pursue; these are not people who need employment there. They could go to any of a number of private firms and be compensated, probably substantially better

than we are compensating them to do this very important national security work.

We need to keep those people at our laboratory. We particularly need to keep those people, the young ones who have come in recently and those who are near retirement but who have very valuable information and very valuable expertise, in our nuclear-weapons-related work.

I know there is an aggressive plan that the Department of Energy and the Los Alamos National Laboratory have developed for the next 4 to 5 years to try to capture some of that expertise and ensure that we retain that before some of these people retire.

We cannot allow this fire and this disruption of activity in the laboratory and in the community of Los Alamos to interfere with our ability to keep that expertise at that laboratory. So that is an important reason why this needs to be done quickly, why we need to move aggressively to deal with this.

Let me also mention the other populations in our State that have been very adversely affected by the fire. One, of course, is the Santa Clara Pueblo. If the fire continues—and it has already consumed some 10 percent of their reservation—it continues to threaten that pueblo and the livelihoods of many of those people. We need to see to it that whatever we are able to do benefits them and helps them to recover from the devastating effects of this fire, as well as other individuals in Rio Arriba County, Santa Fe County, and the community of Espanola.

All of those factors need to be taken into account. There is a long list of needs that people will have and a long list of damages that people in the communities involved and the businesses involved will have suffered. I need to just say that, to my mind, we need to step up and accept responsibility. We, the Federal Government, we, the country, need to step up and accept responsibility for making those people whole.

These natural disasters can result in extended litigation and efforts by people to try to get compensated. We hope that can be avoided to the extent possible in this case, because we hope that we can get a sufficiently effective and coordinated and rapid response from the Federal Government to allow that to happen. So I hope very much that all of this occurs.

Mr. President, on behalf of Senator LEVIN, I ask unanimous consent that following the remarks of Senator BIDEN, Senator LEVIN be recognized for up to 30 minutes.

Mr. DOMENICI. On behalf of the manager of the bill, I have been asked to object to that. I object.

The PRESIDING OFFICER. Objection is heard.

The senior Senator from New Mexico is recognized.

Mr. DOMENICI. I thank Senator BINGAMAN for his remarks and his observations.

Mr. President, I've visited Los Alamos countless times during my years of service in the Senate. I've been there for many celebrations, celebrations of their immense contributions that have helped to preserve our national security and maintain our scientific leadership.

Well, I was there a few days ago, and it was no celebration. I witnessed incredible devastation caused by the massive forest fire that is ravaging the area. Thousands of beautiful trees have burned and smoke was rising everywhere. Hot winds were fanning new flames. Thousands of acres of forest were devastated. The lives of many people were shattered. Over 20,000 people had been evacuated, and were receiving shelter with friends and in public areas. Many homes lay in ruins, consumed by flames.

These are homes of people who have dedicated their lives to preserving our precious freedoms. They are true patriots. It only added to my heavy heart to know that the fire was caused by an ill-advised ''prescribed burn'' in nearby Bandelier National Monument.

In the face of the tragedy, I was immensely impressed with the superb emergency services that were being provided. The State Governor spent a long night in Los Alamos. The Red Cross set up shelters throughout the northern area. The Forest Service mobilized hot shot firefighting units and brought superb expertise, capabilities, leadership and coordination to this horrible situation. The FEMA Administrator was on site. The Secretary of Energy arrived with some of his key staff.

The local emergency personnel were doing wonderful work, trying their best to safely cope with the immense challenge of protecting public safety during a complex evacuation, while also ensuring that none of the hazardous operations at the Laboratory caused additional concerns. The evacuation of Los Alamos took only about half the time anticipated, partly because they had recently practiced an evacuation drill.

There have been many acts of heroism, in which emergency personnel performed critical functions. Many of the lab personnel who manned emergency posts lost their homes in the fire, yet they continued at their stations to ensure the safety of others. People from throughout New Mexico reached out to help their neighbors. Assistance to evacuees from Pojoaque, Espanola, Taos and Santa Fe, along with other communities throughout the State, has been heart warming. Community leaders of these areas, like Jake Villareal from Pojoaque Pueblo and Richard Lucero from Espanola, were some of the first to offer generous assistance.

Given the state of the devastation, it's amazing that there has been no loss of life, or even serious injuries. The fire burned over bunkers full of high explosives—those bunkers provided the planned levels of protection and there were no accidents. Laboratory buildings, which house hazardous operations, remained secure, thanks in large part to years of careful planning. In fact, Laboratory leadership, under the direction of John Browne, deserves accolades for assuring that the Laboratory did not compound the fire-related crises, and bringing the laboratory through the events without significant loss of the facilities they require to accomplish their mission.

In the near term, we need to care for the immense human dimensions of the tragedy. We must ensure that people have adequate shelter, that public health and safety are protected, that public services are rapidly restored, and that some semblance of normalcy can return to their lives. We need to provide assistance to people as they rebuild their lives and their houses.

In the longer term, we need to ensure that the town regains its vitality, which is essential for our national Laboratory to return to full productivity. With the cessation of nuclear testing, the challenges facing that Laboratory are even greater than in years past. Now we've asked their staff to assure that our nuclear deterrent is safe, secure, and reliable—and do it without any nuclear tests. Our nation depends on that deterrent. We need these patriots to continue their work.

While I'd like to list the groups and individuals that have worked together to mitigate this catastrophe, that's really an impossible task. I do want to especially thank President Clinton, FEMA Administrator James Lee Witt, and regional FEMA Director Buddy Young for their quick reaction to this devastating disaster. FEMA's assistance has and will continue to be critical in helping to make the community whole again.

Up to this point, much of the focus has been on the tragedy facing the Laboratory and the communities of Los Alamos County, but there are additional dimensions to this horrible fire. It is still burning, and may threaten other communities. In fact, it could burn for months, as dry fuel in these mountain areas is plentiful.

As we are speaking, the Abiquiu land grant has been voluntarily evacuated. Beautiful and sacred areas of the Santa Clara Pueblo are burning or are threatened. We must make the same assistance package being prepared for the Los Alamos community available in these other locations, if this fire damages property there.

Last Wednesday, Governor Johnson requested that the President declare a state of emergency in New Mexico, and President Clinton signed that request within hours. The emergency declaration triggered immediate assistance to Los Alamos, as well as Sandoval and Santa Fe Counties, and Rio Arriba County was added soon thereafter. The emergency declaration provided for short-term assistancem including funds for things like: Food, water, medicine and other essential needs; shelters and

emergency care; temporary housing assistance; emergency repairs and demolition; and emergency communications service and public transportation.

Over the weekend, at Governor Johnson's request, the President declared parts of northern New Mexico to be a federal major disaster area. This triggers additional federal assistance from FEMA and other agencies for the following counties: Bernalillo, Cibola, Los Alamos, McKinley, Mora, Rio Arriba, Sandoval, San Juan, San Miguel, Santa Fe, Taos and Torrance.

FEMA has only begun the process of assessing the damage, but the assistance will include funds to help individual families with rental housing, hotel/motel costs and other living expenses. Federal aid also will be available for county and city governments to help begin the process of rebuilding their infrastructure.

Thankfully, it is estimated that 98 percent of the homes destroyed or damaged by the fire were insured. But, there are other effects this fire will have on the community, particularly the business community so heavily dependent on the Laboratory for its existence in Los Alamos. SBA will make available low interest loans to help small businesses pay for their property losses and to cover cash flow shortages or working capital deficiencies because of the fire's impact.

FEMA has completed its initial assessment of the situation in northern New Mexico, and I have been assured that all appropriate federal agencies that can provide support will do so. FEMA will coordinate these activities and work closely with local officials to implement a comprehensive plan. No amount of money can replace many of the things which have been lost during this devastating tragedy, but all available federal resources will be brought to bear to do the best job we can.

Over the next few weeks, we will begin to understand the types of assistance that will be required for the Laboratory and its staff to return to productive work. I stand ready to work with all of you to assure that those resources are provided swiftly and surely.

Unfortunately, FEMA may be called upon to assist other communities in New Mexico, as my State is being devastated by a series of major fires. In the southern part of New Mexico, there are fires comparable in size to the Los Alamos fire. My heart goes out to those people as well, as they work to rebuild their lives.

I've joined a call within the Energy and Natural Resources Committee, together with Chairman MURKOWSKI and Senator BINGAMAN, to carefully establish the chain of events that led to the horrific events associated with the Los Alamos fire. The Government Accounting Office has begun a detailed investigation. Even with the limited information we have now, it appears clear that major human errors caused this fire. We need to understand those errors and be sure they don't occur again. We may, for example, need to reexamine the procedures for evaluating the safety of ''controlled burns.''

It's also clear, even with the information we had last week, that the federal government is responsible for this disaster. Thousands of people were impacted by this mistake, and hundreds of those people have suffered major financial losses. Those folks are plenty angry, and they have every right to be furious. In Congress, we need to find ways to make those folks ''whole'' again, as quickly and efficiently as possible, with an absolute minimum of red tape.

All our citizens owe a tremendous gratitude to the workers at Los Alamos. We won the Cold War because of their contributions. Today we enjoy our freedoms because of their dedication. We need their continued dedication to assure that those freedoms survive for our future generations. And they need our help to rebuild their lives and return to their vital missions.

Mr. President, there are a lot of people to thank. I thank the President for acting expeditiously in declaring a national emergency. I thank James Lee Witt, the FEMA Administrator. He visited personally. He has put one of his best directors in charge. I thank Buddy Young from FEMA, who is out there setting up the appropriate centers. Obviously, at the forefront throughout this entire disaster has been our distinguished Governor, Governor Johnson. He probably knows more about it than any outsider today. He has spent untold numbers of hours, along with his wife, finding out what was going on, making sure things were coordinated and organized. I thank him in a very special way for all he has done. There are many others to thank whom I will forget to mention and they are very important.

I think the people in this country ought to know this laboratory was very well organized. It is the center of some very significant activities that require expertise and require that we do things absolutely right. They had an evacuation plan. It was followed to a tee and, believe it or not, with just four roads out of the mountains, all of these people went to other parts of our State 20, 30, 40, 50 miles away. That occurred without anything other than a mild jam up of automobiles on a couple of occasions as they left. They are staying with friends and neighbors everywhere. Motels offered the people from Los Alamos some very excellent, reasonably priced, accommodations and were very generous in doing that. Now, people from Los Alamos are starting to move back and we anxiously await their return. I have a few comments for them.

Without a doubt, it is the people who make this laboratory great. It is imperative that in our efforts to make this community whole, we do so with as much dispatch as humanly possible. Let it not be a long, dragged out, protracted effort to focus our attention and resources on what the people are entitled to and need, and let's get it done. We don't need any discouragement directed at those who are either new on the job, with great scientific prowess, or those who have been there a long time and are a part of the real nucleus of our nuclear and our deterrent capability. We don't need to discourage them. They should not be discouraged. We hope they come back and take up their jobs. Nobody should lose anything because of this fire in terms of remuneration, or pay, or the like. It is our responsibility.

As I indicated in my remarks, we have acts of God where lightning and other things burn our forests, and we have people in recreation areas who make a mistake and start a fire. This one apparently was started by the U.S. Government, although another department of Government, the Park Service, under the Interior Department; that is different from the Department of Energy that manages this laboratory.

Nonetheless, it seems to me that there are lawyers talking about trying to get our constituents there to sign up with them so they can get remuneration. I am very hopeful, as Senator BINGAMAN has indicated, and as Congressman UDALL from the district where this laboratory lies, who spoke last night at an event. We ought to give our assistance in an effort to make people whole. We ought to do that quickly and make sure the people understand they don't have to go through protracted litigation and courts to get the compensation they are entitled to. We intend to make them whole. But obviously, there may be different definitions, depending upon what vantage point you take, as to what ''making them whole'' means. But wherever you can measure property losses such as a house, that which was in a house, personal property, automobiles, and the like which might have been damaged or destroyed, it is pretty easy. We need to put somebody in charge. We owe the people for what these destroyed assets were worth to them.

This isn't a town way up in the mountains. It is not going to be easy to build 400 new residences, if that is what people choose to do. It will take some time. The Federal Government has a lot of resources that it puts to bear and focus in emergencies. They will all be there, and hopefully organized in such a manner so that people will not be frustrated, and we will get on with this.

In the meantime, the process of controlled burns ought to be looked at thoroughly by Congress, but also the entire process of how we are maintaining our forests and our national parks in terms of trees that are knocked down; blighted areas where we have timber standing that is totally dry and dead; underbrush that is growing; pine needles that are piled up everywhere making a tinderbox out of some of our national monuments, some of our national parks, some of our forests, and

some of the Bureau of Land Management land. We have to take a look to see what we should be doing about that.

Should we leave that independent kind of situation waiting around for a fire of this magnitude or should we begin some orderly process of doing some things that will clean it up a bit and make it a little more safe? I opt for the latter.

I hope there will be some detailed hearings about that because I believe something should be done.

I understand the Senate is going into recess for the Republican and Democratic lunches. But I am not in charge of that time, unless leadership wants me to do something in that regard.

I yield the floor and thank the Senate.

Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Mr. President, is there a unanimous consent agreement?

The PRESIDING OFFICER. There is a unanimous consent agreement that we recess for the caucus meetings.

Mr. CRAIG. Mr. President, starting at what time?

The PRESIDING OFFICER. At 12:30.

EXTENSION OF MORNING BUSINESS

Mr. CRAIG. Mr. President, I ask unanimous consent to extend that for 1 minute.

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

The Chair recognizes the Senator from Idaho for 1 minute.

FIRES IN NEW MEXICO

Mr. CRAIG. Mr. President, I wanted to respond to the senior Senator from New Mexico and his colleagues who have just spoken. All of us have watched with great concern as this fire has caused such devastation in the mountains of New Mexico and around Los Alamos.

I chair the Subcommittee on Forestry and Public Lands. For the last decade we have known as a country that our forests are rapidly growing unhealthy, largely because we have not managed them as skillfully as we should. In areas that are natural and left to be natural, we understand not touching them. But where we have forests in what we call urban interface today, where houses are built amongst the trees, there ought to be an aggressive effort to keep fuel loading down and to disperse trees in such a way as to disallow these kinds of crises from developing. It is happening now in New Mexico because of a major error on the part of a Federal agency.

We literally have millions and millions of acres of forested public lands around this country in an unsatisfactory condition, as in the mountains of the great State of New Mexico, and one spark, one lightning strike, or one human match could cost millions of dollars, lose thousands of homes, and the land that it touches, it destroys for a generation.

Oftentimes much greater environmental damage is done trying to put out these fires than an organized manner of managing the land, to control fuel loading, and those types of things that are now evident in New Mexico.

We will work with the Senators from New Mexico. Those hearings will be timely. There should be a report out by this Thursday that will give us some indication of cause.

The Senator from New Mexico is absolutely right: There should be extensive hearings on how and why it happened. Are there other areas where this could happen across these United States?

I thank the Senator for his comments.

The PRESIDING OFFICER. The Chair recognizes the Senator from New Mexico.

Mr. DOMENICI. Mr. President, I have an article from the Albuquerque Journal that talks about a marvelous man, Alton J. Posey, 68 years old. Essentially, this 68-year-old retired man knew a lot about forests and mountains. That was his job. He went out to save his mountain house, which was his dream—a two-story log cabin in the mountains. He doused himself with water, took his water hose, and stayed there and kept that house from burning while things burned all around him.

I ask unanimous consent that the story explaining his life and what he did be printed in the RECORD at the conclusion of my remarks.

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

(See Exhibit 1.)

Mr. DOMENICI. Mr. President, there is a little town named Weed, NM, which was hit by this fire. Terrible damage was done. It is on the other side of the State in the southern section.

There is a detailed Associated Press account by Chaka Ferguson that explains the details about that small town and what happened.

I ask unanimous consent that it be printed in the RECORD at the conclusion of my remarks.

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

(See Exhibit 2)

Mr. DOMENICI. Mr. President, I thank the Senate in advance for the generosity that it is going to show, as it always does for those who suffer a disaster in this country.

I want to say to New Mexicans that the Senate won't let you down this time either. We are going to do what we have to do to organize it properly, put it in the right hands, and make all of you out there in New Mexico whole, rebuild that lab where it needs to be built, and make it safer where it ought to be safe so it can continue its marvelous work in behalf of peace and freedom as it has done for so many decades.

I yield the floor.

EXHIBIT 1

EX-FIREMAN SAVES HOME FROM SCOTT ABLE BLAZE

RETIREE PREVAILS OVER FIRE—ONE-MAN BATTLE SAVES WEED HOME

(By Rene Romo)

WEED.—The Scott Able Fire was raging on Agua Chiquita Road west of this tiny village, but 68-year-old Alton J. Posey was determined to protect his house, a two-story log cabin he built for his retirement.

With an old firefighter's helmet perched on his head and his pants drenched with water, Posey used a garden hose to battle flare-ups.

He managed to save his dream house, but at lest 15 other houses and structures burned to the ground a few hundred yards away in nearby Wayland Canyon and along Agua Chiquita on Thursday night.

''Everything at the end of the rainbow for me was at the bottom of his hill,'' Posey said Saturday of his 11-acre property, a preserve surrounded by blackened trees and incinerated homes. ''At 68 years old, you're too old to start again. And if a guy is determined and he knows he's right, you can't whip him.''

Firefighters on Sunday had the 20,717-acre blaze, which cut a swath about 20 miles wide from Scott Able Canyon east to the Sacramento and Weed area, about 50 percent contained, fire information officer Kris Fister said.

The fire was believed to have been sparked by a downed power line in a 4-H camp about 16 miles south of Cloudcroft.

Fed by wind gusts, the fire churned across the Sacramento Mountains in the Lincoln National Forest, covering nearly 20 miles Thursday night and Friday morning.

Along Agua Chiquita, the fire left charred refrigerators and well pumps standing amid aluminum siding twisted like noodles. At some homes, trucks sat on their wheel rims because the tires were roasted away.

Milder winds Saturday and Sunday limited the blaze mainly to ground fires and gave more than 300 firefighters from around the West a chance to build a perimeter and douse hot spots with five helicopters and six air tankers.

According to a preliminary estimate, the Scott Able Fire destroyed 20 residences, 16 structures such as garages and sheds, and six automobiles.

Among those who lost houses in Wayland Canyon were two of Posey's neighbors, Maggie Bailey and Weed postmaster Francis Visser. Posey allowed them to stay in his home while they figure out what to do next.

Bailey moved to the area from Wisconsin two years ago with her truck-driver husband, who was on the road during the blaze. Bailey said she lost a motorhome, a small cabin and a motorboat. She managed to save two cars and her pets—a dog and two cats.

''I think I want to go back where there's more moisture,'' a dazed Bailey said Saturday evening ''What can you do? You just . . . do.''

Otero County sheriff's deputy Sgt. Jeff Farmer also lost his home.

''It's the little things you miss,'' said Farmer, who was working a roadblock leading into Weed off N.M. 24 on Saturday. He had been working almost nonstop since the fire erupted Thursday evening. ''Yesterday morning, I didn't own anything.''

Posey said ''it sounded like 10 trains'' when the blaze roared down the mountainside behind his house, consuming 80-foot-tall pine trees.

The former Artesia firefighter thoroughly drenched his log cabin with a garden hose as the fire advanced Thursday. Later that

evening, heat all around the house caused the building to issue a cloud of steam.

From about 8 p.m. to 1 a.m., Posey, working frantically and alone, scrambled about his property dousing thumb-sized embers with a bucket.

Flames burned a hole in the wall of a barn about 50 feet from his home before Posey extinguished the flare-up.

Several times during the night, he said, he had to drop to the ground to gulp air. And once during the evening, a wild-eyed doe charged out of the burning forest and crashed into him.

Posey said he refused three requests by local authorities to evacuate but sent his wife and two neighbors off Thursday evening. The goodbye became emotional when Posey told his wife of 47 years, Carol, to take his dog, a blue heeler named Ugly, with her.

''I was just just wondering if I would ever see him alive again.'' Carol Posey said Sunday, noting that she left her home with nothing but medicine and her pets. ''It was a scary time, I tell you what. You didn't have time to think. You didn't have time to do anything.''

Alton Posey recounted their goodbye: ''I said, 'Don't you fret. This is the kind of hand I can play. I had a good supply of water, a good pressure pump, and my old coat.' ''

Meanwhile, the 8,650-acre Cree Fire east of Ruidoso was 94 percent contained as of early Sunday, and a single helicopter doused hot spots. The fire is expected to be under control by Wednesday.

EXHIBIT 2

TOWN FULL OF STORIES AFTER FIRE

(By Chaka Ferguson)

WEED, N.M.—Under a blue sky, with a row of apple trees serving as an outdoor wedding chapel, newlyweds Chris Mydock and Kendra Goss-Mydock proved why this mountain community, population 20, is known to some of its residents as a town of 100 stories.

Two days earlier, a raging wild-fire ripped through the Sacramento Mountains, burning at least two dozen buildings about a mile from where the Mydocks consecrated their wedding Saturday. When they took their vows, an evacuation order was still in effect.

In the background, wisps of white smoke rose from the hills. A helicopter hovered above, prepared to drop water on remaining hot spots. Firefighters milled around, awaiting orders.

But like life in this resilient community, the wedding went on.

''The pastor called us yesterday and asked us if we're still on, and we said, 'Yep, we're still on,'" said Goss-Mydock, 31, a lifelong resident of Weed, as she posed for pictures with her new husband before a sign that read ''Weed: pop, 20''.

The communities that dot the Southern New Mexico mountains have pulled together since a wild-fire erupted in a nearby canyon Thursday and spread to more than 20,000 acres, rivaling the bigger blaze in the north that scorched Los Alamos.

The Mydocks wanted to share their wedding with the community to help heal some of the pain caused by the fire's destruction.

''The people are really close to each other; it's like one big family here. Everybody cares about everybody else,'' Goss-Mydock said.

The preacher and his wife, who served as the witness, attended the wedding. The Mydocks then had their reception down a dirt road that bisects the community with patrons of the Weed Cafe, a gathering place for residents seeking news on the fire.

The family-run restaurant which also houses the community's post office, stayed open during the tense days and nights of the fire and the following evacuation, donating food and other provisions to firefighters and evacuees. Some residents ignored the evacuation and stayed put, others took up residence with friends or relatives.

''I stayed open to supply hot coffee to the people and provide telephones,'' said Gary Stone, 45, who lives several miles down the road in Miller Flats. ''I was making sure the coffee was on and the doors were open.''

RECESS

The PRESIDING OFFICER. Under the previous order, the hour of 12:30 p.m. having arrived, the Senate will stand in recess until the hour of 2:16 p.m.

Thereupon, the Senate, at 12:37 p.m., recessed until 2:15 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. INHOFE).

The PRESIDING OFFICER. The Senator from Montana.

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

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

MILITARY CONSTRUCTION APPROPRIATIONS ACT, 2001—Continued

Mr. DASCHLE. Mr. President, this weekend an estimated 750,000 mothers, fathers, and children united for the Million Mom March here in the District. These women and men took the first step toward ending the epidemic of gun violence in our country.

Certainly, Congress needs to take the next step. It is intolerable that commonsense gun safety legislation is stalled in a conference committee that has not met since August 5 of 1999. Twelve kids die a day from gun violence and we do nothing. We have more safety regulations for toy guns than for real guns, and we do nothing. We have watched children shot in schools and day-care centers, but still we do nothing.

Yesterday, the Democratic Policy Committee held a hearing with mothers from the Million Mom March. At the hearing, I heard stories that I must say will haunt me for a long time. I listened to a kindergarten schoolteacher talk about her horror when one of her seemingly innocent students, a kindergartner, brought a gun to school to kill a classmate. She remains afraid to teach and afraid for her students.

I listened to the mother of an aspiring high school graduate who was gunned down in front of his girlfriend's home while unloading groceries. As she talked about her loss, and demanded Congress act, she said simply:

> I don't want this to happen to any other mother, father, sister or brother. I don't want anyone else to suffer like this.

I listened to a mother whose oldest son was shot and killed by a neighbor in a sleepy town in California. She told us:

> I came to the District to protect my son, Brandon, from gun violence because he is the only child that I have left.

I ask my colleagues, what else will it take for us to act to stem this domestic war of violence that is infecting every city and county in our beloved country? We cannot wait any longer for the juvenile justice conference to meet and act.

I was disappointed by comments made by the National Rifle Association when asked whether all of this effort, 750,000 people coming to Washington as peacefully as any group I have ever seen come, organized in a respectful way, telling their stories, as tragic as they are, with the courage that I don't think I personally could muster, the personal stories of lost sons and daughters, mothers and fathers—the NRA was asked the question, Will this translate to political power? Their answer:

> It's one thing to say it. It's another thing to do it.

They understand political power. They have it. But I do think that is changing. The landscape is changing, and it is changing dramatically. As a South Dakotan who has been raised with guns all my life, who is proud to be a hunter—I have many guns myself—I will say without equivocation that it, too, is even changing in my home State.

Given the fact it has now been more than a year, given the fact that we have not yet acted, given the fact that we ought to respond to all those people who came to Washington with their courage and with what few pennies they had to pay for their trips, I ask unanimous consent that no rule XVI point of order lie against any gun-related amendment to the military construction appropriations. This would apply to Republican or Democratic amendments.

Mr. BURNS. Objection.

The PRESIDING OFFICER. Objection is heard.

AMENDMENT NO. 3148

Mr. DASCHLE. Mr. President, I, therefore, send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

> The Senator from South Dakota [Mr. DASCHLE] proposes an amendment numbered 3148.
>
> At the appropriate place add the following:
>
> Since Mother's Day, May 14, 2000, an estimated 750,000 mothers, fathers, and children united for the Million Mom March on the National Mall in Washington, D.C. and were joined by tens of thousands of others, in 70 cities across America, in a call for meaningful, common-sense gun policy;
>
> Since 4,223 young people ages 19 and under were killed by gunfire—one every two hours, nearly 12 young people every day—in the United States in 1977;
>
> Since American children under the age of 15 are 12 times more likely to die from gunfire than children in 25 other industrialized countries combined;

Since gun safety education programs are inadequate to protect children from gun violence;

Since a majority of the Senate resolved that the House-Senate Juvenile Justice Conference should meet, consider and pass by April 20, 2000, a conference report to accompany H.R. 1501, the Juvenile Justice Act, and that the conference report should retain the Senate-passed gun safety provisions to limit access to firearms by juveniles, felons, and other prohibited persons;

Since the one year Anniversary of the Columbine High School tragedy passed on April 20, 2000, without any action by the Juvenile Justice Conference Committee on the reasonable gun safety measures that were passed by the Senate almost one year ago;

Since continued inaction on this critical threat to public safety undermines confidence in the ability of the Senate to protect our children and raises concerns about the influence of special interests opposed to even the most basic gun safety provisions;

Since this lack of action on the part of the Juvenile Justice Conference Committee and this Congress to stem the flood of gun violence is irresponsible and further delay is unacceptable; and

Since protecting our children from gun violence is a top priority for our families, communities, and nation: Now, therefore, be it

Determined, That it is the sense of the Senate that—

(1) the organizers, sponsors, and participants of the Million Mom March should be commended for rallying to demand sensible gun safety legislation; and

(2) Congress should immediately pass a conference report to accompany H.R. 1501, the Violent and Repeat Juvenile Offender Accountability and Rehabilitation Act, before the Memorial Day Recess, and include the Lautenberg-Kerrey gun show loophole amendment and the other Senate-passed provisions designed to limit access to firearms by juveniles, convicted felons, and other persons prohibited by law from purchasing or possessing firearms.

The PRESIDING OFFICER. The majority leader.

Mr. LOTT. Mr. President, I have not had a chance to review this language, so I suggest the absence of a quorum in order to have the opportunity to do that.

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

The assistant legislative clerk proceeded to call the roll.

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

Mrs. MURRAY. I object.

The PRESIDING OFFICER (Mr. GORTON). The objection is heard.

The clerk will call the roll.

The assistant legislative clerk resumed the call of the roll and the following Senators entered the Chamber and answered to their names:

[Quorum No. 2]

Coverdell	Gorton	Murray
Enzi	Lott	Reid

The PRESIDING OFFICER. A quorum is not present. The clerk will call the names of absent Senators.

The assistant legislative clerk resumed the call of the roll.

Mr. LOTT. Mr. President, I move to instruct the Sergeant at Arms to request the presence of absent Senators, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the motion of the Senator from Mississippi. The yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Oregon (Mr. SMITH), is necessarily absent.

Mr. REID. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from New York (Mr. MOYNIHAN), and the Senator from New York (Mr. SCHUMER), are necessarily absent.

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

[Rollcall Vote No. 99 Leg.]

YEAS—94

Abraham	Feingold	Lott
Akaka	Feinstein	Lugar
Allard	Fitzgerald	Mack
Ashcroft	Frist	McCain
Baucus	Gorton	McConnell
Bayh	Graham	Mikulski
Bennett	Gramm	Murkowski
Bingaman	Grams	Murray
Bond	Grassley	Nickles
Boxer	Gregg	Reed
Brownback	Hagel	Reid
Bryan	Harkin	Robb
Bunning	Hatch	Roberts
Burns	Helms	Rockefeller
Byrd	Hollings	Roth
Campbell	Hutchinson	Santorum
Chafee, Lincoln	Hutchison	Sarbanes
Cleland	Inhofe	Sessions
Cochran	Inouye	Shelby
Collins	Jeffords	Smith (NH)
Conrad	Johnson	Snowe
Coverdell	Kennedy	Specter
Craig	Kerrey	Stevens
Crapo	Kerry	Thompson
Daschle	Kohl	Thurmond
DeWine	Kyl	Torricelli
Dodd	Landrieu	Voinovich
Domenici	Lautenberg	Warner
Dorgan	Leahy	Wellstone
Durbin	Levin	Wyden
Edwards	Lieberman	
Enzi	Lincoln	

NAYS—2

Breaux	Thomas

NOT VOTING—4

Biden	Schumer
Moynihan	Smith, Oregon

The motion was agreed to.

The PRESIDING OFFICER. With the addition of Senators who did not answer the quorum call, a quorum is now present.

Mr. LOTT. Mr. President, I raise a point of order that the pending Daschle amendment is not germane to the Military Construction Appropriations bill and ask for the yeas and nays on the question put before the Senate.

The PRESIDING OFFICER (Mr. STEVENS). Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

[Quorum No. 3]

Abraham	Allard	Baucus
Akaka	Ashcroft	Bayh
Bennett	Frist	Lugar
Bingaman	Gorton	Mack
Bond	Graham	McCain
Boxer	Gramm	McConnell
Breaux	Grams	Mikulski
Brownback	Grassley	Murkowski
Bryan	Gregg	Murray
Bunning	Hagel	Nickles
Burns	Harkin	Reed
Byrd	Hatch	Reid
Campbell	Helms	Robb
Chafee, L.	Hollings	Roberts
Cleland	Hutchinson	Rockefeller
Cochran	Hutchison	Roth
Collins	Inhofe	Santorum
Conrad	Inouye	Sarbanes
Coverdell	Jeffords	Sessions
Craig	Johnson	Shelby
Crapo	Kennedy	Smith (NH)
Daschle	Kerrey	Snowe
DeWine	Kerry	Specter
Dodd	Kohl	Stevens
Domenici	Kyl	Thomas
Dorgan	Landrieu	Thompson
Durbin	Lautenberg	Thurmond
Edwards	Leahy	Torricelli
Enzi	Levin	Voinovich
Feingold	Lieberman	Warner
Feinstein	Lincoln	Wellstone
Fitzgerald	Lott	Wyden

The PRESIDING OFFICER. A quorum is present.

The majority leader.

Mr. LOTT. Mr. President, I believe there is a point of order that has been made on germaneness, and the yeas and nays have been ordered. We should proceed to vote.

Mr. DASCHLE. Mr. President, I move to table the point of order and ask for the yeas and nays.

I note the absence of a quorum.

The PRESIDING OFFICER. Is there a sufficient second?

The clerk will call the roll to ascertain the presence of a quorum.

The legislative clerk proceeded to call the roll, and the following Senators entered the Chamber and answered to their names:

[Quorum No. 4]

Abraham	Enzi	Lincoln
Akaka	Feingold	Lott
Allard	Feinstein	Lugar
Ashcroft	Fitzgerald	Mack
Baucus	Frist	McCain
Bayh	Gorton	McConnell
Bennett	Graham	Mikulski
Bingaman	Gramm	Murkowski
Bond	Grams	Murray
Boxer	Grassley	Nickles
Breaux	Gregg	Reed
Brownback	Hagel	Reid
Bryan	Harkin	Robb
Bunning	Hatch	Roberts
Burns	Helms	Rockefeller
Byrd	Hollings	Roth
Campbell	Hutchinson	Santorum
Chafee, L.	Hutchison	Sarbanes
Cleland	Inhofe	Sessions
Cochran	Inouye	Shelby
Collins	Jeffords	Smith (NH)
Conrad	Johnson	Snowe
Coverdell	Kennedy	Specter
Craig	Kerrey	Stevens
Crapo	Kerry	Thomas
Daschle	Kohl	Thompson
DeWine	Kyl	Thurmond
Dodd	Landrieu	Torricelli
Domenici	Lautenberg	Voinovich
Dorgan	Leahy	Warner
Durbin	Levin	Wellstone
Edwards	Lieberman	Wyden

The PRESIDING OFFICER. A quorum is now present.

The question is on agreeing to the motion to table.

Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Oregon (Mr. SMITH) is necessarily absent.

Mr. REID. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from New York (Mr. MOYNIHAN), and the Senator from New York (Mr. SCHUMER) are necessarily absent.

The result was announced—yeas 42, nays 54, as follows:

[Rollcall Vote No. 100 Leg.]

YEAS—42

Akaka	Feingold	Leahy
Bayh	Feinstein	Levin
Bingaman	Fitzgerald	Lieberman
Boxer	Graham	Lincoln
Breaux	Harkin	Mikulski
Bryan	Hollings	Murray
Byrd	Inouye	Reed
Cleland	Johnson	Reid
Conrad	Kennedy	Robb
Daschle	Kerrey	Rockefeller
Dodd	Kerry	Sarbanes
Dorgan	Kohl	Torricelli
Durbin	Landrieu	Wellstone
Edwards	Lautenberg	Wyden

NAYS—54

Abraham	Enzi	McCain
Allard	Frist	McConnell
Ashcroft	Gorton	Murkowski
Baucus	Gramm	Nickles
Bennett	Grams	Roberts
Bond	Grassley	Roth
Brownback	Gregg	Santorum
Bunning	Hagel	Sessions
Burns	Hatch	Shelby
Campbell	Helms	Smith (NH)
Chafee L.	Hutchinson	Snowe
Cochran	Hutchison	Specter
Collins	Inhofe	Stevens
Coverdell	Jeffords	Thomas
Craig	Kyl	Thompson
Crapo	Lott	Thurmond
DeWine	Lugar	Voinovich
Domenici	Mack	Warner

NOT VOTING—4

Biden	Schumer
Moynihan	Smith (OR)

The motion was rejected.

The PRESIDING OFFICER. The Democratic leader.

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

The PRESIDING OFFICER. The clerk will call the roll to ascertain the presence of a quorum.

The legislative clerk proceeded to call the roll and the following Senators entered the Chamber and answered to their names:

[Quorum No. 5]

Abraham	Dodd	Kerrey
Akaka	Domenici	Kerry
Allard	Dorgan	Kohl
Ashcroft	Durbin	Kyl
Baucus	Edwards	Landrieu
Bayh	Enzi	Lautenberg
Bennett	Feingold	Leahy
Bingaman	Feinstein	Levin
Bond	Fitzgerald	Lieberman
Boxer	Frist	Lincoln
Breaux	Graham	Lott
Brownback	Gramm	Lugar
Bryan	Grams	Mack
Bunning	Grassley	McCain
Burns	Gregg	McConnell
Byrd	Hagel	Mikulski
Campbell	Harkin	Murkowski
Chafee, L.	Hatch	Murray
Cleland	Helms	Nickles
Cochran	Hollings	Reed
Collins	Hutchinson	Reid
Conrad	Hutchison	Robb
Coverdell	Inhofe	Roberts
Craig	Inouye	Rockefeller
Crapo	Jeffords	Roth
Daschle	Johnson	Santorum
DeWine	Kennedy	Sarbanes
Sessions	Stevens	Voinovich
Shelby	Thomas	Warner
Smith (NH)	Thompson	Wellstone
Snowe	Thurmond	Wyden
Specter	Torricelli	

The PRESIDING OFFICER. A quorum is present. The Democratic leader.

EXECUTIVE SESSION—MOTION TO PROCEED

Mr. DASCHLE. Mr. President, I move to proceed to executive session to consider Calendar No. 504, E. Douglas Hamilton, of Kentucky, to be U.S. Marshal, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Washington (Mr. GORTON) and the Senator from Oregon (Mr. SMITH) are necessarily absent.

Mr. REID. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from New York (Mr. MOYNIHAN), and the Senator from New York (Mr. SCHUMER) are necessarily absent.

The result was announced—yeas 41, nays 54, as follows:

[Rollcall Vote No. 101 Leg.]

YEAS—41

Akaka	Feingold	Levin
Baucus	Feinstein	Lieberman
Bayh	Graham	Lincoln
Bingaman	Harkin	Mikulski
Boxer	Hollings	Murray
Breaux	Inouye	Reed
Bryan	Johnson	Reid
Cleland	Kennedy	Robb
Conrad	Kerrey	Rockefeller
Daschle	Kerry	Sarbanes
Dodd	Kohl	Torricelli
Dorgan	Landrieu	Wellstone
Durbin	Lautenberg	Wyden
Edwards	Leahy	

NAYS—54

Abraham	Enzi	McCain
Allard	Fitzgerald	McConnell
Ashcroft	Frist	Murkowski
Bennett	Gramm	Nickles
Bond	Grams	Roberts
Brownback	Grassley	Roth
Bunning	Gregg	Santorum
Burns	Hagel	Sessions
Byrd	Hatch	Shelby
Campbell	Helms	Smith (NH)
Chafee, L.	Hutchinson	Snowe
Cochran	Hutchison	Specter
Collins	Inhofe	Stevens
Coverdell	Jeffords	Thomas
Craig	Kyl	Thompson
Crapo	Lott	Thurmond
DeWine	Lugar	Voinovich
Domenici	Mack	Warner

NOT VOTING—5

Biden	Moynihan	Smith (OR)
Gorton	Schumer	

The motion was rejected.

MILITARY CONSTRUCTION APPROPRIATIONS ACT, 2001—Continued

Mr. LOTT. Mr. President, I ask unanimous consent that the pending amendment be set aside so I may send an amendment to the desk. I further ask consent that upon reporting of the amendment there be 8 hours for debate, equally divided between the two leaders, or their designees, for the purpose of debating both amendments, with 4 hours consumed this evening. I also ask consent that at 1:30 p.m. on Wednesday the Senate proceed to a vote on or in relation to the Lott amendment, to be followed by a vote on or in relation to the Daschle amendment. I finally ask consent that no amendments be in order to either amendment prior to the votes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. LOTT. Mr. President, I ask unanimous consent that my pending point of order be vitiated.

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

AMENDMENT NO. 3150

Mr. LOTT. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Mississippi [Mr. LOTT] proposes an amendment numbered 3150.

Mr. LOTT. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

At the appropriate place, insert:

SEC. . SENSE OF THE SENATE REGARDING THE SECOND AMENDMENT, THE ENFORCEMENT OF FEDERAL FIREARMS LAWS, AND THE JUVENILE CRIME CONFERENCE.

(a) FINDINGS.—The Senate makes the following findings:

(1) The Second Amendment to the United States Constitution protects the right of each law-abiding United States citizen to own a firearm for any legitimate purpose, including self-defense or recreation; and

(2) The Clinton Administration has failed to protect law—abiding citizens by inadequately enforcing Federal firearms laws. Between 1992 and 1998, Triggerlock gun prosecutions of defendants who use a firearm in the commission of a felony dropped nearly 50 percent, from 7,045 to approximately 3,800, despite the fact that the overall budget of the Department of Justice increased 54 percent during this period; and

(3) It is a Federal crime to possess a firearm on school grounds under section 922(q) of title 18, United States Code. The Clinton Department of Justice prosecuted only 8 cases under this provision of law during 1998, even though more than 6,000 students brought firearms to school that year. The Clinton Administration prosecuted only 5 such cases during 1997; and

(4) It is a Federal crime to transfer a firearm to a juvenile under section 922(x) of title 18, United States Code. The Clinton Department of Justice prosecuted only 6 cases under this provision of law during 1998 and only 5 during 1997; also

(5) It is a Federal crime to transfer or possess a semiautomatic assault weapon under section 922(v) of title 18, United States Code. The Clinton Department of Justice prosecuted only 4 cases under this provision of law during 1998 and only 4 during 1997; plus

(6) It is a Federal crime for any person ''who has been adjudicated as a mental defective or who has been committed to a mental

institution'' to possess or purchase a firearm under section 922(g) of title 18, United States Code. Despite this federal law, mental health adjudications are not placed on the national instant criminal background system; also

(7) It is a Federal crime for any person knowingly to make any false statement in the attempted purchase of a firearm; it is also a Federal crime for convicted felons to possess or purchase a firearm. More than 500,000 convicted felons and other prohibited purchasers have been prevented from buying firearms from licensed dealers since the Brady Handgun Violence Prevention Act was enacted. When these felons attempted to purchase a firearm, they committed another crime by making a false statement under oath that they were not disqualified from purchasing a firearm; and, of the more than 500,000 violations, only approximately 200 of the felons have been referred to the Department of Justice for prosecution; and

(8) The juvenile crime conference committee is considering a comprehensive approach to juvenile crime including:

(a) tougher penalties on criminals using guns and illegal gun purchases;

(b) money for states to get tough on truly violent teen criminals;

(c) a provision allowing Hollywood to reach agreements to clean up smut and violence on television, in video games, and in music;

(d) changing federal education mandates to ensure that all students who bring guns to school can be disciplined; and

(e) a ban on juveniles who commit felonies from ever legally possessing a gun and from possessing assault weapons, and

(b) SENSE OF THE SENATE.—It is the sense of the Senate that:

(1) Any juvenile crime conference report should reflect a comprehensive approach to juvenile crime and enhance the prosecution of firearms offenses, including:

(a) designating not less than 1 Assistant United States Attorney in each district to prosecute Federal firearms violations and thereby expand Project Exile nationally;

(b) upgrading the national instant criminal background system by encouraging States to place mental health adjudications on that system and by improving the overall speed and efficiency of that system; and

(c) and providing incentive grants to States to encourage States to impose mandatory minimum sentences of firearm offenses;

(2) The right of each law-abiding United States citizen to own a firearm for any legitimate purpose, including self-defense or recreation, should not be infringed.

Mr. LOTT. Mr. President, in light of this agreement, there will be no further votes this evening. The next vote will occur at 1:30 p.m. on Wednesday.

I thank Senator DASCHLE for his cooperation in getting this agreement.

Mr. DASCHLE. Mr. President, if I may ask the majority leader a question, the unanimous consent doesn't address this, but I assume the 4 hours tonight would be equally divided.

Mr. LOTT. Absolutely, Mr. President.

Mr. DASCHLE. Of course, it already notes it should be equally divided tomorrow. I appreciate the clarification.

Mr. President, let me thank the majority leader for his willingness to proceed in this manner. This is what we had hoped we could achieve. I am delighted now that we have done so. This is far better than to go through the parliamentary motions that were being made. I appreciate the patience and willingness on the part of everyone to accommodate our desire to have this amendment and these votes. We will have them tomorrow, as we had hoped. I look forward to the debate tonight as well as tomorrow.

Mr. President, I yield our 2 hours tonight on the Democratic side to Senator BOXER who will manage the time on my behalf.

(Mr. BROWNBACK assumed the Chair.)

Mr. LOTT. Mr. President, while the time will be equally divided tonight—2 hours on each side that are required to discuss the pending amendments—I want to emphasize again that there is another very important issue pending that everybody thought would be the subject of debate this afternoon, and that is the language in the appropriations bill regarding Kosovo and how we will deal with our allies' involvement there, and how we will deal in the future with the funding.

Some Senators may wish to take some time to speak on that issue. I also encourage colleagues that we work toward getting a time agreement tomorrow afternoon on the Kosovo issue, have a reasonable time, but have a focused, good debate and vote on that issue so we can complete the military construction appropriations bill. We are getting far afield from getting our work done on the appropriations bills. We would then go to the foreign operations appropriations bill. I encourage Senators to stay and make speeches tonight on these subjects.

I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Thank you very much, Mr. President.

May I ask the majority leader if he could tell us who is going to be handling the time on his side of the aisle?

Mr. LOTT. Mr. President, we don't have anybody designated yet. I will either be here to do it myself or we will designate somebody. There are a number of Senators who have indicated a desire to be heard on this issue—Senator SESSIONS, Senator CRAIG, and others. But exactly when tonight or tomorrow, we will have to make that determination since we just had this agreement entered into.

Mrs. BOXER. Mr. President, I thank the majority leader for getting us to a place where we can in fact consider the Daschle amendment, which simply says that on Mother's Day an estimated 750,000 mothers, fathers, and children united for the Million Mom March on The Mall in Washington, and they were joined by tens of thousands of others in 70 cities across America in a call for a meaningful, commonsense policy.

Essentially what this amendment says is that the organizers of the Million Mom March should be commended for rallying to demand sensible gun safety legislation and that Congress should immediately pass a conference report which will include the meaningful, sensible gun laws that were passed here in the Senate as part of the juvenile justice bill.

I had the privilege and honor of marching with so many American families of so many diverse backgrounds and so many Americans of different ages all united in a call for a safer America.

I am very pleased that my leader, Senator DASCHLE, has placed this amendment before the body. I hope all Members will vote for it.

I see that the Republican side has responded with a litany of attacks on President Clinton, which I think is most inappropriate. This should be a time when we reach across the aisle and say we want safety for our children. I hope maybe they will reconsider.

Believe me when I tell you that the million moms and their families are not Democrats, Republicans, or independents; they are Americans. Many were touched by violence in their families and violence in their communities.

At this time, I ask the Senator from Massachusetts, Mr. KENNEDY, if he would like to take up to 30 minutes to discuss these amendments. If so, I will now yield up to 30 minutes to the Senator from Massachusetts.

Ms. MIKULSKI. Mr. President, will the Senator from Massachusetts withhold?

May I have 1 minute?

Mrs. BOXER. Yes.

Ms. MIKULSKI. Mr. President, I thank the Senator for her leadership and her advocacy on this issue.

I was so proud to march with her on The Mall with the mothers and the fathers and the good men who supported the women. We were proud. Why were we proud? Because the people marching believed marching made a difference. They thought if they could go out and march with their feet instead of people marching with their money into these lobbying events that are held here, they could make a difference. I thank the Senator for responding to their marching feet.

I stand with her, along with the people who were there from Maryland. I congratulate her because we are making democracy work. If we don't march on this floor and pass this amendment, I really say to the voters of America, march into the voting booth and get a Congress that will respond to marching feet instead of marching to millions of dollars.

Mrs. BOXER. I thank my friend from Maryland. It was an honor to march with her and to stand with her. She brings to the Senate a sense of reality for our families, our seniors, and our children. She fights for them every day. She is fighting for them tonight.

With that, I yield up to 30 minutes to the Senator from Massachusetts, Mr. KENNEDY.

The PRESIDING OFFICER (Mr. ALLARD). The Senator from Massachusetts is recognized.

Mr. KENNEDY. Two days ago, to honor Mother's Day, hundreds of thousands of mothers from across the United States marched on the nation's

Capitol, to insist that Congress 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—and the question now is whether Congress will at long last end the stonewalling and act responsibly on gun control.

The National Rifle Association is not the Majority Leader of the United States Senate. It shouldn't be dictating our agenda. It's irresponsible for the Republican Senate leadership to stonewall every opportunity to enact responsible gun control legislation.

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.

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 require the sale of child safety locks with all 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 have a Gun-Free Schools Law.

We have a licensing law for purchases of guns.

We have strict 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 of lost or stolen firearms.

As Boston Police Commissioner Paul Evans testified last year in the Senate Health 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. In developing an effective approach like this, Boston has become a model for the rest of the country.

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.

The results have been impressive. The success of Boston's comprehensive strategy is borne out in these outstanding 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. We've taken strong and effective steps to protect our citizens, our children, and our communities.

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.

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.

Every 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.

We intend to do all we can to see that the Senate votes on these common sense measures as soon as possible.

Today is a new dawn for gun control. On Sunday, finally, the immoveable object we call Congress met the irresistible force of the Million Mom March—and the immoveable object moved.

I believe that at long last, Congress will say no to The National Rifle Association, and yes to the hundreds of thousands of mothers from across the United States who marched on the nation's Capitol to demand an end to the epidemic of gun violence that continues to plague our children, our homes, our schools, and our country.

The Million Mom March focused the attention of the entire country on this critical challenge. It is time—long past time—for Congress to end the stonewalling and act responsibly on gun control.

We already know what needs to be done to reduce the irresponsible proliferation of guns and gun violence in communities across the country. This is not rocket science. We should close the gun show loophole. We should require child safety locks for guns. We should insist on licensing for all handgun owners. We should take guns out of schools and let children learn in safe classrooms.

Enough is enough is enough is enough.

I am sure those Americans who have been watching the Senate now for the last 2 hours wonder whether we are going to be able to take very much action on matters which they consider important to their families.

In this particular instance, the issue is whether we are going to pass a sense-of-the-Senate resolution—not even an amendment that would be the basis for legislative action, but just an expression of the Members of this body, as the Senator from California has pointed out, effectively commending the participants of the Million Mom March. They should be commended for rallying to demand sensible gun safety legislation.

Congress should pass a conference report on violent juvenile offender accountability before the Memorial Day recess and include the Lautenberg gun show provision which passed in the Senate, and other Senate-passed provisions to limit access to firearms by juveniles, convicted felons, and other persons prohibited by law from purchasing or possessing firearms.

That took just over 2 hours of the Senate's time primarily because of the Republican leadership saying they were not going to permit the Democratic leadership to go on record in the Senate this evening just for the sense of the Senate commending the Million Mom March, and also asking that the Senate do what it already should do—that is, pass the violent juvenile offender legislation out of conference where it has been for 7 months.

As a member of the conference committee, we met on two different occasions: on the opening occasion, and on the organization. And that was it.

It has taken the Republican leadership 2½ hours to say that we can vote on this tomorrow with their permission. They ought to get used to the fact

that we are going to continue to press this issue—2 hours to get a sense of the Senate to say the mothers, the 750,000 moms who marched with their daughters on Sunday—that they are to be commended. That is troublesome, evidently, to the other side.

These moms came from all different parts of the country. Many of them had never participated in any political process at all. They came here because they wanted the Congress of the United States to debate and take action. They had different views about what specifically should be out there. But they had a common sense and a common purpose that we should take some action. We are commending them for doing so. That evidently was unacceptable to the Republican leadership.

That is what we are facing here, for those who are watching this program tonight and who saw the march. In the last 2 hours we have been unable to get action. It is as clear as can be.

There has been objection, parliamentary maneuvering, and gymnastics using the rules of the Senate to deny an expression that we ought to commend the Million Mom March and that we ought to complete what is our responsibility to complete; that is, the conference, and pass sensible and commonsense gun control. You would have thought we were repealing the first amendment of the United States. That is what we are facing here. It is so interesting for us to find that out at this time in this session—the difficulty and the complexity we are going to have. But we are going to continue to pursue it.

I see my friend and our leader from California, Senator BOXER. I am glad to yield for a question.

Mrs. BOXER. Mr. President, I simply want to say to my friend that everything he said was true, except one small point. He said it has been 2 hours. It has been since 2 o'clock, I say to my friend from Massachusetts. They delayed for 5 hours the simple vote to say to moms who gave up their Mother's Day and came here: Thank you for what you are doing.

Mr. KENNEDY. The Senator is correct.

We have a short period of time remaining. As a member of the Health, Education, Labor, and Pensions Committee, we have responsibilities to try to pass education legislation. We had seven votes over a period of 5 days. That legislation was pulled. We are saying we don't have enough time, we don't have enough time to consider this, although we had all day Friday where there were no votes and all day Monday where there were no votes.

What we see now is that during the whole course of the afternoon, we were denied the opportunity to have just an expression of the Senate.

As I mentioned, this resolution is a simple, straightforward measure. Fact: Over 400 young people have been killed by gun violence since 1997. Fact: In the year since the Columbine tragedy, the Senate and House juvenile justice conference has not taken action to ensure the passage of meaningful gun legislation. Fact: Our continued inaction poses a threat to public safety.

The sense of the Senate does only two things. It commends the participants of the Million Mom March and calls upon the conference to pass the language of the Lautenberg measure on the gun show loophole that has passed the Senate, and to take action that is sensible and responsible.

I will take a few moments of the Senate's time to respond to an argument and to discuss some of the facts which are so compelling, particularly about the children, because we as a country and as a society refuse to take action. The latest data released in 1999 shows in a single year—and this can't tell the story because for every statistic, for every individual there is a name and a face behind this—what has been happening: 4,205 children and teens were killed by gunfire—1 every 2 hours, nearly 12 a day; 2,562 were murdered by gunfire; 1,262 committed suicide using a firearm—more than 3 every day; 306 died from accidental shooting; 2,357 were white and 1,687 were black; 629 were under 15; 191 were under 10; 84 were under 5 years of age; nearly 3 times as many children under 10 died from gunfire as the number of law enforcement officers killed in the line of duty. We know that the American children under 15 are 12 times more likely to die from gunfire than children in 25 other industrial countries combined; homicide is the third leading cause of death among children 5 to 14; 61% of the 80,000 children killed by gunfire since 1979 were white; 36% were black; children are twice as likely as adults to be victims of violent crime, and more likely to be killed by adults than other children; white youths are six times more likely to commit suicide than black youths although the suicide rate for black youths is up more than 100 percent since 1980.

We do not believe this legislation is necessarily going to be the only answer. We understand that. We do understand this is a step that can be taken now to make a difference about the proliferation of weapons and the easy access to weapons.

Various studies and polls show the number of children who say how easy it is for them to acquire weapons in our country today. We want to reduce that availability and that accessibility. We understand there are legitimate issues with which we have to deal. I want to dispose of a few of them. One has been the argument that has been raised that there hasn't been a sufficient effort in the area of law enforcement.

Reading through our Republican sense of the Senate, they talk about law enforcement. It is an interesting fact that Republicans have cut back on the total number of agents who have been most involved in law enforcement—the ATF agents—over the last 15 years.

Back to the prosecutions and the important point which our Republican friends ought to understand because their sense-of-the-Senate resolution is basically flawed in what they say about the prosecutions: Although the number of Federal prosecutions for lower level offenders—persons serving sentences of 3 years or less—has dropped, the number of high-level offenders—those sentenced to 5 years or more—is up by nearly 30 percent. Do we understand that? If we are talking about the more serious aspect of gun prosecutions, they are up by 30 percent.

I hope our Republican friends acknowledge their findings which are flawed in their presentation on this issue. At the same time, the total number of Federal and State prosecutions is up sharply. About 25 percent more criminals are sent to prisons for State and Federal weapons offenses than in 1992. The number of high-level offenders is up nearly 30 percent. The total number of Federal and State prosecutions is up 25 percent or more. The total number of prosecutions—local, Federal, and State—are up significantly.

We hear from the National Rifle Association that all that is needed is further prosecution under the law, but that is happening at the present time. What we need is action over the proliferation of weapons. We have tried in recent times on our side, with strong support, to make progress regarding the proliferation of weapons.

Moving along to some of the other challenges that children are facing, in November of last year in the Senate, the mental health bill was passed unanimously, by Republican and Democrats alike. We are still waiting over in the House of Representatives for the Republican leadership to call that up.

What does that bill do? That bill directly addresses the problems of violence in children's lives. The first section of the bill provides grants to public entities for programs in local communities to help children deal with violence. Community partnerships are created among law enforcement, education systems, mental health, and substance abuse systems. These partnerships provide a comprehensive response to violence, and include security, education reform, prevention, and early intervention services for mental health and substance abuse problems, as well as early childhood and development and social services.

Recognizing what is happening in many of our urban areas, I know in my city of Boston, a third of the children who come to school each day come from schools where there is abuse—physical abuse and substance abuse. Those children need help. They have problems. Those who are the strongest supporters of eliminating the proliferation of weapons available to children have been fighting for these kinds of efforts.

Nonetheless, our Republican leadership is opposed to all of our efforts and

refuses to take action in those areas. It wasn't that long ago, in 1995, when we tried to get the Center for Disease Control to have a survey of gun violence and our House Republican budget proposed a phaseout of the Center for Injury Control because it was just collecting information about violence and guns in schools.

Not only are they opposed to trying to take direct action on the proliferation of guns, not only are they opposed, evidently—because they are refusing to take up legislation to deal with some of the other aspects of guns—but on the other hand, they are absolutely opposed to even permitting the Center for Disease Control, the premier organization in the world in terms of public health services, from having any collection of material on gun violence.

In 1996, the appropriation was cut by $2.6 million, the appropriation of the Center for Disease Control, for injury control. That is the exact amount CDC was spending to survey gun violence. Since then, the CDC found other ways to continue the survey of gun violence, but Republicans have fought us every step along the way. That is what we are pointing out.

We are pointing out a number of things. First of all, if you can do something for effective law enforcement as well as prevention programs, you can have a dramatic impact on violence in communities. I want to show what has happened in my own State of Massachusetts where we have passed some of the toughest gun laws. 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 require the sale of child safety locks with all fire arms.

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 have gun-free school laws.

We have a licensing law for the purchase of guns. We have strict 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 Saturday night specials, and we have a requirement for reporting lost or stolen firearms.

What have been the results? In the city of Boston, we see what the difference has been. In 1990, homicides of those 16 and under: 10 a year. See how this has gradually been phased out as these measures have been passed, down to the year 2000 where, in the first 3 months of the year, for youth homicides, we have not had one yet.

Does that mean something to anybody? Obviously we have had a very powerful impact. That is not just because of this legislation which has been enormously important, but we have also had a very effective program in prevention and intervention as well as enforcement. As Commissioner Paul Evans said, you have to have all the legs of the stool to be effective. Commissioner Evans also states:

To be effective, efforts must be targeted and cooperative. Police officers must be able to work closely with churches, schools, health and mental health providers. Afterschool programs are essential to help keep juveniles off the streets and out of trouble, away from guns and drugs.

In developing an effective approach like this, Boston has become a model for the rest of the country. On this chart, here is the city of Boston: Firearm homicides, 50 a year in 1990, and now we are down, in the year 2000, to 3 this particular year. That is because of tough laws with effective efforts that include many of the different provisions we have talked about here in our SAMSHA program: Working with troubled youth; trying to work with children to deal with violence in their communities; community partnership among law enforcement, education, and mental health and substance abuse systems. Those have been local efforts—some supported by the States—that are effective. Prevention and tough laws; we are finding out the scores, the hundreds of children who are alive today that I dare say probably would not be if we did not have an effective effort against the proliferation of weapons as well as prevention.

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. Boston police work actively with parents, schools, and other officials discussing incidents in and out of schools involving students. The Boston Public Health Commission promotes programs by the Boston Police Department and the results have been impressive.

From January 1999 through April of 2000, no juvenile in Boston was killed with a firearm. We ought to be able to at least debate this issue in the Senate. If there are those who take issue with what we have represented tonight about the effectiveness of a strong prevention program in terms of proliferation weapons, and also a prevention program working with a range of different social services, come out here on the floor and let's debate it and call the roll.

But, oh, no, the Republican leadership says. Oh, no, we are not even going to let you, over 5 hours, pass a resolution commending the Million Mom March, or that we ought to get the bill out of the conference, where we have been for 8 months. Why is it they are so nervous about it? Why is it, when we have results that we are prepared to defend that can demonstrate we can save lives in this country, but that we are denied the opportunity to do so? That is what is unacceptable. People are milling around saying: when are we going to end this evening? We have places to go. We have places to go—here on the floor of the Senate. We have things to do, and that is here in the Senate. That is what we are elected for.

The leader, Senator DASCHLE, has outlined what we want to be able to do.

Mr. President, how much time do I have?

The PRESIDING OFFICER. The Senator has another 9 minutes.

Mr. KENNEDY. Let me point out, when we compare States with tough gun laws to those that have weak gun laws—let's take a look at that. We are constantly told tough gun laws do not make any difference, they really do not make any difference.

Listen to this. In 1996, across the Nation the number of firearm-related deaths for persons 19 years old or younger were 2 deaths per 100,000. That is across the country, 2 deaths per 100,000. In the States that have the weakest gun laws, the number was significantly higher. Utah had 5.1 firearm-related deaths per 100,000, 2.5 times higher than the national average. These are, effectively, for children under 19 years of age. Indiana had 5.9 firearm-related deaths per 100,000, 3 times higher; Idaho, 6.9 firearm-related deaths per 100,000, 3.5 times higher; Mississippi, 9.2 firearms-related deaths per 100,000, 4.5 times higher. No other nation on Earth tolerates such shameful gun violence.

Where we have had effective laws and preventive programs we have reduction in the violence against children. Where we have weaker laws, we see the expanded number of deaths of children in our country. There may be other reasons for it, but come out here and defend it. We are prepared to debate these issues. But we are unable to do so because of these magic words: ''I suggest the absence of a quorum.''

If you took away the words, ''I suggest the absence of a quorum,'' perhaps we could get some action around here. But we cannot and therefore we are stymied, at least to date, although we will have some opportunities to get some expressions tomorrow, and we are going to try to get action on these measures before the end of the session.

We are prepared to insist that action be taken on these measures. I will just conclude by reading some of the comments of children. These are the words of Columbine students who witnessed a horrible tragedy last year. This is a quote from Valeen Schnurr:

The nights are always the worst. Inevitably, I find my thoughts drifing into nightmares, terrifying images of the library at Columbine High School on April 20, 1999. The sound of students screaming as explosive and gunshots echo through the school; the burning pain of the bullets penetrating my body; the sound of my voice professing my faith in God; seeing my hands fill with my own

blood; and my friend Lauren Townsend lying lifeless beside me as I try to wake her.

In the mornings when I look in the mirror, the scars I see on my arms and upper body always remind me that it's not just a nightmare, but the memory of a real event that will stay with me for the rest of my life. The scars are a part of me now, but they help me to remember that I've been blessed with a second chance at life.

From Garrett Looney:

I've never been ashamed to be an athlete. I started playing football when I was eight, and baseball and basketball too. This spring, I'll run track. Sports have always been part of me. * * *

I'd been in the library that day, about 11 a.m., making some copies. Then I left with friends for lunch. We were heading back to school and thought there was a bad wreck because a fireman stopped us. We went to Clement Park, next to Columbine, and saw a sea of kids running from the building. We couldn't believe it. It's beyond me how two kids could go that crazy * * *

A friend of mine, Corey Depooter was killed. I had one [woodworking] class with him, and we did projects together. It was hard going back to that class. The seniors on the football team took memorial pictures of a columbine flower to the victims' houses, including Mrs. Depooter's. She wanted to know how we were doing and told us stories about Corey. That was tough for me.

The list goes on, Mr. President. Here is Nicole Nowlen:

I was only at Columbine for seven weeks before (the shooting). My parents are divorced, and I had been living in Sioux Falls, S. Dak., with my mother and younger brother, Adam. When my mom moved to California, I chose to live with my dad in Colorado. * * *

On April 20, I was sitting alone at a table in the library doing my math homework when this girl ran in and yelled. ''There are guys with guns downstairs:'' I thought it was a senior prank * * *

The time seemed to go in slow motion. And then they came in.

I don't remember much until they got over into our area. I could see John watching where they were walking. I was trying to pick up expressions from his face, and I could hear them walking over to this table full of girls next to us. I remember this gun going off, and one of the gunmen saying, ''Do you believe in God?'' And I remember thinking, ''These people are sick.''

The stories go on.

We have had Paducah, KY. We have had Jonesboro, AR. We have had Columbine. Those who forget history are fated to repeat it. We have failed to take action. America has witnessed these shootings over the years. Every single day in cities, in communities, in rural areas, 12 children die. These are dramatic incidents which catch the heart, as they should, and the soul of every American, and it is happening every single day.

We can make a difference. We can reduce these incidents. Perhaps we cannot eliminate them all, but we can reduce significantly the total number of children who are lost every day. We fail to reduce the number if we refuse to take action in this area.

I hope the Senate will go on record in support of the Daschle sense-of-the-Senate amendment. I hope this will just be the beginning. I know it will be for many of our colleagues, including my two dear friends, the Senators from California and Illinois, who have been providing leadership for our Nation in this area. We are going to respond to the Million Mom March. They asked for action. We committed ourselves to taking action.

I look forward to working with them and others in making every effort we possibly can to reduce the proliferation of weapons that should not be available to children in this country. We can make a difference. I look forward to working with them.

The PRESIDING OFFICER. The Senator's 30 minutes have expired.

Mrs. BOXER. Mr. President, I thank my friend for his remarks. I know he watched with great pride while KERRY, KENNEDY, Cuomo, and Kathleen Kennedy Townsend spoke at the Million Mom March with hearts full. I know the people who came to that march, particularly those who witnessed and experienced pain, loss, and suffering have inspired people across the country.

I say to my friend, before I yield time to my friend from Illinois, that he is powerful on this issue. He is a powerful spokesperson for the children of this Nation. I was so happy he chose to come over here tonight. It is late in the evening. I know we will work together, as so many of us will on this side of the aisle, and hopefully a couple from the other, in making sure those moms who gave up their Mother's Day for a cause that is so important will be commended by this Senate. For goodness' sake, will be commended. As Hillary Clinton said, they did not care about the flowers; they did not care about the fancy dinners or breakfast in bed. They gave up their Mother's Day to march for something that was very important to them, more important than anything else: the safety of their children and the safety of the communities' children.

I say to my friend, thank you for making this point over and over. The other side seems to be fearful of these moms. Why don't they vote down our resolution if they do not like it? No, they stalled 5 hours because they wanted the clock to tick, and they are not even here to debate us on this amendment.

We voted out sensible gun measures. What are they afraid of, I ask my friend from Massachusetts? Sensible gun measures passed the Senate—child safety locks, background checks at gun shows, the banning of the superlarge capacity clips, a study to investigate how the gun manufacturers are marketing to our children, and changing the age at which one can buy an assault weapon from 18 to 21. A few of them crossed over, and this Senate voted for those measures.

Before my friend leaves, I want to ask him this question, and then I will yield as much time as he would like to the Senator from Illinois. I wonder if my friend can explain to me, because he has been around here a long time, of what are they afraid? Why don't they just vote it down? Why don't they just say: No, we don't want to commend the moms; no, we don't want to bring these commonsense gun laws to the Senate? Why are they using every parliamentary trick not to have to vote on that?

Mr. KENNEDY. I say to the Senator from California, it defies every logical explanation. The alleged explanation is that we do not need these additional laws; what we need is the enforcement of existing laws; why waste our time on the floor of the Senate in considering these measures because if we dealt with these other measures, our problems would be resolved.

That is, of course, a flawed factual representation, as I mentioned, in terms of total prosecutions, and it is wrong in terms of fact, not only, as I mentioned, in total prosecutions, but it is wrong in terms of what can be done in States across this country.

I thank the Senator from California for raising these questions this evening for Americans. The question is, At least, why can't we vote? Why can't we vote? Why can't we have accountability? Why aren't they proud of their position? Why aren't they proud of their position and willing to take a stand on it? That is what this office is about: making choices and decisions; exercising some judgment. Why constantly try to frustrate the ability of Members to make some difference on this? I think that is the inexcusable position which hopefully the American public will find unacceptable in the remaining weeks of this session and, if not, then during the election.

I thank the Senator.

Mrs. BOXER. I thank my friend and yield as much time as he will consume to my friend from Illinois. If he is still going in 30 minutes, perhaps he would then wrap up in the next 15, and I would conclude this side's debate.

Mr. DURBIN. I thank the Senator from California.

I salute my colleague from the State of Massachusetts. Senator KENNEDY has been the leader on so many issues throughout his political career. You can almost count on it: It is late at night—7:30 p.m. on the Senate floor. Very few Senators are still around to debate this important issue. But Senator KENNEDY, who has become legendary in his commitment to issues in the Senate, stayed for this important debate. I am honored to share the floor with him. I am honored to share the same position on this issue with my colleagues, Senator KENNEDY and Senator BOXER.

As Senator BOXER noted earlier, at the Million Mom March in Washington, there were several members of Senator KENNEDY's family who came and spoke about what gun violence has meant to them. America knows that story. America knows it so well. America knows of the assassination of President John Kennedy, of the assassination of Senator Robert Kennedy, and all the tragedies that have befallen that family. We know it because they are so

prominent in the American culture and the American political scene. We know, as well, that people with less prominent names, not that well known, have endured gun violence on a daily basis.

At the end of the Million Mom March, in Chicago, a spokesman for one of the group's sponsoring it, the Bell Campaign Fund, brought a bell near the stage and invited the families to come up and ring it if they had lost someone to gun violence in their family.

At first they were hesitant to come forward; and then more started to move forward. Finally, it became a long, long procession of young and old, of those who were not well dressed and those who were very well dressed, of rich and poor, of black and white and brown, of children and of the elderly. They came forward—hesitated—and rang the bell. They had lost someone in their family to gun violence.

As you watched this procession go by, anyone observing it could not help but think there but for the grace of God go I; it can happen to any family in America.

A nation of 270 million people, and a nation of over 200 million guns, a nation where every day we pick up a newspaper, turn on the radio, or turn on the television, to hear of another gun death. The sad reality is that we have become inured to it. We have become used to it. We think this is what life is like in the world. It is not. It is what life is like in America— in America, where we have failed to pass legislation for gun safety, to make the neighborhoods and the schools, the towns, and the cities across America safer places to live.

What calls our attention to this steady stream of information about gun violence is the most outrageous situations. For the last several years, the most outrageous gun violence has occurred in America's schools:

In February, 1997, in Bethel, AK, a 16-year-old boy took a shotgun and a bag of shells to school, killing the principal and a student and injuring two others.

On October 1, 1997, in Pearl, MS, a 16-year-old boy is sentenced to life in prison for killing his mother and then going to his high school and shooting nine students, two of them fatally.

On December 1, 1997, in West Paducah, KY, three students are killed, five others wounded at the high school; a 14-year-old student pleaded guilty—mentally ill—to murder.

On March 24, 1998, Jonesboro, AR—you will remember this one—four girls and a teacher killed and 10 people wounded at a middle school, when two boys, aged 11 and 13, fired from a nearby woods. They literally brought an arsenal of weapons and ammunition. They triggered the fire alarm bell. The kids ran out of the classroom and they opened fire.

America, 1998:

On April 24 of that year, in Edinboro, PA, a science teacher is killed in front of his students at an eighth grade dance. A 15-year-old pleaded guilty.

On May 19, 1998, in Fayetteville, TN, 3 days before graduation, an 18-year-old honors student opened fire at his high school, killing a classmate who was dating his ex-girlfriend.

On May 21, 1998, in Springfield, OR, two teenagers are killed and more than 20 hurt when a teenage boy opened fire at his high school, after killing his parents.

On April 20, 1999—the news story of the year in America; you may not have heard of the town before, but you know the name now—in Littleton, CO, two students at Columbine High School killed 12 of their classmates and a teacher and wounded 23 others before killing themselves.

That was supposed to be the gun tragedy that turned this issue around. Congress was supposed to wake up at that point and finally do something to protect America from gun violence.

Of course, we considered legislation on the floor of the Senate, and it was a long, painful debate. The bill finally came up before us, and on a vote of 49–49—a tie vote—Vice President GORE came to this Chamber, cast the tie-breaking vote, and we passed a gun safety bill which, under the Constitution, then went to the House of Representatives across the Rotunda.

Was this a radical bill? Was this something so outlandish that we could not expect the House of Representatives to consider it? I do not think so. Forty-eight of my colleagues and myself believed it was a sensible gun control measure.

What did it say?

If you buy a gun at a gun show, we want to make sure you can legally own it.

If you have a criminal record, we do not want you to buy it.

If you are a child, we do not want you to buy it.

If you have a restraining order because of domestic violence or something else, we do not want you to buy it.

If you have a history of violent mental illness, we do not want you to buy a gun.

We want to check your background and make sure you do not have a problem where you should not own a gun.

Is this a radical idea, keeping guns out of the hands of people who are criminals? The Brady law, which we passed in America, has kept guns out of the hands of hundreds of thousands of people such as those I described. And you think to yourself: Come on now, somebody convicted of a murder surely is not going to walk into a Federal gun dealer and try to buy a gun. Yes, they do it—time and time again.

Nobody said they were rocket scientists. They are people who were criminals and want to be criminals again. They may not be very bright, but they are smart enough to know they need another gun to pull off another crime.

We stop them with the Brady law. But the Brady law does not apply to gun shows. Gun shows across America are a loophole; they are exempt. You buy what you want at a gun show and nobody checks. Think about that. Even the least intelligent criminal will figure that out: Go to a gun show and get your gun. Do not go to a dealer. The dealer is going to check it out, find out if you have a criminal record.

So we said, in this gun safety law, let's do a background check at gun shows. Let's apply this same law we apply to gun dealers. That is not a radical idea. It is common sense.

Senator KOHL of Wisconsin had an amendment—part of this bill—that every handgun in America would be sold with a trigger lock, a child safety device.

It is interesting. We have many sportsmen and hunters in my family. They are strong in the belief that this is their right to own a gun; and I do not dispute it. But they are also strong in the belief that they never want their gun to harm anyone else, any innocent victim. They certainly do not want their gun to harm a child. Now they are turning around and buying trigger locks. I am glad they are.

Senator KOHL says, from now on, every handgun sold in America will have a trigger lock so that the parent who puts their gun up on the top shelf of the closet, thinking their little son or daughter will never find it—they may be wrong, but the child may be safe because with the trigger lock the child will not be able to fire the gun.

That is not a radical idea. That is part of gun safety. In fact, if there had been trigger locks in Jonesboro, AR, maybe these kids could not have taken the guns out in the woods, with an 11-year-old kid firing away at teachers and classmates.

No. I think, quite honestly, we all believe that if you are going to exercise any right to own a gun, you should exercise the responsibility to store it safely, securely, and away from children.

That is part of the bill sent to the House, a bill which still languishes. Senator FEINSTEIN of California has a provision that says you don't need a huge ammo clip with literally hundreds of rounds of ammunition for any sport or any hunting. So as you cannot manufacture them in America, you should not be able to import them from overseas. That doesn't sound radical to me. I don't know many people who need a hundred rounds to go out and kill a deer. As I have said many times, if you need an assault weapon to kill a deer, maybe you ought to stick to fishing. But the fact is, Senator FEINSTEIN's amendment was adopted as part of the bill.

We had an amendment by a Republican, Senator JOHN ASHCROFT of Missouri, that would limit who could buy semiautomatic assault weapons—certainly making sure that those under age of 18 cannot—and establishing an age of 21. We had an amendment by Senator BOXER to have the FTC and

the Attorney General investigate whether gun companies were trying to attract young buyers, underage buyers, with their advertising.

That is it. I have just described the entire gun safety bill. Did you hear anything that is patently unconstitutional, so radical and outlandish that we should not consider it in America? I don't think so. In that amendment, we have basic, commonsense efforts to make America safer. I am not so naive as to believe that we are going to end gun violence by passing this bill, but we think it will help. We certainly have an obligation to help. We passed that bill in the Senate, sent it over to the House, and the National Rifle Association tore it to pieces, passed a weak substitute, sent it to a conference committee where it has sat for 8 months, since Columbine High School. We have had all sorts of meetings on the floor of the Senate and in the House, all sorts of debates and committee meetings, all sorts of press conferences, and we have done absolutely nothing to make America safer when it comes to gun violence.

What do we have to show for it? Since Columbine High School, on May 20, 1999, in Conyers, GA, a 15-old-boy opened fire in a high school with a .357 caliber handgun and a rifle wounding six students.

On November 19, 1999, in Deming, NM, a 13-year-old girl was shot in the head at school and died the next day. A 12-year-old boy was arrested.

On December 6, 1999, at Fort Gibson, OK, a 13-year-old student fired at least 15 rounds in a middle school wounding four classmates. Asked why he did it, he said, ''I don't know.''

February 29, 2000, is one you won't forget. At Mount Morris Township, MI, a 6-year-old boy pulled a .32 caliber Davis Industry semiautomatic pistol out of his pocket, pointed it at a classmate, turned the gun on Kayla Rolland, a little 6-year-old girl, and fatally shot her in the neck.

That is America since Columbine. America, unfortunately, is very busy with gun violence but, sadly, the Congress is not busy with legislation to reduce and end gun violence. So today, Senator DASCHLE came to the floor with a suggestion, one which obviously did not set well with the Republican majority. Senator DASCHLE suggested that we pass a resolution—and I want to read the language—that it is the sense of the Senate that the organizers, sponsors, and participants of the Million Mom March should be commended for rallying to demand sensible gun safety legislation, and Congress should immediately pass the conference report to accompany H.R. 1501—the bill I described, the gun safety bill—that includes all the provisions that I described, and do so as soon as possible.

With those two suggestions, the Republican majority stopped the Senate for 5 straight hours. They would not have this Senate vote to commend the organizers and mothers who participated in the Million Mom March, and they did not want this Congress to go on the record to pass gun safety legislation for 5 hours. They tried every parliamentary trick they could to stop this, and then when they found we were determined to bring this to a vote, they finally relented at about 3 o'clock. They said: All right, you can debate it a couple hours tonight and a couple hours tomorrow. That is why we are here.

I salute Senator BOXER of California. As you can tell, many Members of the Senate had other things they wanted to do. But she and I and Senator KENNEDY and so many others believe that after we have seen what those mothers went through to put together that march to come out and ask us to pass sensible legislation, we owed it to them to be here this evening and speak to it.

Let me talk about two or three issues that will come up in this debate. The National Rifle Association spent a substantial sum of money last week on television in preparation for the Million Mom March. They ran a lot of ads showing a member of their board of directors—a woman—who articulated their point of view, as well as their personal hero, Mr. Charlton Heston. They said during the course of these ads that what we need in America to reduce the killing of 12 or 13 children a day is more education. They use something called Eddie Eagle, which is like Joe Camel, for the NRA. It is a little symbol they use to try to attract children's attention with it. They say if we have more Eddie Eagle training in schools, we will have fewer gun deaths.

Well, this may surprise some, but I don't disagree with the NRA, to some extent. If they are suggesting we should teach children that guns are dangerous and they ought to stay away from them, I salute that and agree with that. In a nation of 200 million guns, we should do that. Members of my staff in Chicago and in Washington sit down with 4- and 5-year-old children and explain to them that guns are dangerous. You have to do it in America. Even if there is not a gun in your home, you don't know where your child may be playing or whether their classmate is going to find a gun. You should tell them that. It is a reality.

But if the National Rifle Association thinks education of children to reduce gun violence means teaching kids to shoot straight, that is where I part company with them. I don't think kids should be handling firearms. I think firearms should be in the hands of adults who understand the danger of a weapon. I go along with the National Rifle Association if they want to join us in educating children in school about the danger of firearms. That makes sense. Maybe we can find some common ground on that.

The second thing the NRA tells us is we have all the laws we need. All the States have laws, some of the cities have laws, and the Federal Government has all the laws it needs and, for goodness' sake, just enforce the law. This may surprise the NRA, but I don't disagree with that either. We should enforce the laws. In fact, we find that when it comes to the number of high-level firearm offenders, those sentenced to 5 or more years, Federal prosecution of those offenders has gone up 41 percent under this administration. The average sentence for firearm offenders in Federal court has increased by more than 2 years in that same period of time. Enforcement is taking place. Should there be more? Yes, and I will support that, too.

But let me tell you, there was an interesting vote on the floor. One of the Senators who opposed my motion on the floor is here this evening. When it came to enforcement, I asked those who are friends of the National Rifle Association to put their votes where their rhetoric happened to be. I asked them if they would join me in supporting President Clinton, who asked for 500 more agents at the Bureau of Alcohol, Tobacco and Firearms to investigate firearms dealers who were violating the law and to make sure that we kept an eye on the people who were selling the weapons, and a thousand more prosecutors and judges and others across America to prosecute the same gun laws. I offered the amendment on the floor, and one of the Senators, who is here and is a member of the board of directors—or was—of the NRA, amended it and said take out the part on the Bureau of Alcohol, Tobacco and Firearms, the 500 additional agents, and then we will vote for it.

So that really calls into question their sincerity when they say they want more enforcement. It turns out a very small percentage of firearms dealers in America actually sell guns used in crimes. Most of them abide by the law. We want to stop the ones who violate the law. When I tried to put more agents at work to do that, I was stopped by a Republican Senator who says he believes in the second amendment but wants enforcement but he would not vote for 500 ATF agents for more enforcement.

Mrs. BOXER. Will the Senator yield on that point?

Mr. DURBIN. Yes.

Mrs. BOXER. Mr. President, I think the Senator makes a very important point here. When we call for sensible gun laws, the other side gets up and says we can handle it all with enforcement. Do you know what we say? Excellent idea—enforcement and sensible gun laws. Let's join hands and do it all; that is what we need to protect our people. Yet as my friend says, when he attempted to do just that, the other side found fault with it.

I want to ask my friend if he is aware of what the Republican Appropriations Committee did on the House side with a number of Capitol Police officers? I know my friend is just as distressed. I discussed this with him.

We lost two beautiful Capitol Police officers. What were they doing? They

were protecting the people in this building. They were protecting the Members of the House and the Senate, and they were shot down in the prime of their lives. They have magnificent families. We went to a funeral. We all cried. Republicans and Democrats cried tears. Now what happens? The people who want the enforcement, what have they done on the House side?

Mr. DURBIN. The House Appropriations Committee, barely 2 years after two Capitol policemen were killed protecting the Members of Congress and visitors in the Capitol Building, has proposed that we cut by 400 the number of Capitol Police working at the Capitol. It is an incredible suggestion. We have doors leading into the office buildings and into the Capitol that literally hundreds, if not thousands, of people pass through but where there is one security guard. Many believe there should be two at these doors that are the busiest.

Instead of enhancing the Capitol Police so they can do their job and be safe in doing it, the House Republican leadership called for cutting 400 Capitol policemen. That does not sound like good law enforcement and vigorous law enforcement. Just the opposite is true. They are suggesting, for more enforcement of the law, cutting back on the police after we had the terrible tragedy right here in the Capitol not that long ago.

Mrs. BOXER. The old expression is hackneyed now but ''actions speak louder than words.'' I think when you stand up on the floor and you say, ''More enforcement, more enforcement,'' then you cut 400 police officers out of this Capitol Police Force, and you go to Senator DURBIN's resolution on hiring more agents so we can crack down on the gun criminals, it doesn't add up. Something is not adding up here.

I have to say it is time we just spoke very directly about it. It is hard. It is hard to pick a fight, and it is hard to get into an argument and debate on the other side of the aisle because we don't control this Senate. But we have our rights. Senator DURBIN represents a very large State. I represent a very large State. People sent us here not to just sit back and do nothing but in fact to speak out.

I thank my friend, and he can continue for as long as he wishes tonight.

Mr. DURBIN. I thank the Senator from California.

I also want to tell you that I think this issue is an important national issue in this Presidential campaign because I think what you hear from two candidates is a clear difference when it comes to dealing with sensible gun laws and gun safety.

Vice President GORE came to the Senate floor casting the deciding vote on the gun safety bill, which I mentioned earlier. He has supported it publicly. He has spoken in favor of it. I believe it is fair to say he has supported the Brady law, he has supported the assault weapon ban, and he has supported efforts to have a waiting period so people do not in a high state of emotion go out and buy a gun and harm themselves or others. That is a matter of record. That is his position.

On the other side, the Governor of Texas, George W. Bush, has a much different record. In his State, he signed into law a concealed weapon law which allows people to carry guns into churches and synagogues.

There are people who believe we will be a safer nation if everybody carries a gun. I am not one of them. I happen to believe we are not a safer nation when the couple is arguing across the restaurant and you have to wonder whether or not someone is going to reach into their pocket or purse and pull out a gun.

I don't happen to believe we are a safer nation whenever a policeman who pulls a car over is doubly worried and concerned that that speeder may have a gun in the glove compartment instead of the registration they are apparently going after.

I don't believe we are a safer nation when people are carrying guns to public events, such as high school football games, or are taking them into churches. I don't believe that makes America safer.

Governor Bush signed a law in Texas so people would have a right in the State of Texas to carry guns around. That is his image of a safer America; it is not mine. I am glad my State of Illinois has not passed such a law, and I hope we never do.

In addition, it appears that one of the problems the Republican Party has with our gun safety bill is that we require background checks at gun shows. Which State has more gun shows than any other State in the Nation? The State of Texas. The provision in the law—the loophole in the Brady law—which said you don't do a background check at a gun show was put in by a Democratic Texas Congressman. It is an important industry, I take it, in the State of Texas to preserve these gun laws. It may be the reason Governor Bush will not come out and support the gun safety law which passed in the Senate with Vice President GORE'S tie-breaking vote.

Finally, the day before the Million Mom March weekend, Governor Bush came on television and said: I tell you what we are going to do in Texas. We are going to make a lot of trigger locks available. We are going to buy a lot of them and give them away.

I am glad he is doing it. I think it is a nice thing to do. It is certainly not a comprehensive attitude toward dealing with gun violence. I would like to see more communities and States do that. But certainly I would like to see Senator KOHL's amendment which requires a trigger lock with every gun as part of a law of the land, so that when you buy a handgun, it has a trigger lock and it has a child safety device. A once-in-a-lifetime or once-in-a-decade effort by a Governor in any State won't make any difference unless it is in a comprehensive approach, as Senator KOHL has suggested.

It is interesting to note that when the Republican leadership is asked why they have failed in over 8 months to bring this gun safety legislation to the floor, they in the majority and in control of the House and Senate say it is the Democrats' fault. That is a little hard to understand. In fact, it is impossible to believe.

I have been appointed to conference committees in the Senate in name only where my name will be read by the President and only the conference committee of Republicans goes off and meets, adopts a conference committee report, signs it, and sends it back to the floor without even inviting me to attend a session. The Republican leadership majority could do that at any moment in time. To suggest that somehow the Democrats are stopping them from bringing a gun safety bill out of committee and to the floor just defies common sense. They are in control. They have to accept responsibility for their actions.

Senator ORRIN HATCH, a Republican of Utah, is the chairman of the Senate Judiciary Committee. He is the head conferee on the Senate side for the Republicans on this conference on gun safety. My colleague from the State of Illinois, Congressman HENRY HYDE, chairman of the House Judiciary Committee, shares that responsibility with him. And the two of them have a majority of votes in this conference committee. If they wanted to bring a gun safety bill forward, there is nothing the Democrats could do to stop them from doing such. Yet they haven't done it. Eight months have passed, and more people have been shot and killed.

Stories come out suggesting to us there is much more to it. Unless and until Governor Bush decides this is an important issue in his Presidential campaign, unless and until Governor Bush decides he is for gun safety, that bill is going to stay in that conference committee. That is a simple political fact of life.

The Republicans on Capitol Hill don't want to embarrass their candidate for President by bringing out a bill he opposes. So the bill sits in this conference committee. And 750,000 mothers across America rallied in 65 different cities saying to Members of Congress, Members of the House and the Senate: For goodness' sake, can you put party aside for a moment and think about the safety of our children in schools? Can you put party aside for a moment and think about the safety of our neighborhoods so that we believe kids can stand at the bus stop without worrying about a gang banger coming by and spraying bullets? Can you put partisanship aside and decide that we can all agree we want to have background checks at gun shows, and trigger locks on handguns, and these huge ammo clips kept out of the country? Isn't it time Congress came together and agreed on

those basic simple things? The fact of the matter is, we have not, and apparently under this leadership we cannot.

The National Rifle Association is boasting that their membership is higher than ever. They love this, they say, because the more attention to this issue, the more people sign up for the National Rifle Association. More power to them. But I will tell you that if I had to put my political future with a group, it would be with the mothers who are marching and not with Wayne LaPierre and Charlton Heston. They represent the real feelings of families across America who understand that gun safety is important and that it includes not just the passage of laws to keep guns out of the hands of criminals and kids, but it also includes enforcement and it also includes education. All of it comes together.

The folks who listen to the NRA and believe them think that you stop once you talk about education and enforcement—that there is no reason to go beyond it. Yet we know better. We know those kids at Columbine High School got their guns from a gun show by a straw purchaser. We know it could have been more difficult if we had passed a law in the Senate and if it had been signed by President Clinton. We know that some of those lives might have been saved. Sadly, that didn't occur.

Now we are faced with the reality of a legislative session that is moving to the spending bills. It appears that the Republican leadership is not going to have its own agenda it wants passed but instead will move to appropriations bills, and in so doing, give us a chance, at least with sense-of-the-Senate resolutions, to continue to remind the Members of the Senate and people across America that we have not done anything to make this a safer nation when it comes to guns.

I understand, I think, the feelings of some gun owners. They feel put upon, that all this debate somehow involves them. Some of them have what I think is a naive, if not a wrong, point of view that they should not be inconvenienced in the ownership of their guns.

Let me suggest that we inconvenience a lot of people for a lot of good reasons in America. I was inconvenienced this morning when I went through the airport. I had to go through a metal detector. It is an inconvenience. I expect, because I want to sit on the plane with peace of mind, to know that every effort has been made to keep those who would create some terrorist environment off the plane. I am inconvenienced when I drive my car by the rules of the road of Illinois—thank goodness for the inconveniences—which require brakes on my car and require me to stay on the right-hand side of the road and abide by the speed limit. It is an inconvenience I accept because I want to bring my family home safely.

I think most gun owners are prepared to accept some inconvenience in life if they know it means they can continue to use their guns legally and safely. In my home State of Illinois, it is a firearms identification card; you have to apply to the Illinois State Police. They do a background check on you. They give you a little card. You can't buy a gun or ammunition in Illinois without that card with your picture on it.

I don't own a gun, but I applied for one of these cards. I wanted to know how tough it was. It wasn't too tough: Fill out a questionnaire, give them a little photo, they do a background check, send me my card, and I send them a few bucks every year to renew it. That is a device that could be used on a national basis. It has been an inconvenience for the gun owners of Illinois for 40 years now but not such a serious inconvenience that they cannot go out and enjoy sports that involve guns.

We are talking about minor inconveniences with major dividends for America. Background checks to keep guns out of the hands of criminals and fugitives and stalkers and kids so we don't have the sad situations that I recounted earlier in the schools and other places across America, these are things of common sense. These are things which, frankly, both parties should agree.

It is interesting to note that the Republican substitute to our amendment commending the Million Mom March spends a full page or so blasting the Clinton administration for the inadequate prosecution for gun crimes. As I read earlier, the statistics don't back up some of the claims they have made. Instead of commending the million moms who stood up saying, ''Make America safer,'' the Republicans have replied by blasting the first family. That is their idea—go after President Clinton; don't stand up for the families across America who came together last Sunday.

Then they say they want a juvenile crime conference committee report that has a lot more than guns in it. Quite frankly, there are some things they want with which I can agree. It is interesting they don't call for the gun safety amendments which were adopted by the Senate. Of course, they close by repeating their belief that it is a right of each law-abiding citizen to own a firearm for any legitimate purpose, including self-defense or recreation, and that should not be infringed. I don't think it is an infringement to put a basic requirement to try to keep guns in the hands of those who will use them safely, rather than those who would misuse them.

I thank my colleague from the State of California for her leadership on this particular debate. I was happy to join her this evening. I look forward to joining her tomorrow when at least we will have a sense-of-the-Senate resolution and an opportunity for a vote as to whether or not we should finally tell this conference committee to get down to business.

Mrs. BOXER. Before my friend leaves the floor, I want to ask him a question.

Mr. ENZI addressed the Chair.

Mrs. BOXER. I believe Senator DURBIN has the time.

The PRESIDING OFFICER (Mr. CRAIG). Senator DURBIN has the time and did not yield to the Senator, so I recognize the Senator from Illinois. I thought he concluded his debate.

Mr. DURBIN. I am happy to yield to the Senator.

Mrs. BOXER. This is brief.

The PRESIDING OFFICER. The Senator from Illinois yields to the Senator from California.

Mrs. BOXER. This is very brief. I have been touched reading some of the comments that have come via the Internet on the Million Mom March web site. I simply read two which I think indicate why the Democratic proposal commending the Million Mom March is so on target. It speaks for so many people across America. I want to get a quick response from my colleague to these two very brief statements.

A woman from Mount Royal, NJ, writes:

> I wholeheartedly support the Million Mom March. I lost my 25-year-old son in November of 1999 to a self-inflicted gunshot wound to the head. I firmly believe that he would still be here today if there would not have been a gun available to him. My prayers go out to all those who are marching on Washington.

And Elizabeth from North Carolina writes:

> Five years ago my sister was murdered by her ex-husband in a courthouse that had no metal detectors. She had warned the court of his threats and they took his guns away. But because of the easy access to guns, he just went out and got another. And he used it to kill her in front of their 6-year-old child.

She says to the million moms:

> God bless all of you for walking in this march and raising awareness of the horrible problem we have with gun violence on behalf of my sister and her child. I thank you all for caring.

I say to my friend before he leaves the floor tonight—he has been so generous to share his tremendous wisdom—isn't the reason the Democratic proposal, which praises the million moms for doing what they did, makes sense because people such as these have felt so alone? Is that my friend's perspective?

Mr. DURBIN. I say to my friend from California, I understand the sentiments expressed. Even in my own family, I have a sister-in-law who is interested in politics. We talk about it from time to time. She is the mother of 10 children and I think 20-plus grandchildren—I lost count. She decided when she heard about this Million Mom March that she was going to be here in Washington on The Mall last Sunday. She called every woman in the family and said: We are all going down on Metro together. They did.

The same thing happened with other people in my Chicago office. There was a feeling of mothers across America that this was a special moment and

that they were going to take time away from their families, away from what was their day, Mother's Day, and come down and be with so many others.

I was in Chicago. I know the Senator from California was here in Washington and was touched by what occurred on The Mall gathering.

That is a sentiment growing in America. My Republican colleagues should think twice about criticizing this resolution where we commend these mothers who had the courage to come forward because they believe so passionately on this issue.

When it comes to the question raised by the other person who e-mailed or contacted your office about the accessibility of guns, they are easily acceptable. The District of Columbia has strong, strong, anti-gun laws in terms of ownership possession. Yet you go right across the bridge into Virginia or over the line into Maryland and you can purchase guns that end up coming right in to crime scenes here in Washington, DC.

It is naive to believe that State laws are going to control this traffic in guns. In fact, when they did a survey in Illinois of guns confiscated in crimes and their origin, where they were from—they traced them with the gun numbers and such—they found the No. 1 State for sending crime guns to the State of Illinois was the home State of the majority leader of the Senate, the State of Mississippi. Of all places, Mississippi. Why? It is easier to buy guns there. They buy them, they throw them in the backs of trucks and trunks of cars and take off for Chicago or Boston or wherever it happens to be.

This steady trafficking, in many cases illegal trafficking of these guns, needs to be better policed, and we need to ensure we understand that these guns move across borders at will. I would say to the Senator from California, the experience of the second lady who contacted you, when a person who was not supposed to have a gun had easy access, really speaks to the issue of the proliferation of guns in America, and their easy access not only to the violent and the criminal but also kids.

Mrs. BOXER. Mr. President, how much time is remaining on this side?

The PRESIDING OFFICER. The Senator has 39 minutes.

Mrs. BOXER. I retain my time.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Mr. President, I yield myself such time as I want to use.

The PRESIDING OFFICER. The Senator from Wyoming has the floor.

Mr. ENZI. Mr. President, I am compelled to speak at this point. I am really disturbed about the direction the conversation—I will not call it a debate—is going. I think the American public needs to know what is going on here.

At the moment, the bill that is on the floor is the military construction appropriations bill—not gun control. You might be confused, if you have been listening to the debate. We are on the military construction appropriations bill. This is the bill that provides for the national security and promotes the national defense. This is the bill that builds things for the military, to make sure we have a strong military. This is the bill that builds the dormitories and the housing for our military people so they have the morale to stay in the military and do the job of protecting us.

We are debating the military construction bill. It is the bill that takes care of some of the problems on military bases where there has been pollution. A lot of it we did not know was pollution at the time it happened, but we recognize the need to take care of the environment, and this bill takes care of the environment—if we can ever get around to it and get it passed. But it sounds as if we are having a gun debate.

This bill, the military construction appropriations bill that we are considering, is the bill that handles our basic military construction needs. It is not about schools. It is not about gun control. It is about taking care of our military in a responsible and timely way. That is what is going to be happening with appropriations bill after appropriations bill after appropriations bill. We do 13 of them. It takes us about a week to do an appropriations bill. It is tough to get them done by October 1, when the next appropriation starts. It is very important that we be expeditious in the work of the appropriations bills.

We have trouble passing appropriations every year. There is always a mini filibuster done on appropriations. My friends across the aisle would prefer the President set the appropriations for this country. That is not what the Constitution says. The Congress of the United States sets the appropriations. We can do it, and we can do it in a timely fashion, as long as there is not a filibuster.

Filibusters come in different forms. One of the filibusters you see is this gun control legislation that has been thrust into the military construction bill. Another form of it is putting 100 different amendments down on an appropriations bill and expecting to be able to debate each and every one. Those are all attempts to delay the appropriations process and put the process in the hands of the President. I want the American public to know that the responsible way, the constitutional way, is for this Congress to pass a budget.

As to the debate we are having tonight, why didn't we just agree to have a vote on the sense of the Senate and get on with the business of appropriations? This is a very important point. We cannot set new precedent for people to be able to delay the appropriations process, and that is what we are talking about.

Last year we passed rule XVI. We made rule XVI valid again. The purpose of that process that we went through, a very difficult process, was to say you cannot legislate on appropriations bills. You cannot do that because we are not going to have every piece of legislation that everybody would like to have passed that they cannot get through the regular process brought up as a simple amendment to an appropriations bill and debated for hours and hours and hours. If we are going to get the appropriations process done, it has to be according to the rules. We had a rule, rule XVI, that said you could not legislate on an appropriations bill. It had been kind of set aside. Last year, we put it back into effect so we could expedite the appropriations process.

OK, there is a way around that. There is not anything that really addresses if you offer a sense-of-the-Senate amendment on an appropriations bill. Perhaps that is a way to back-door some of these other debates. We are not going to do it. We said you cannot legislate on it, we are not going to let you back-door legislate on it at the moment. That is what we are talking about here, a sense-of-the-Senate amendment.

If I had my way, we would not do sense-of-the-Senate amendments. Sense-of-the-Senate amendments are our opinion as reflected in time crunches, which means they do not mean anything. They are used a lot because if somebody passes a sense-of-the-Senate amendment, you will hear them up here frequently saying: I passed that sense-of-the-Senate amendment 100 to nothing, and that means the Senate wants it. What they did was pass it 100 to nothing to get it out of the way so we could get to another issue, perhaps a real issue. The sense of the Senate does not get negotiated with the House folks. It is just something we pass so we can feel good.

That is what this sense-of-the-Senate amendment is; it is something that will make us feel good. There is violence in this country, and it is important to end violence. But we are not talking about whether or not we are doing that. We are talking about whether we are going to have an appropriations process that can be done responsibly, without all kinds of other issues being thrown into the process, willy-nilly, to hold up the process so the President can decide, with Congress, how the appropriations are going to go. So earlier tonight you saw a lot of procedural motions. Those were motions to make sure that the sense of the Senate could be voted on, that a new precedent could be set for how we are going to do appropriations bills around here. That is why we have been so adamant at making sure there are votes. In order to get a vote on germaneness, we had to concede 8 hours of debate time. Instead of talking about military construction and getting the bill passed, completing the amendments to it—instead of that, we agreed

we would do 4 hours of debate on each of two amendments, so we could get to some votes.

You saw what happened earlier—endless quorum calls. Every time there was one of those quorum calls, we did not have to go quite as formal. The other side likes these filibusters to be a bit more subtle, so instead we just have to do a quorum count. We had to actually show on the lists up there that the people were here. It was not an actual vote. It only took about 7 minutes each time one of those procedural quorum calls was called. But it did not just delay 7 minutes; it kept a vote from happening. And that is the strategy: Filibuster the appropriations, put it in the hands of the President, set a new precedent so we have additional opportunities to set it back.

It is about time Congress went to a biennial budget, a budget that we do every other year so we do not get in this time crunch every year; so we do not get under the gun and put things into appropriations that ought not be there; so we can have the best possible debate every other year and get the best possible biennial budget and appropriation that we can and, in the in-between year, have a chance to see how the people are spending that money and making sure it is according to the way Congress appropriated it.

We have concentrated on guns in the debate tonight. As I have pointed out, the bill we are debating is military construction. Everyone that I know is sensitive to the violence issue in this country. We need to do something about that violence. Since it has been brought up as the single solution being gun control, and the Democrats are willing to concede that perhaps a little enforcement might help out and are using statistics about a 40-percent increase in the amount of Federal enforcement that has been done—it is pretty easy if you only have 9 one year to get 40 percent the next year, especially with the crew we have to do the enforcement.

They ought to be embarrassed about the enforcement. Neither of these things are the solution. We have to quit trying to treat the symptoms. We have to get to the heart of violence, and the heart of violence is that we lack a sense of community. We have lost a sense of community.

I am from Wyoming, and I get back to Wyoming almost every weekend. I travel 300 to 500 miles around the State going to all kinds of towns—small towns, big cities. In Wyoming, the big cities are 50,000 people. One can drive out of that city and see the whole city at one time. It is not another town running into another town into another town.

Some of the communities I visit are listed on the Wyoming highway map as having zero population. That really irritates the two people who live there, but they are counted in the county population rather than the city population. When my wife and I go to those towns, we call ahead and talk to those two people and say: Can you invite a few of your friends over so we can hear what is on your minds? When we get there, there will be 20 to 30 people at that place ready to give their opinion because they have seen a lot of stuff on television with which they do not agree. They have seen polls in which we believe, and they want me to know the right way.

I challenge any other Senator to beat that percentage of attendance: zero population, 30 people. Give it a try. The average town in my State is 250 people. They turn out well, too. When I go to a town of 250, I usually get to talk with 80 percent of the people who are there. I do not even know what size building I would have to have in Los Angeles to talk to 80 percent of the people, but we can do that in Wyoming, and we do.

They do not think handling the symptom of guns or enforcement is the answer. They are a little distressed at the lack of sense of community. They have a strong sense of community. They know their neighbors. They talk to their neighbors regularly. They respect their neighbors, and they have this community they can see. Wyoming is an example for the Nation when it comes to community.

We are worried about it there, too. Television has made a tremendous difference in this country. We are not trying to outlaw television. That would cause the biggest uproar this country has ever heard. I can tell from some of the satellite TV and cable TV problems we have that it is the most important thing in the minds of many people in America.

What does television do? It turns everybody inward. Part of the time I was growing up, we did not have television. Then we got a black and white television set. I watched this tremendous progression of television. It was a fascinating technology with fascinating new capabilities.

Television has turned us inward. When I was growing up, there were not many channels from which to select, but there were different programs that different members of the family wanted to see. We had a discussion, a debate, a family decision on what we were going to watch. There was interaction in the family. That is part of community.

Today we have the Internet. Not only can the child go to his or her own room and watch his or her own television set; they can go to their room, and if they do not like what is on television, they can go on the Internet. Again, it is turned inward, perhaps a little more outward than television because one can get into chatrooms.

I suggest to parents—and I know a lot are watching what their kids do with television and on the Internet—talking to somebody in a chatroom is not the same as talking to them in person. It is talking to a computer game. It is talking to yourself with some interaction, and that is turning us inward.

My daughter is a teacher. She is an outstanding teacher of seventh and ninth grade English in Gillette, WY. She has been a little distressed over the last year at some of the things she has seen happening even in Wyoming. I know it is nothing compared to what is happening in the rest of the Nation. There was a knife incident in her school, and she went through the entire enforcement process. It was a very disturbing experience and maybe a reason at some point in the near future for her to quit teaching. It is a very difficult process.

I have talked with her about guns, violence, and what we can do about it. I have received a lot of good suggestions from her and the students. Again, we find this inward turning, this lack of community, this lack of respect as being one of the big problems.

I am very proud of my wife. I have to mention her, too. This last weekend when I was in Wyoming, I went to the University of Wyoming and watched her receive her master's degree. She has been working on that for several years, while we have been in Washington, on the Internet taking it from the University of Wyoming. It is very difficult, but it is a way one can pick up a degree no matter where in the world one is. Even when we were traveling, she could go online and make the class times she had to make. It was difficult but doable.

I congratulate her for her efforts. Her master's degree is in adult education. She has done some teaching in high school before. One of her views is that one of the things we ought to have in schools is a course called ''Life's Not Fair and What To Do About It.'' We are so busy in this country giving people rights. We have the Bill of Rights, but we are giving out a lot of other rights. Unfortunately, I think we have given the kids of this country the impression that they have the right to everything for themselves, and if they do not get that right, they can take it out on others.

There are a number of different ways they can do that. They can sue. If they fall down and hurt themselves, it is not their fault anymore. It is somebody else's fault and they have to concentrate on how much money they can get from them for themselves. Life is not fair. We have kids across this country who are saying life is not fair and I am going to hurt somebody because they have hurt me internally. In fact, they even kill people over that. Somehow we have to get the message out to each and every kid. We have lost a whole generation of kids. There is a whole generation of them who have not had the message they are not supposed to hurt other people, and they are definitely not supposed to kill them. That is a message we are missing.

I know the first thing a lot of people are going to do is jump up and say: But we have all these working mothers now. If they did not have to work, they could take better care of their kids. I

am not going to let them off with that excuse.

We just had Mother's Day, and that ought to be the most special day in the world. We ought to listen to what every mother has in the way of instruction—the mothers who marched and the mothers with whom we celebrated.

One of the most important lessons is listen to your mother. My mom is in Washington right now. She has had a tremendous influence on my life, and she was a working mother. She and my dad had a shoe store, a small business. If there are people who think owning a business is the easy way of life, they need to do a business plan and take a look at small business. The only people who do not get off when they need to or want to are the people who own the business. They are the ones locked into a schedule. The people who work for them have more flexibility because, as a businessowner, you do not want them to quit and not have any help. If you have your own business, you work interminable hours because it is everything you have. Until one has gone through the agony of figuring out how to pay the bills in a small business, one really cannot appreciate what a small businessman goes through.

My mom worked at the shoe store. She did the books for the store and had to spend a lot of time at it. So did my dad. But my sister and I, I do not think, turned out too bad.

My sister is really the smart one in the family. She is a CPA. She is the business manager for a school district in Sheridan, WY, and does just outstanding work. She understands numbers far better than I do. She is the more capable one in our family.

But I am proud of my mother and the way she brought us up. And my wife, all of the time our kids were growing up, was a working mother. We also had shoe stores. We also had to go through that pain and agony of making sure we could meet payrolls all the time and that we could get all the work done.

I am really proud of my kids. Her working did not destroy my kids. In fact, it may have aided my kids, as my mother working aided me.

It is very difficult to work and do all of those things and have special time with your kids. I really think that is the key —special time. That does not have to be a whole day. In fact, I would challenge anybody to spend a whole day of special time, unless they are doing it in an entertainment mode, in which case they are looking at something else other than their kids.

I would suggest that you have some family traditions. One of our family traditions, both when I was growing up and with my family, was to have one meal a day that you had together—not optional; not with TV—one meal a day together; one opportunity during that day to ask, what did you do, or what are you going to do, to compare notes, to find out and, most importantly, to show a little bit of concern for that child or that spouse—a time that is uninterrupted, 5 minutes, 10 minutes—I do not know how long it takes you to eat but enough time to compare notes just a little bit.

If you compare notes, I think it will drag out into a much longer time than 5 minutes or 10 minutes.

Another part of this is a respect for neighbors and teachers. This is part of community, too. With community, you have to have some respect for yourself, some self-responsibility. You also have to have respect for your family. You have to have that willingness to work together because everything isn't going to work out in a family just the way you would dream of it. Life is not fair in families, either. But families show their strength by working together when things are difficult.

When I was growing up, we respected our neighbors. Our neighbors were able to say: Hey, I saw your boy. I didn't like what he was doing. No punishment was necessary because I changed immediately because I respected that neighbor, too.

The same thing for teachers in the classroom. One of the things my daughter does that I really like is, when she is teaching and she has a big assignment that is supposed to be turned in, she calls the parents of those students who did not turn in the paper. It is a lot of extra effort.

The first time she did that, she called us, in tears. And she is near tears every time she does it. The reason she is near tears is because of the number of parents who say: So, what are you going to do about it? They put it back on her, as the teacher, when they have the complete control—or as much control as anybody has—of making sure their child does the work timely. It is part of community.

I got in trouble a little bit in Wyoming with some education things. At one time I checked and found out Wyoming was spending—this has been a few years ago—about $5,600 a student per year. I suggested that one of the ways we could improve education was if we charged tuition, and then gave every kid a $5,600 scholarship to cover the tuition that we charged.

And how did you earn the scholarship? All you had to do to earn the scholarship was show up, do your homework, and be good. Those are pretty weak criteria for getting $5,600 a year. But those are some things that we need in school. We need the kids to show up; we need the kids to do their homework; and we need them to behave so they are not disrupting other people—pretty easy criteria. But that is part of that sense of community, again, that sense of knowing that the people you are going to school with have an equal right to learn.

When I have talked to a lot of the school classes—and we usually do that on Fridays when we get to Wyoming—I have found that you want to phrase your questions on what needs to be done very carefully. If you do not, what you get back from kids is: You are not doing enough for us: We need; we need; we need. That is not the solution either.

In St. Louis, one of the things they did there—this was not done professionally at all, as I understand; I read about it in a book on communitarianism, which is what I am talking about —in the book, they said in St. Louis they sent out a questionnaire to the kids in the school and asked: What does our community need? What do you need? What does our community need? Which happens to be the right way to phrase that question.

They also had a little spot on the survey of what needed to be done where they could list if they were willing to work on it, and how they would work on it, and put their name and their address and their phone number. They expected a small return of these questionnaires. Instead, what they got was over 50 percent back, and over 50 percent of those had signatures on them saying they were willing to participate. And the city was smart enough to put them to work. They let them use the city hall for committee meetings and to go to work on the projects they suggested the community needed. There was a huge decrease in vandalism. There was a huge increase in caring for their fellow people.

The same book talks about Cincinnati. There they hired a professional to check and see why there was so much violence and so much destruction. The conclusion of the report was: A broken window left undone leads to a door that is left undone that leads to a kid who feels that nobody cares.

They are not interested in us having a bunch of debates back here in a fancy sort of way that sets a whole bunch more laws in place.

I would like to be able to tell you I have the solution to violence and that I have the perfect law that will take care of the violence problem in this country. But it isn't going to be done by law. You cannot make people behave. You have to have people who want to behave, to know that they are supposed to behave.

Something I also find when I talk to kids is that they believe the only publicity out there is the publicity about the bad kids and the bad incidents.

We just had a Congressional Awards Ceremony in Cheyenne, WY. The Congressional Awards Program is something that we all ought to understand because everybody has the right to that program. The U.S. Congress gives out two kinds of awards. They give out the Congressional Medal of Honor; that is usually to adults who have done something fantastic to help our country and our way of life and democracy. We also have the Congressional Awards. Those go to kids, kids who have done something for other people, kids who have helped out in their community, kids who have set goals and followed them, and the goals have to include volunteer work.

We have quite a few kids sign up for that in Wyoming. In fact, in most

years Wyoming has more kids who get the gold medal than any other State. I did not say on a per capita basis. I want to make sure that everybody understands, in Wyoming we have 480,000 people. So sometimes on a per capita basis it is pretty easy for us. We show up in all the bad statistics because one incident drives us to the top of the charts.

I want to mention that again. For congressional awards, in Wyoming we have more kids who get a gold medal than any other State—flat out numbers. About 3 years ago, there were 21 gold medals awarded in the United States. Fifteen of the kids receiving that gold medal were from Wyoming. We are very proud of the program. But the thing we like the most is kids say: We get good publicity for doing that. Good kids get good publicity. The more publicity there is that way, the more people get in the program. So we always have the largest program.

I spoke at a Boy Scout Week dinner in Cheyenne. Lots of letters, again, said: Thanks for saying good things about what we are doing.

I have gone on a lot longer than I anticipated going, and I particularly apologize for it because we are debating military construction. That is the bill we are considering—military construction appropriations.

I have to tell you a little bit about the new dollar, the golden dollar, the Wyoming dollar. Yes, to have a new dollar in the United States, it has to go through the Banking Committee. When they noticed we were running out of the Susan B. Anthony coins, they passed a resolution to do a new dollar. And then the battle started.

The resolution said it would have the image of a real woman, and every State has a number of women who are worthy to be on a coin. Trying to break the logjam, I nominated Sacajawea. She is a person of tremendous interest to the Presiding Officer because Sacajawea was born in Idaho. Sacajawea, of course, was kidnapped at a very young age in Idaho and taken to North Dakota. It was in North Dakota that she met up with Lewis and Clark and went across the United States and helped them out by using the skills, talents, and language she had learned as a child.

Without Sacajawea, the Lewis and Clark expedition would have fallen far short of its goal. It might not have even made it back to Idaho. But she helped with that. I love to go on and add that not only did she get to travel the entire West through that process, but even after the territory expedition, it is with great pleasure that I can say she chose to spend her last years in Wyoming.

People who have seen the West usually like to stay in Wyoming, if they possibly can. But kids in Kelly, WY, helped me promote Sacajawea and helped to get her on the coin. One of the schoolteachers wrote a song about her. His dad wrote a book about her that we used as the evidence for her importance in the United States. Of course, we are coming up on the bicentennial of the Lewis and Clark expedition. So we are pleased that through the whole process, Sacajawea made it onto the coin, along with her baby. It is a lookback, but a look to the future, and it is the first time we put a baby on a coin.

When we had the golden dollar celebration in Kelly, WY, the local bank—well, there is no local bank in Kelly. The nearest town is Jackson, and the bank there arranged for an armored car to come to Kelly, WY, with some of the dollars. I know it was the first time an armored car had been there. But the bank was also so kind as to invite some of the kids from the Wind River Indian Reservation in Wyoming, which is where Sacajawea is buried, and also from the Fort Hall Indian Reservation in Idaho. We just had a great day celebrating it.

One of the things I noted was that part of Indian tradition is a thing called ''dream catchers.'' They are circular to represent endless time, and they have webs that go through them that would catch dreams and visions. It occurred to me that is a bit of what the dollar is; it is a dream catcher. It isn't any good just by itself. We call it the golden dollar, and it has been pointed out that it doesn't have gold in it. It is colored gold, distinctly from the quarter. It has smooth edges so you can tell it from the quarter. But it is a dream catcher. You have to use it in order to make a difference.

Kids understand that. They know that helping other people with their dreams makes one's own dreams come true. Sometimes that is done through dollars. I mention this because, again, we are in the appropriations process. That is where we deal with dollars—trillions of dollars. It is very important that we spend those dollars as well as possible. And we are not going to get the process done if we are diverted onto a whole bunch of sense-of-the-Senate amendments, which are used a few times by people who say, ''I got that through 100–0,'' or whatever the number is. Most of them pass 100–0 because the words on them don't mean anything, except a vocal display.

So I hope we can keep the discussion relevant and make sure we can do the business of the United States—the dream catching of the United States—and get our appropriations process done.

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

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. BOXER. Mr. President, may I ask if there are other speakers on the other side this evening?

The PRESIDING OFFICER. I believe there is one other speaker on the Republican side who wishes to speak. We may want to propound the necessary language to close the Senate down, which would allow the Senator to complete her expressions for the evening.

Mrs. BOXER. I am happy to do that, but I don't have the particular language in front of me at this time.

The PRESIDING OFFICER (Mr. ENZI). It is not available yet. The Senator may continue with her remarks.

Mrs. BOXER. I appreciate that. How much time remains on my side?

The PRESIDING OFFICER. The Senator from California has 39 minutes remaining.

Mrs. BOXER. Mr. President, I don't intend to use the entire time. At the appropriate moment, I will be happy to make that unanimous consent request.

I want to say to the Senator from Wyoming I really enjoyed listening to him, and much of what he said I agree with. But I have to say that, as my friend explained the needs of our communities to be closer and the needs of our children to be paid attention to and to be taught respect and accountability and love, he is very right.

But I might say to my friend that every day in this country 12 children are cut down by gunfire. Most of them come from families who love them, come from families who respect them, come from families who have taught them the values of love and community and country.

So I say to my friend from Wyoming, who told some very tender stories about how good most of the youth are in this country—and I agree with him—a lot of those wonderful young people are being shot in schools and in churches. There seems to be no limit today on what can happen. So he can speak about the need to be close with our families. He is exactly right. Most of us are. But for those who are alienated, who don't have that love, why should the rest of the children pay the price and fear for their lives?

In some of our communities, if you ask those children, I say to my friend, the sad reality, for whatever reason, is that they are afraid. Many of them know someone who has been cut down by gunfire.

So I say, yes, the world he paints is a world I want for every child in America—a loving family, the ability to feel secure, the ability to feel responsibility, the ability to feel confidence. But also, I might add, if we don't pass sensible gun laws—and my friend doesn't want any more sensible gun laws—no matter what type of families our children come from, they are not protected.

I also want to address the point of my friend from Wyoming on why we are doing this on the military construction bill. Over on the House side, I served on the Armed Services Committee, and I know how important that bill is. I want to make it clear to my friends that the Democratic leader, TOM DASCHLE, didn't want to go this route. He asked unanimous consent to bring up the gun amendments that passed the Senate and are trapped in the conference committee, take them up immediately, and resolve them, and pass them in honor of the moms who

gave up their Mother's Day to come here and express themselves.

The Republican side said no. They objected. So what choice did he have but to offer up an amendment?

I say to my friend that the Republican leadership waited 5 full hours before they allowed us to be heard on the subject of sensible gun laws; 5 full hours before we could offer our amendment and be heard on our amendment which commends the moms for coming out on a day when they could have had breakfast in bed, have gotten flowers, and been treated to dinner, to say thank you for being selfless as moms are. That is what you learn when you are a mom—how to be selfless.

As my friend pointed out, military construction is funded for 4 more months. We are not up against any clock—4 more months. Would it hurt us to take a few hours to pay tribute to those moms who worked so hard to organize that march of 750,000 strong, and thousands across the country adding up to more than a million moms? By the way, plenty of dads, too; plenty of grandmas; plenty of grandpas; plenty of daughters and sons. Would it hurt us? My God, in the 5 hours the Republicans stalled before we could get to this measure, we could have had the debate and could have voted on it. Who is wasting time?

The Democratic leader said let's just take this matter up and vote it out. He would have agreed to a very short time limit. But, no, 5 hours of delay. So here it is 5 minutes to 9.

You know what. I am grateful we are taking this up. I am grateful even if it is late at night. Even if I have some other things to do, it doesn't matter at all. We will take it up tomorrow as well. By the way, we will take it up again, and we will take it up again, and we will take it up again because too many people are dying in our country. How many? Let's take a look.

We have a war at home. It is a war in our streets. It is a war in our schools. In Vietnam, we lost 58,168 of our people. This country came to its knees. We wanted to end the war. The vast majority of people thought it was a mistake. Republicans, Democrats, and Independents marched. And President Nixon ended the war in Vietnam. That is 11 years.

Let's look at what happened in the last 11 years in our Nation—395,441 people have been shot down by gunfire. That is from the National Census for Health Statistics.

We have a war here at home. It is shocking to look at that, isn't it? I find it so.

That is why we are going to come back again and again. It is not easy to be here late at night. But I think we are going to have to do that because we have to face it.

Let's look at murder by handguns compared to other countries. A lot of people say, well, this is just the way it is in a society that is free. I would argue that Japan, Great Britain, and Canada are free countries. They are our allies. They are democracies. By the way, in Canada, murder by handguns per 1 million population is .12 per 1 million; .51, 3.64 in Canada. And in the United States, it is 35.05.

What is wrong? My friend from Wyoming talked about lack of community. He is certainly right on that point. But why is it always in this debate either/or? Why don't we want to work on that issue of community, work on those issues of respect for families, and work on those issues that we have to work on—yes, in the media—and also face one fact, that the only product in this country that has not one safety regulation is guns? Does that make sense to you?

In 1968, after the tragic assassination of Robert Kennedy—killed, shot down in the prime of life, who might have been our next President, shot down in the prime of life with an imported handgun—this Congress acted to ban Saturday night specials from being imported. As I remember, some of my colleagues who are still here on the other side of the aisle voted for that. But guess what they didn't vote for. They didn't vote to ban Saturday night specials from being made in America. So if you try to import a Saturday night special, you can't do it. You can't import a handgun. But guess what. They are made all over this country, particularly in my own home State. I am proud to tell you that recently with a new California Legislature and a new Governor, we have banned those Saturday night specials in California.

We are making progress. We are making progress. I am very proud of that.

After Columbine High School, this Senate gathered, and all said we are going to work together. We passed five sensible gun laws. They are so modest. They are so sensible. They passed this Senate and closed the gun show loophole that allows criminals to go to a gun show and not have to have a background check. It would have made a difference in Columbine. The woman who got the guns for those kids said so. It would ban the importation of high-capacity clips which are used in semiautomatic assault weapons. That is the Feinstein amendment. The first one is the Lautenberg amendment. Requiring child safety devices be sold with every handgun is the Kohl amendment. It requires that the FTC and the Attorney General study the extent to which the gun industry markets to juveniles. That was my amendment. I will talk more about it. It makes it illegal to sell or give a semiautomatic assault weapon to anyone under the age of 18. That was written by a Republican Member of this Senate, Senator ASHCROFT. Those amendments passed. And they are languishing in a conference committee that doesn't even meet.

On April 20, 1999, the Columbine High School shooting stunned America. On May 11, a month later, the Senate begins debate on those gun measures. On May 20, just a month after Columbine, this Senate passed a juvenile justice bill by a vote of 73–25 that included those five sensible gun control amendments that I talked about.

The Senate and House go to conference 3 months after Columbine, and guess what. That was July. There is one meeting of the conferees. Here we are more than a year after Columbine and we have done zero, nothing, nada.

I am embarrassed to face my constituents. I was embarrassed to face these marching moms and look them in the eye. It is not their job to pass legislation. Hello. It is our job. It is not their job. It is our job. What are we doing? Nothing, zero, zip. I am embarrassed about that. I am angry about that.

I tell you that there are a number of us who are not going to go away on this point. We will be back here. That is why I say to the Presiding Officer sitting in the Chair today that we chose to move forward on this bill. We tried to get a separate resolution. We offered it. The Republicans said no. I don't know, I just do not know why the fear is in this Chamber about voting this thing up or down. All we said is commend the Million Mom March for what they did. It is the American way—standing up and being counted.

Moms attended who are Republicans, Democrats, Independents, some who don't have any affiliation whatever with politics, many of whom are never political. They want Congress to act. We do nothing.

I hope these moms continue to work on this matter, to connect this political process with the facts and the realities of the deaths that go on day after day after day after day.

We had a hearing the day after the Million Mom March and an art teacher from Columbine spoke. With a trembling voice she told us what it was like to be in that library, to tell the kids: Go under your desk. Call 9–1–1.

She said: I used to be in favor of no gun laws and now I am here asking you to act because I don't want anyone else to suffer in this way.

I talked about the five commonsense measures. I think the one that I wrote is very important. We learned when we looked at the cigarette industry how they marketed to kids. We have to realize how the gun industry is marketing to kids. Here is an ad in ''Gun World'': ''Start 'em Young! There is no time like the present.'' Here is a child, definitely under 18. It is a toy gun that looks like a real handgun. Now, under the laws today you can't buy a handgun in a licensed dealer shop until you are 21 years of age and you can't buy it from anybody, including a gun show, until you are 18. Here is a young man: ''Start 'em Young!''

Let's take a look at what some of the gun people say about marketing: ''. . .greatest threat we face is the lack of a future customer base. . .''; ''. . .we continue to look for every opportunity to reach young people. . .''; ''Building

the next generation of customers takes work and commitment. But it must be done.''

Sound familiar.

Let's hear what the tobacco companies said in the documents we found through the lawsuits. We will hear how the tobacco company and the gun companies sound alike.

Tobacco company documents: ''If our company is to survive and prosper, over the long-term we must get our share of the youth market.'' ''Today's teenager is tomorrow's potential regular customer.''

This sounds very familiar.

Here are the gun companies: ''. . .greatest threat we face is the lack of a future customer base. . .''; ''. . .we continue to look for every opportunity to reach young people. . .''

Are they trying to reach young people? I argue they are.

We no longer see Joe Camel. Because of the lawsuits, tobacco companies agreed to stop using a cartoon character to lure kids to their product. Well, here is Eddie Eagle. If all Eddie Eagle did was to promote safety, it would be one thing, but it is absolutely a way to get kids interested in guns at a young age. ''Start 'em Young!'' begins to take on new meaning.

Here is a photograph from a gun magazine. This child is 4 years old and he is watching an adult load a handgun— ''Start 'em Young!''

This is a very pressing issue. That is why we offered this amendment. We thank the moms for coming here. We call on our colleagues to free that juvenile justice bill and pass these laws.

My friend from Wyoming, in his opening remarks, said the people in his State don't want any laws. Quoting him the best I can, the Senator from Wyoming said: You can't make people behave. We don't need a bunch of laws.

Let's take that to its logical conclusion. You can't make people behave; you don't need a bunch of laws. OK. Should we have no laws against murder because you can't make people behave? Should we have no laws against rape because you can't make people behave? Should we have no laws on the books that say if you drive a car you have to have a license?

And the NRA takes out an ad and says, by the way, licensing a car doesn't save kids from getting hurt. They have to look both ways when they cross the street.

There is another either/or strawman. Of course, you have to look both ways when you cross the street. But if the driver didn't have to get a license and couldn't see and went up on the sidewalk, you would get killed. So what is this either/or? You don't need laws to make people behave? You want to repeal the laws for getting a license to drive? You want to repeal the laws on registering a car? Yes, you can look both ways, but if the guy's brakes don't work, you are hit. So we keep setting up these either/ors. It is not about either/or. Look both ways, yes. But also make sure that your driver is licensed, the car is registered, it is safe, he or she can see, can hear, and can drive.

With this refrain that laws can't make people behave, if you take it to its logical conclusion, we wouldn't have any laws at all. We wouldn't have a country that was a country of laws. That is, by the way, what makes America the greatest country in the world because we are a country of laws, not men; I add, we are a country of laws, not men or women.

We have laws for safe toys; we have laws for safe products. We have the safest products in the world. Not because people are wonderful. Yes, some are; they would never make an unsafe product; they wouldn't do it. But some people aren't wonderful and we have to protect our people from those people who would make a shoddy product. Guess what. We have the safest products in the world.

The only product that is not regulated that I know of is a domestically produced handgun. If you try to import it, there are safety standards. But not if you make it here.

I would say to my friend, I do not agree with him. If he does not think laws make people behave, I don't know exactly what we are doing here. We do pass laws every day to protect our people. Laws are the bedrock of a civilized society.

The NRA took out a full-page ad—the same one where they said when you license a driver or register a car you do not make our kids any safer—so I already think I addressed that. But they also basically said: What kind of mother would march? This is a political agenda.

I wish those NRA members who wrote that ad could have been at the Million Mom March. I have been in politics all my life. I have to say, these people were authentic American moms, dads, grandmas, grandpas, aunts, uncles, sisters, brothers, daughters. Do you know why they were there? They said it: Enough is enough. Enough is enough. Many of them had lost children, relatives; they feel the pain; they feel the hurt. They are scarred forever. Many of them knew people who were injured, who were paralyzed for life. Enough is enough. That is why they came. That is why they marched. They could have stayed home, had their breakfast in bed once a year for Mother's Day, but they chose not to do it. I am proud of them.

For the National Rifle Association to take out an ad condemning those mothers is an insult to the women of this country. By the way, they were women from every political party imaginable, every age, every ethnic group. It was the most amazing picture. People out there saying: Enough is enough.

They want us to act. So, yes, I think it is worth a couple of days of debate in the memory of the almost 400,000 Americans shot dead by gunfire in the last 11 years. I think it is worth a couple of days of debate to say, in the name of these 395,441 people, that we will take a few hours; that we will commend the Million Mom March; that we will encourage them to keep on fighting for what they believe in—a safe America.

Many years ago, when I first got into politics, I was involved in trying to ensure that my children, who are now old enough to take care of me, had a safe future. We were embroiled in that Vietnam war for years and years. There was a bumper strip that came out and a lot of people put it on their cars. It said: Imagine peace. Because the war had gone on so long it was hard to imagine what it would be like, not to have this divisive war, where Americans were arguing with one another, where generations were having debates until most of the country came around and believed it was wrong.

I think we need to have a new bumper strip that says: Imagine an America with no gun violence. Maybe every day we could think about what it would be like to put on the television set at night and not hear story after story: A child goes to the zoo and shoots a gun and hurts a child; a 6-year-old brings a gun to school and shoots a 5-year-old; two high school kids go into their high school and kill people randomly. Every day 12 children die. Imagine what it would be like to turn on the television at night and not have to hear these stories. God, what a wonderful thing it would be for our Nation.

I will say this. If we take the attitude that laws do not mean anything, then we are giving up. We could stand up here, as many nights as we could, and say how much we need to feel a sense of community and how much mothers and fathers have to work with their children and how important it is that we respect each other and admire each other and love each other and come together as a community—and, my God, we should say that.

But we cannot stop there. Because the mothers who grieve for their children every day in America love their children and they gave their children values and their children went off to school and they never came home. So you can stand here, day after day and say that it is about a sense of community, and I will agree with every word that you say. But that does not mean we do not have the responsibility to protect the good children and the good families. We can do it. Five sensible gun laws that we have already passed here, seeing how we market to children, making sure we do not import those high-capacity clips, making sure that guns are sold with safety locks, making sure you cannot buy an assault weapon until you are 18.

The bottom line is we can do it. The last one, of course, is closing the gun show loophole. If you ask the woman who got those guns for those kids at Columbine, she says it clearly: If I had to undergo a background check at the gun show, this whole thing would not have happened.

So no one can get up here and say laws do not make a difference because I do not believe that. These people are telling us to pass these laws. We are not all that smart here. None of us is. But if we turn our back on the people who have experienced this violence, the Sarah Bradys, the Jim Bradys who beg us to pass waiting periods and background checks—if we turn our back on those Americans, I do not think we deserve to be here, really. Maybe that is what this election in November is going to be all about. We are going to see how much people really care.

I know it is late. The Senator from Alabama is here. I know he wants to talk. I know he is not going to agree with one thing I said—and that is good because that is what this is all about. That is what it is all about. That is why I love the Million Mom March, because it is what the country is all about: standing up and being counted, standing up and giving up Mother's Day to come out there and do what they think is right. We have a simple, simple opportunity for people to praise those moms.

I am going to close by reading from Senator DASCHLE's amendment and hope my friends on the other side will join us and will vote for it:

Since on Mother's Day, May 14, 2000, an estimated 750,000 mothers, fathers, and children united for the Million Mom March on the National Mall in Washington, D.C. and were joined by tens of thousands of others, in 70 cities across America, in a call for meaningful, common-sense gun policy;

Since 4,223 young people ages 19 and under were killed by gunfire—one every two hours, nearly 12 young people every day—in the United States in 1977;

Since American children under the age of 15 are 12 times more likely to die from gunfire than children in 25 other industrialized countries combined;

Since gun safety education programs are inadequate to protect children from gun violence;

Since a majority of the Senate resolved that the House-Senate Juvenile Justice Conference should meet, consider and pass by April 20, 2000, a conference report to accompany H.R. 1501, the Juvenile Justice Act, and that the conference report should retain the Senate-passed gun safety provisions to limit access to firearms by juveniles, felons, and other prohibited persons;

Since the one year Anniversary of the Columbine High School tragedy passed on April 20, 2000, without any action by the Juvenile Justice Conference Committee on the reasonable gun safety measures that were passed by the Senate almost one year ago;

Since continued inaction on this critical threat to public safety undermines confidence in the ability of the Senate to protect our children and raises concerns about the influence of special interests opposed to even the most basic gun safety provisions;

Since this lack of action on the part of the Juvenile Justice Conference Committee and this Congress to stem the flood of gun violence is irresponsible and further delay is unacceptable; and

Since protecting our children from gun violence is a top priority for our families, communities, and nation: Now, therefore, be it

Determined, That it is the sense of the Senate that—

(1) the organizers, sponsors, and participants of the Million Mom March should be commended for rallying to demand sensible gun safety legislation; and

(2) Congress should immediately pass a conference report to accompany H.R. 1501, the Violent and Repeat Juvenile Offender Accountability and Rehabilitation Act, before the Memorial Day Recess, and include the Lautenberg-Kerrey gun show loophole amendment and the other Senate-passed provisions designed to limit access to firearms by juveniles, convicted felons, and other persons prohibited by law from purchasing or possessing firearms.

It is very simple. It is a lot of nice and important words, but the bottom line is we commend those mothers for marching.

We agree with them that we should pass some modest gun laws that will stop our children from having access to firearms, that will keep us safe from criminals having access to firearms, that will keep us safe because we will not allow mentally unbalanced people to have access to firearms. That is all we are saying. We are not talking about stopping people who are law abiding from having a gun if they want it as long as they act responsibly. We are not talking about taking away anybody's guns. We are not talking about that at all. We are not talking about not being able to hunt. No.

No matter what the gun lobby says to you, I say this: We are saying if you are responsible, fine, but if you are a criminal, you cannot have a gun. If you are a child, you cannot have a gun. If you are mentally unbalanced, you cannot have a gun.

If we cannot pass laws that carry out those requests, then there is something wrong with us, there is something in this Chamber that is stopping us from doing what is right.

This is going to be a big issue in this Presidential election. It is going to be a big issue in the Senate and House races. As a matter of fact, we have a National Rifle Association first vice president saying:

With George Bush in the White House, we'll have a President where we work out of their office.

Imagine a satellite office of the National Rifle Association in the White House. Please, we need to protect the people of this country, and we need to do it by passing sensible gun laws and standing up in the face of powerful lobby groups, whether it is this one or any other one, because we should be the ones in the Senate who are free from that kind of special interest domination.

I pray that tomorrow when we meet—we have a few more hours of debate—we will adopt the Daschle amendment.

I thank the Chair. I yield the floor, and I yield back all my time.

The PRESIDING OFFICER. The Chair recognizes the Senator from Alabama.

Mr. SESSIONS. I thank the Chair.

Mr. President, I thank the Senator from California. She is a most eloquent spokeswoman for her point of view, and I do share many of her concerns. I do believe this: Too many people are dying and we can do something about it.

I want to share tonight some of my ideas about what we can do about it. If we do the things I am talking about tonight, we can literally save thousands of lives.

It is fair and accurate to say that as a direct result of the failure—it is shocking, stunning to me—of the Clinton administration to enforce existing firearm laws, thousands of people have died who otherwise would not have died. I say that as a person who spent 15 years as a Federal prosecutor working as an assistant U.S. attorney for 2½ years and almost 12 years as the U.S. attorney appointed to prosecute Federal criminal cases. In this body, we only deal with laws that apply to Federal criminal cases, not State cases.

We can save lives, but ask anybody who is a long-time, good student on the subject of crime in America, ''Do you think a law that would stop the sale of guns at gun shows is going to stop people from getting killed?'' and they will laugh at you. This is not something that is going to have a serious impact on crime in America, but it does have the capacity to seriously undermine a popular institution of gun shows because it delays for so long sales of guns and the gun show activities have closed and people are gone. It just does not work well. People have objected to that. That is where we are today.

I am frustrated, as I know the Chair is, because we are now back on this issue. The bill before this body is a military construction bill. We need to address certain matters of construction for our military bases and men and women in the service. We need to focus on that and get serious about it.

The majority leader, TRENT LOTT, knows what we have to do. We have 13 appropriations bills to pass. Are we going to every day have some other controversial, nongermane, irrelevant amendment brought forward disrupting the flow of the Senate and keeping us from doing the job we want to do? Is that what is going to happen? That is why he has stood firm. No, we are going to stay on military construction; we do not need to be on the issue of gun laws today.

It is a tactic. I know the Senator is most eloquent, but she also said basically the truth. She said it was a political issue; the Democrats want to use this in the fall. I suggest they are just playing politics and not talking about matters that will make our streets safer and our schools safer. I will talk about those in a minute. Politics is not what we need to be doing now.

The gun laws we debated in this body some time ago are, in fact, in conference. They passed this Senate. We passed a gun show law. Virtually everybody here voted for major restrictions on the gun show operations. The Lautenberg amendment was contested. Many believed the Lautenberg amendment went too far and disrupted a favored institution in America—the gun

show. We had a vote on it after a great debate, the thing the Democrats want to continue, apparently. We had a 50–50 tie. The Vice President sat in the Presiding Officer's chair and, with great pomp and circumstance, broke the tie in favor of the amendment, walked out here, and immediately had a press conference and accused those of us who did not agree with his view on the details of this gun show law of not caring about children, not caring about crime, being indifferent to murder.

I was offended by that. I remain offended by that because I have committed a better part of my professional life to prosecuting criminals and caring about crime and victims. I know them personally. I personally tried approximately 100 gun cases myself, and under my supervision hundreds of gun cases have been prosecuted. I think I know something about this. I want to share some thoughts about that today.

I start off by discussing some basic issues. I am delighted the mothers were in town. Most of all, they remind us that children, young people, adults, family members, ourselves, are in danger in America because of violence and that this Nation needs to use the expertise, knowledge, skill, and scientific data to do what we can as a Congress to make this country safer. We can do that.

How can we reduce crime? How can we save children's lives? How can we save adult lives? How can we make our communities safer? I have studied this for 17 years as a prosecutor. I have read reports and studies of the Department of Justice. I have observed personally and tried to see what was going on around me, and I want to share some things with you about crime in America.

During the sixties and seventies, as the Chair mentioned so eloquently in his remarks, crime in this country more than doubled. It tripled, maybe even quadrupled.

We had double-digit increases—15-, 17-, 18-percent crime increases—a year in the 1960s and 1970s. It was a direct result, in my opinion, of a breakdown of discipline, a breakdown of family, an increase in drug use, and a disconnect and a lack of respect for authority in America.

Our leaders in our colleges and universities, they all said it was ''cool,'' it was ''doing your own thing,'' it was ''seeking fulfillment,'' and you should not teach children to just always be automatons and just follow orders; that they ought to be allowed to express themselves. They said people were not responsible for their own acts. They said crime was a product of finances; how much money you had would affect whether you were a criminal or not—all kinds of things like that.

People who are listening to me today, who lived during those times, know I am not exaggerating. As a result, even though crime was going up dramatically, we had no increase really in the number of people in jail. We had a belief afoot in the land, by many of our brightest people, that jail did not work. They would say that putting people in jail just made them meaner, that it was no good, we needed to treat the root cause of crime, whatever that was, and we needed to increase welfare spending and just give people more money; that we could just sort of buy them off. Then they would not riot, rob, steal, rape, and kill. I am telling you, that is basically what the deal was in the 1960s and 1970s.

The critical point came when Ronald Reagan ran for President, and he promised he was going to promote law and order in this country. He made a serious commitment; he was going to create a war on drugs. He did that. He set about to appoint prosecutors, such as JEFF SESSIONS, in Mobile, AL, and 94 others in the districts around this country. He told us to get out there and utilize the skills and abilities and laws we had to fight crime.

This Senate and this Congress passed some extraordinarily effective and tough laws that had already passed a number of years earlier under President Nixon—a Speedy Trial Act that said cases had to be tried in 70 days. That is so much shorter than what goes on in most State courts today. The Federal Speedy Trial Act of 70 days is a very firm rule, and cases are normally tried within 70 days.

In addition to that, in the 1980s, under President Reagan, they passed a law that eliminated parole. It said that whatever sentence you got, you served it, virtually day for day. It eliminated parole, so a criminal who was sentenced would serve the time the judge gave him. We called that ''honesty in sentencing.'' We said it was time to quit joking about giving someone 30 years and having them serve 6 and be right back out on the streets again, robbing and raping and doing other kinds of criminal activities. So we had the honesty in sentencing.

Then we had mandatory sentencing. Sentencing guidelines were set up. Minimum mandatory sentences were set forth under President Reagan and into President Bush's term. Those sentences were very effective.

We had an expert group of judges, and others, who analyzed the kinds of crimes and helped establish the statutory range of guidelines for judges to sentence within. The mandatory minimums said, for example, regardless of what else may happen, if you carry a gun during any crime, including a drug crime, you have to be sentenced for 5 years, without parole, consecutive to the drug crime or the burglary or any other crime you may have been sentenced for in Federal court.

So those are the kinds of things that happened. And the Federal courts improved themselves dramatically.

During those 12 years I served as U.S. attorney, a major factor dawned on me. We were making some progress. Crime in America began to drop in a number of the years—maybe a majority of the years under President Reagan's leadership. But it was not always down. In some years it started up, or the crime did not drop enough. I wondered, what could we do?

Many questioned whether these sentencing guidelines were working or not. Then it dawned on me why we were not having the impact. It was so simple as to be obvious to anybody who gave any thought to it. Federal court only tries 2, 3, 1 percent of all the crimes in America; 95, 97, 98 percent of all crimes tried in America are tried in State courts, not Federal. Even though the Federal court had set the example for the State courts, it could not itself, in effect, change the climate in America.

Over the past number of years, State court systems have gotten fed up. They realized that the revolving-door mentality of just arresting people, releasing them on bail, trying them 2 years later, letting them plead guilty to 6 months, and having them in a halfway house and then back on the streets, selling drugs, conducting crime, was not effective; and they passed all kinds of repeat dangerous offender laws.

You heard the ''three strikes and you're out'' laws passed in many States. The third time you are convicted of a felony, you serve life without parole. All kinds of laws such as that were passed in virtually every State in this country. They got tough and serious about crime in America and said: We are not going to take it anymore. We are not going to allow people who threaten the lives of our children to be released on the streets. And from 1990 to today, the prison population in America has doubled—more than doubled.

Many people complain about it. They say to me: JEFF, we have too many people in jail. That is just too many. Oh, this is awful.

One person told me one time: If we keep this up, everybody is going to be in prison. Of course, that is a joke. Everybody does not commit crimes. Everybody does not rob, rape, shoot, and kill. No, sir. We have gotten serious about it. We focused on the repeat dangerous offender and did something about it.

The Rand Corporation, a number of years ago, did a very important study. In this study, they interviewed, in depth, people in prison all over, but I believe it was mainly in California. They interviewed lots of people in prison, in depth, for hours, about what their life was like when they were out involving themselves in crime.

They found some amazing facts. They found that a significant number, although less than a majority of those in prison, were very much criminally inclined, that they were committing as many as 300 crimes a year. Three hundred crimes a year they were committing. It gave further impetus to and further basis for these ''three strikes and you're out'' laws and multiple-offender laws.

You might say: They would not commit 300 crimes a year, Jeff. They must not be telling the truth. But listen to me. There are 365 days in a year. Some of these criminals go out and knock ladies down, take their purses two or three times a night, break into cars, steal cars, break into houses, break into stores and office places multiple times in one night. Many of them are committing 200, 300 crimes a year; some of them more than that.

So we began to focus on that, and, since about 1990, we have had a decline in the crime rate in America every year. This past year, we just had the announcement that the murder rate dropped 7 percent in America. I was proud to see that.

They can have all the theories they want, but I tell you, there are not that many people in my hometown of Mobile, AL, who are willing to come out and shoot you. There are just not that many of them. And if you identify them when they go out and start committing crimes, and put them in jail, they are not going to be out there to shoot you, your family, your children, your loved ones. They are not going to be there.

I wish there were some way we could do something different. I wish we could have a class for prisoners where they could take this class and in 6 months we could release them where they would not commit crimes.

You will hear of people who cite studies and say: Oh, this cures people, and they do not ever commit crime again. Look at them closely. If that were so, we would already be doing it. Trust me. Nobody would oppose that. Nobody would oppose that. But for the most part they do not work. They may help some—and I am not against these kinds of programs—but, fundamentally, many people who are definitely criminally inclined will continue to be so.

So we made some big progress.

The city of Miami—many of you will remember the commitment President Bush made when he went down there to head the task force in Miami when he was Vice President. They were using automatic weapons, machine guns, MAC–11s, slaughtering people. Colombian gangs were operating almost at will. They said they were going to do something about it. Over a period of years, Miami has been relieved of those kinds of violent shootings. You almost never hear of a shooting with an automatic weapon in Miami anymore. It was brought to a halt.

By the way, it has been a crime since the days of Al Capone to have a machine gun. In the midseventies, when I was an assistant U.S. attorney, we prosecuted every one of those cases where people had machine guns, fully automatic weapons. So this idea that somehow we need to pass laws to keep people from carrying AK–47s—and you hear that all the time—it is already against the law to carry those weapons. It has been in the law for some number of years.

Boston, MA, a few years ago, was very concerned about the number of murders in their town. They wanted to do something about it. My staff members went up and studied their program because we heard such good comments about what they had done. They took young people seriously. When a young person got in trouble in the juvenile court in Boston, they weren't only given probation and sent home. They had a police officer and a probation officer—and they changed their hours; they worked from 3 o'clock in the afternoon to 10 o'clock at night, and the police officer would go out with the probation officer, and if the curfew was at 7 o'clock for young Billy, they knocked on Billy's door at 7 o'clock or 7:30 to see if he was home at night. If he wasn't home, something was done. Almost all of a sudden, they began to realize that these people meant business. They really cared about them. If you care about these young people, you will make sure they are obeying the rules you give them.

They targeted gang members who were leading gangs and getting involved in criminal activities and told them: If you keep this up, you are going to serve big time in jail. They sent criminals away for long periods. They broke up the gangs and they went a year without a single juvenile homicide in Boston.

I thought it was a good program. That is why, as chairman of the juvenile crime subcommittee of the Senate Judiciary Committee, we put that kind of effort into our juvenile crime bill that is now being held up in conference. That would have been supported financially by the Federal Government, encouraging other cities to do those kinds of things that would reduce crime. But let me ask you, do you think we are going to save lives in Boston, MA, by passing a law to eliminate gun shows in America? It is not going to have anything to do with that crime. So we need to do those kinds of things.

Another city that had an extraordinary success rate was Richmond, and I will talk about it in a minute.

So what do we do? We have a juvenile crime bill that is being held up in committee. Let me tell you precisely why it is being held up, the way I see it. The Senator from California indicates she sees it a different way. Let me tell you the way I see it.

We had this strong—too strong, in my opinion—gun show amendment. It did not have a majority of support in the Senate. The Senate tied 50/50. The Vice President came in here and broke the tie. Only 50 Members of this 100–Member body voted for that amendment. They voted for other amendments that would be less strong and less damaging to the gun show activities but at the same time tightening up the gun show situation. It went to the House of Representatives, a coequal body. For a bill to become law, it has to pass the Senate and the House. The House, on a bipartisan basis—JOHN DINGELL, Democrat from Michigan, and a number of other Democrats—voted against it, killed the Lautenberg amendment by a substantial vote.

Now, Members of this body are saying the conference committee is supposed to work out a bill and has to put in an amendment that was rejected in the House and had a tie vote in the Senate. You don't normally do that. Why would we think the votes in those two Houses would justify that? Surely not. That is not logical. So they are saying, if you don't agree to put in this amendment that was rejected already in the House, we are going to block the bill and keep trying to offer amendments here every day to see if we can't embarrass you Republicans so we can have an election issue in November.

That is what it is all about. But it is frustrating our ability to do our work because we have a military construction bill on the floor. That is what we need to deal with, taking care of that, not repeating the same old arguments we have had with gun laws.

Let me tell you what I think ought to be done. In the juvenile crime bill, we have, I believe, $80 million for a project CUFF, Criminal Use of Firearms by Felons—just a title we came up with—that would provide special prosecutors in every U.S. attorney's office in America. It would, in effect, step up dramatically the Federal enforcement of criminal laws.

By the way, when I became a Member of this Senate 3 years ago, I started looking at the U.S. attorneys' statistics. I knew how to use them. I reviewed them every year when I was a U.S. attorney. I pulled out the book. I was hearing from friends and people in the Department of Justice that this Department had allowed criminal prosecution to decline markedly. I looked at the numbers to see if it were true. I was shocked to find that, under the Clinton-Gore administration, prosecutions of criminal gun cases dropped from 7,000 to around 3,500—nearly a 40-percent decline in the prosecutions of gun cases.

I was shocked because every day the President of the United States and Vice President Gore were out there saying: All you Senators and Congressmen who won't pass more and more restrictions on innocent law-abiding citizens who want to possess guns are for crime, death, slaughter, and shootings. You guys are no good. You are not worthy of respect. You are just trash. You care about crime. You defend crime and you don't believe in children.

Those are the kinds of things they were saying. At the same time, they had the power and authority to prosecute criminals who were actually using guns in criminal activities, and the prosecutions had dropped 40 percent. A stunning thing. I didn't ignore it.

Nearly 3 years ago—within a year of my being in this office—I challenged the Attorney General herself, Janet

Reno, about these numbers. She brushed off the debate. A deputy attorney general came before the committee and had private meetings when he was coming around to meet Senators. In his testimony, I asked him and demanded that they do better with the prosecutions of gun cases. The chief of the criminal division came by, as did two criminal division chiefs. I raised it with them. I had charts. I wrote an op-ed in 1998, or so, on this very subject, expressing my shock at this amazing decline in prosecutions. The reason was that was a big deal for us. Under President George Bush, we were told to do something about these gun cases. We were Federal prosecutors appointed by the President of the United States. All 94 U.S. attorneys were appointed by the President of the United States as part of the executive branch.

We had a project called Project Triggerlock. We had task forces with the sheriffs and the chiefs of police in our area. We met and discussed how to use these tough Federal laws for speedy trial actions with mandatory minimum sentences and no parole to crack down on violent criminals.

I put together a newsletter. I called it Project Triggerlock News. I sent it to all of the chiefs of police and to all of the sheriffs in my district. I sent it to the detectives and law enforcement officers who I knew were working on these kinds of cases. We showed example after example of criminals who were carrying firearms, and whom we tried in Federal court with joint investigations and prosecutions, and they served a long period of time in jail and were removed from the community.

I couldn't believe an administration that came into office talking about guns had abandoned this program. In fact, they had not totally abandoned it. Several years ago, the United States attorney in Richmond, VA, and the chief assistant who had been involved in these cases over the years got together with the chief of police in Richmond and determined to prosecute aggressively all Federal gun violations of existing law in Richmond, VA. They called their project Project Exile. They called it Project Exile because when they convicted them they got 5 or 10 years without parole. They didn't go to the halfway house in Richmond. They were sent off to a Federal prison maybe hundreds of miles away. They were gone, out of Richmond, away for long periods of time without parole. They did this consistently and aggressively.

President Clinton's own U.S. attorney, his own appointee, testified that they had achieved a 40-percent reduction in murder rate—a 40-percent reduction. They did one thing that we didn't do. They put ads out about it. They put up posters: Carry a gun, mandatory Federal jail time. They were out to convince people that they better obey the law, and they had better not be misusing guns. They were successful at it. They reduced murder rates 40 percent.

I asked Attorney General Reno if she was going to do something about that. Well, we are just going to let each district do what they want to, she said.

Curiously, I had a hearing set. It was really remarkable to me. We had a hearing on this matter. It was set for Monday morning. The administration did not want us to have this hearing. They kept wanting to put it off. I had the U.S. attorney from Richmond, the chief of police, and some experienced prosecutors testify about this kind of thing. I was amazed to turn on my radio on Saturday. What do you think the President's radio address to the Nation was on? It was on Project Triggerlock, and Project Exile. He had the U.S. attorney from Richmond and the chief of police from Richmond in the White House with him while he was doing the address. And he bragged on it, and said how good it was.

About 6 weeks later, the Attorney General came up. I had heard that they had not taken any action on it. They appointed some commission to talk about it, and no directives had gone out. I asked her about it. I remember asking her how the President sent her directives. Did he send them to her by writing or did she have to turn on the radio and listen to him? Because his exact words were, ''I am directing the Attorney General and the Secretary of Treasury to crack down on these kinds of criminals.''

To my knowledge, they still have not made the kind of progress that they should.

Do you see the hypocrisy here?

We have a plan in Richmond, VA, that I know as an experienced Federal prosecutor will save hundreds of lives and thousands of lives.

In the time this administration has been in office, I believe I can say with confidence that thousands of people are dead today because Project Triggerlock was abandoned and this administration allowed crime prosecutions to plummet. That is a tragedy, and it is wrong.

But, at the same time, when they come up to me, and they want to register handguns, or they want to close down gun shows, and if I don't vote for that, then I don't care about children, I don't care about people getting shot and killed in America. It burns me up. I do not like that. And why the media has not understood this fully is beyond my comprehension.

They just continue to suggest that the only thing that counts in this country is whether or not you vote for further and further restrictions that implicate and sometimes really go beyond implicating but, in fact, violate the second amendment to the Constitution of the United States which guarantees the right to keep and bear arms. Somebody will say, well, they don't like that. Well, that is our Constitution. Put it up in an amendment, big boy, if you want to change it. Let's see them bring forward an amendment to eliminate the second amendment. There is no consensus for that in this country. It is part of the heritage of this country that people maintain firearms.

We didn't have these kinds of murder rates in the 1930s, the 1940s, and the 1950s when a higher percentage of Americans had guns than they have today. I don't know of anybody where I grew up who didn't have a firearm.

I say to you first and foremost, how do you reduce crime and murder and make our streets safer? Implement President Clinton's own Project Exile. Mr. President, direct that it be done. See that the Attorney General carries it out. Pass our juvenile crime bill which provides you even more money than you really need to carry out that project. I say you don't need any more money because we didn't need it when I was U.S. attorney. Why can't you prosecute these gun cases? They are not hard to prosecute. Really most of them are quite simple, and 80 or 90 percent plead guilty. It is a good way to crack down on violence in America.

There is one more thing that I want to mention. We implemented the National Crime Information Center—the NCIC—background check. That is a computer-operated system. So if you go down to a gun store and attempt to buy a firearm, they can plug in your Social Security number, date of birth, whatever, and they can run an NCIC check on your criminal history to see if you are a convicted felon. Most of you may not know it, but if you are a convicted felon, you can't possess a firearm, period. You can't possess a shotgun, a rifle, or a pistol. Any convicted felon in America, even if it is a fraud case with no violence in it, cannot possess a firearm. We used to prosecute a lot of those cases of a ''felon in possession.'' That is what we called them.

We found that in 13 months of this new NCIC system, 89,000 individuals were rejected. They could not buy a firearm because they had some problem. Many of them were felons.

I submit to you they have already filled out a form. I used to remember the number. I think it was 4477. On that form they filled out they had to swear under oath they were not a convicted felon. That is a crime. That is a false statement. Also, many of these people turned out to be fugitives from other criminal activities.

The BATF, the Bureau of Alcohol, Tobacco and Firearms—I have great friends in BATF, and they do a good job—is not following up on these cases. They have prosecuted less than 1 percent of these 89,000 cases. Probably about two-tenths of 1 percent were actually prosecuted.

There are some serious criminals in that group. When those cases come in and are kicked out and people are rejected because of violence, they ought to be investigated, and they ought to be prosecuted.

I think that would be a great way to identify criminals who are out to get

guns and are up to no good and are out on the street. There are straw men who use false identities to buy guns. There are illegal sellers of guns. There are gun thieves who sell guns and pass them around the neighborhoods. Those kinds of people can be prosecuted, too.

If you do that, I have no doubt that crime will be reduced. There will be less murders in this country and we could save lives by the thousands. That is what we need to do. That is where our focus needs to be.

I hope those who came to the moms' march will cause us to focus on the real causes of crime and how to really stop it. If we do, we can make this country safer, we can save lives, and we can do what we are paid to do.

We need to quit playing politics. We need to get that juvenile crime bill up, voted on, and we need some compromise and support from the Members of the other side.

Once we do that, we will begin to save lives in America.

TRIBUTE TO LAMPTON O'NEAL ''TREY'' WILLIAMS III

Mr. LOTT. Mr. President, today I rise to pay tribute to an extraordinary young man who has persevered to overcome significant obstacles in his life and who, in spite of these obstacles, has excelled. Lampton O'Neal ''Trey'' Williams III, of Hattiesburg, Mississippi, exemplifies the qualities of courage, dedication, commitment, and self-discipline that harken back to the days of this great nation's founding fathers who likewise employed these values to overcome seemingly insurmountable adversity. With this graduation from the Presbyterian Christian School in Hattiesburg on Friday, May 19, 2000, I express my most heartfelt and warmest congratulations to Trey on this extraordinary accomplishment.

As a deaf student, Trey has been saddled in life with a hardship that many of us will never be forced to carry. Yet, from an early age, Trey refused to allow his disability to overcome him and, instead, set out to conquer his disability. As a young boy, Trey was enrolled in The University of Southern Mississippi DuBard School for Language Disorders where his eagerness, ability to learn, and refusal to yield to his disability quickly warmed him to the hearts of all around him. During his tenure at the DuBard School, Trey excelled in speech, lip reading, learning language and academic skills. However, Trey's passion for learning and his commitment to his education did not end there.

In 1992, having secured from the DuBard School the skills and abilities he would need to live a full and free life with his disability, Trey took the noble and daunting step of enrolling in regular education classes at the Presbyterian Christian School in Hattiesburg, Mississippi. Throughout his years at the Presbyterian Christian School Trey has continuously challenged himself and has demanded only the best from himself. His motivation, self-discipline and character have earned Trey the highest praise from his teachers and the respect of all who know him. And while Trey's forthcoming graduation from the Presbyterian Christian School is a truly extraordinary achievement in and of itself, it is only part of the story. As the result of his academic excellence and exceptional accomplishments over the past several years, Trey has earned a college scholarship. I have no doubt that Trey's strength of character and commitment to his education will result in a college career marked with awards and honors only few can ever expect to achieve.

Mr. President, Trey's dedication, commitment and perseverance is unique and truly commendable. With his graduation on May 19, 2000, Trey will receive a concrete representation of his years of perseverance—his diploma. And while his accomplishments thus far deserve the highest praise and commendation, I have no doubt this young man's future will be marked by even greater accomplishments. Trey's refusal to yield to his disability and his determination to overcome it should serve as an inspiration and motivation to all of us. It is an example of what we can achieve when we demand the most from ourselves. I want to extend my highest congratulations to Trey on his graduation and wish only the best for him in the future.

MARINE COLONEL WAYNE SHAW'S RETIREMENT ADDRESS

Mr. DASCHLE. Mr. President, the debt we owe to the men and women who have served in the U.S. Armed Forces is one that we will never be able to repay adequately. They sacrifice so much of themselves to defend our nation and its ideals, and ask for so little in return.

Today, I would like to focus the Senate's attention on one such veteran, who entered the United States Marine Corps more than a quarter-century ago. Colonel Wayne Shaw, who was a Marine for over 28 years, retired recently and delivered a farewell address to his fellow officers at Quantico, Virginia.

Colonel Shaw's address at Quantico was not your typical ''feel-good'' retirement speech. In it, he makes a number of observations about how the Marine Corps has changed in recent years—and how, in his view, many of those changes have weakened the Corps that, for the sake of our country and the world, needs to remain strong. Not a man to mince words, Colonel Shaw lists in his speech a number of concerns he has about the future of the Marine Corps.

Colonel Shaw does not question the future of the Corps because of any disillusionment he may have about the institution. Rather, he questions the future of the Corps because of his love for and devotion to it. Colonel Shaw is certainly entitled—if anyone is—to critique the Marine Corps because of his unique commitment to this country for nearly three decades. I believe we owe it to Colonel Shaw and other veterans like him to pay heed to his words of warning and carefully consider his suggestions to sustain the integrity of the U.S. Marine Corps. I hope each and every member of this chamber will do so.

I ask unanimous consent that Colonel Shaw's retirement address be printed into the RECORD.

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

A FAREWELL TO THE CORPS

(Remarks by Colonel Wayne Shaw, USMC, Quantico, Virginia)

In recent years I've heard many Marines on the occasion of retirements, farewells, promotions and changes of command refer to the ''fun'' they've had in the Marine Corps. ''I loved every day of it and had a lot of fun'' has been voiced far too often. Their definition of ''fun'' must be radically different from mine. Since first signing my name on the dotted line 28½ years ago I have had very little fun.

Devoting my entire physical and mental energies training to kill the young men of some other country was not fun. Worrying about how many of my own men might die or return home maimed was not fun. Knowing that we did not have the money or time to train as best we should have, was not fun either. It was no fun to be separated from my wife for months on end, nor was it fun to freeze at night in snow and rain and mud.

It was not much fun to miss my father's funeral because my Battalion Commander was convinced our peacetime training deployment just couldn't succeed without me. Missing countless school and athletic events my sons very much wanted me to see was not much fun either. Not being at my son's high school graduation wasn't fun. Somehow it didn't seem like fun when the movers showed up with day laborers from the street corner and the destroyed personal effects were predictable from folks who couldn't hold a job. The lost and damaged items, often irreplaceable family heirlooms weren't much fun to try to ''replace'' for pennies on the dollar. There wasn't much fun for a Colonel with a family of four to live in a 1200 sq. ft. apartment with one bathroom that no welfare family would have moved into. It was not much fun to watch the downsizing of the services after Desert Storm as we handed out pink slips to men who risked their lives just weeks before.

It has not been much fun to watch mid-grade officers and senior Staff NCO's, after living frugal lives and investing money where they could, realize that they cannot afford to send their sons and daughters to college. Nor do I consider it much fun to reflect on the fact that our medical system is simply broken. It is not much fun to watch my Marines board helicopters that are just too old and train with gear that just isn't what it should be anymore. It is not much fun to receive the advanced copies of promotion results and call those who have been passed over for promotion. It just wasn't much fun to watch the infrastructure at our bases and stations sink deeper into the abyss because funding wasn't provided for the latest ''crisis.'' It just wasn't much fun to discharge good Marines for being a few pounds overweight and have to reenlist Marines who were HIV positive and not world-wide deployable. It sure wasn't much fun to look

at the dead Marines in the wake of the Beirut bombing and Mogadishu fiascoes and ask yourself what in the hell we were doing there. I could go on and on. There hasn't been much fun in a career that spans a quarter century of frustration, sacrifice and work.

So, why did you serve you might ask? Let me answer that: I joined the service out of a profound sense of patriotism. As the son of a career Air Force Senior NCO I grew up on military bases often within minutes flying time from Soviet airfields in East Germany. I remember the Cuban Missile crisis, the construction of the Berlin Wall, the nuclear attack drills in school and was not many miles away when Soviet tanks crushed the aspirations of citizens in Czechoslovakia. To me there was never any doubt that our great Republic and the last best hope of free people needed to prevail in this ultimate contest. I knew I had to serve. When our nation was in turmoil over our involvement in Vietnam I knew that we were right in the macro strategic sense and in the moral sense, even if in the execution we may have been flawed. I still believe to this day that did the right thing. Many of our elite's in the nation today continue to justify their opposition in spite of all evidence that shows they were wrong and their motives either naive or worse. This nation needed to survive and I was going to join others like me to ensure it did. We joined long before anyone had ever referred to service in the infantry units of the Marine Corps as an ''opportunity.''

We knew the pay was lousy, the work hard and the rewards would be few. We had a cause, we knew we were right and we were willing when others were not. Even without a threat to our Nation, many still join and serve for patriotic reasons.

I joined the Marines out of a sense of adventure. I expected to go to foreign countries and do challenging things. I expected that, should I stick around, my responsibilities would grow as would my rewards. It was exciting to be given missions and great Marines to be responsible for. Finally, I joined for the camaraderie. I expected to lead good men and be led by good men. Marines, who would speak frankly and freely, follow orders once the decision was made and who would place the success of the mission above all else. Marines who would be willing to sacrifice for this great nation. These were men I could trust with anything and they could trust me. It was the camaraderie that sustained me when the adventure had faded and the patriotism was tested. I was a Marine for all of these years because it was necessary, because it was rewarding, because our nation needed individuals like us and because I liked and admired the Marines I served with . . . but it sure wasn't fun.

I am leaving active service soon and am filled with some real concerns for the future of our Marine Corps and even more so for the other services. I have two sons who are on the path to becoming Marine Officers themselves. I am concerned about their future and that of their fellow Marines, sailors, airmen and soldiers. We in the Corps have the least of the problems but will not be able to survive in a sick DOD. We have gone from a draft motivated force to an all-volunteer force to the current professional force without the senior leadership being fully aware of the implications. Some of our ills can be traced to the fact that our senior leadership doesn't understand the modern Marine or service member. I can tell you that the 18 year old who walks through our door is a far different individual with different motivations than those just ten years ago.

Let me generalize for a moment. The young men from the middle class in the suburbs come in to ''Rambo'' for a while. He has a home to return to if need be and Mom has left his room unchanged. In the back of his mind he has some thoughts of a career if he likes it or it is rewarding. The minorities and females are looking for some skills training but also have considered a career if ''things work out.'' They have come to serve their country but only in a very indirect way. They have not joined for the veterans Benefits because those have been truncated to the point where they are useless. No matter what they do, there is no way it will pay for college and the old VA home loan is not competitive either. There are no real veteran's benefits anymore. . . . It is that simple, and our senior leadership has their head in the sand if they think otherwise. As they progress through their initial enlistments, that are four years or more now, many conclude that they will not be competitive enough to make it a 20 year career or don't want to endure the sacrifices required. At that point they decide that it is time to get on with the rest of their lives and the result is the high first term attrition we currently have to deal with. The thought of a less than honorable discharge holds no fear whatsoever for most. It is a paper tiger. Twenty years ago an individual could serve two years and walk away with a very attractive amount of Veterans benefits that could not be matched by any other sector or business in the country. We have even seen those who serve long enough lose benefits as we stamped from weaker program to weaker program. This must be reversed. We need a viable and competitive GI Bill that is grandfathered when you enter the service, is predicated on an honorable discharge and has increasing benefits for longer service so we can fill the mid grade ranks with quality people. We must do this to stop the hemorrhage of first term attrition and to reestablish good faith and fairness. It will allow us to reenlist a few more and enlist a few less.

The modern service member is well read and informed. He knows more about strategy, diplomacy and current events than Captains knew when I first joined. He reads national newspapers and professional journals and is tuned into CNN. Gone are the days of the PFC who sat in Butzbach in the Fulda Gap or Camp Schwab on Okinawa and scanned the Stars and Stripes sports page and listened to AFN. Yet our senior leadership continue to treat him like a moron from the hinterland who wouldn't understand what goes on. He is in the service because he wants to be and not because he can't get a job in the steel mill. Three hots and a cot are not what he is here for. The Grunts and other combat arms guys aren't here for the ''training and skills'' either. He is remarkably well disciplined in that he does what he is told to do even though he knows it is stupid. He is very stoic, but not blind. Yet I see senior leaders all of the time who pile more on. One should remind them that their first platoon in 1968 would have told them to stick it where the sun doesn't shine. These new Warriors only think it. . . . He is well aware of the moral cowardice of his seniors and their habit of taking the easy way out that results in more pain and work for their subordinates. This must be reversed. The senior leadership must have the moral courage to stop the misuse and abuse of the current force. The force is too small, stretched too thin and too poorly funded. These deficiencies are made up on the backs of the Marines, sailors, airmen and soldiers. The troops are the best we've ever had and that is no reason to drive them into the dirt. Our equipment and infrastructure is shot. There is no other way to put it. We must reinvest immediately and not just on the big-ticket items like the F–22. That is the equivalent of buying a new sofa when the roof leaks and the termites are wrecking the structure.

Finally let me spend a minute talking about camaraderie and leadership. I stayed a Marine because I had great leaders early on. They were men of great character without preaching, men of courage without ragging, men of humor without rancor. They were men who believed in me and I in them. They encouraged me without being condescending. We were part of a team and they cared little for promotions, political correctness or who your father was. They were well educated renaissance men who were equally at home in the White House or visiting a sick Marine's child in a trailer park. They could talk to a barmaid or a baroness with equal ease and make each feel like a lady. They didn't much tolerate excuses or liars or those with too much ambition for promotion. Someone once told me that Priests do the Lord's work and don't plan to be the Pope. They were in touch with their Marines and supportive of their seniors. They voiced their opinions freely and without retribution from above. They probably drank too much and had an eye for beautiful women as long as they weren't someone's wife or a subordinate. You could trust them with your life, your wife or your wallet. Some of these great leaders were not my superiors—some were my Marines. We need more like them at the senior levels of Government and military leadership today. It is indeed sad when senior defense officials and Generals say things on TV they themselves don't believe and every service member knows they are lying. It is sad how out of touch with our society some of our Generals are.

Ask some general you know these ten questions:

1. How much does a PFC. make per month?
2. How big is the gas tank on a Hummvee?
3. Who is your Congressman and who are your two Senators?
4. Name one band that your men listen to.
5. Name one book on the NY Times best seller list.
6. Who won the last superbowl?
7. What is the best selling car in America?
8. What is the WWF?
9. When did you last trust your subordinates enough to take ten days leave?
10. What is the leave balance of your most immediate subordinate?

We all know they won't get two right and therein lies the problem. We are in the midst of monumental leadership failure at the senior levels. Just recently Gen. Shelton (CJCS) testified that he didn't know we had a readiness problem or pay problems. . . . Can you imagine that level of isolation? We must fix our own leadership problems soon.

Quality of life is paid lip service and everyone below the rank of Col. knows it. We need tough, realistic and challenging training. But we don't need low pay, no medical benefits and ghetto housing. There is only so much our morality should allow us to ask of families. Isn't it bad enough that we ask the service members to sacrifice their lives without asking their families to sacrifice their education and well being too? We put our troops on guilt trips when we tell them about how many died for this country and no hot water in housing is surely a small sacrifice to make. ''Men have died and you have the guts to complain about lack of medical care for your kids?'' The nation has been in an economic boom for dam near twenty years now, yet we expect folks in the military to live like lower middle class folks lived in the mid fifties. In 1974 a 2nd Lt. could buy a Corvette for less than his annual salary. Today, you can't buy a Corvette on a Major's annual salary. I can give you 100 other examples . . . An NROTC midshipman on scholarship got $100 a month in 1975. He or

she still gets $100 in 1999. No raise in 25 years? The QOL life piece must be fixed. The Force sees this as a truth teller and the truth is not good.

I stayed a Marine despite the erosion of benefits, the sacrifices of my wife and children, the betrayal of our junior troops and the declining quality of life because of great leaders, and the threat to our way of life by a truly evil empire that no longer exists. I want men to stay in the future.

We must reverse these trends. There will be a new ''evil empire'' eventually. Sacrifices will need to be made and perhaps many things cannot change but first and foremost we must fix our leadership problems. The rest will take care of itself. If we can only fix the leadership problem. . . . Then, I still can't promise you ''fun'' but I can promise you the reward and satisfaction of being able to look in the mirror for the rest of your life and being able to say: ''I gave more to American than I ever took from America. . . . and I am proud of it.''

Semper Fi and God Bless you.

NATIONAL ENERGY SECURITY ACT OF 2000

Ms. SNOWE. Mr. President. I rise today to speak about S. 2557, the National Energy Security Act of 2000.

First of all, I want to thank the Republican leader, Senator LOTT, who pulled together a task force to address the serious problem of the lack of a national energy policy, and also Senator MURKOWSKI, Chairman of the Senate Energy and Natural Resources Committee.

From my viewpoint on the Task Force, I was representing a State that appeared to be the proverbial canary in the coal mine as Maine was one of the early Northeast states not only to bear the brunt of low oil inventories during this past winter that was 20 degrees below normal in January, but a state that also experienced some of the highest prices in the country for home heating oil, kerosene and propane. Prices doubled and remained high throughout the winter months only then to be followed this spring by the highest prices in over two decades at the gas pump. And, this week, prices at the pump are once again on their way up, jumping more than 12 cents overnight.

The entire episode has pointed out just how vulnerable—and unprepared—the Federal Government is when it comes to a workable energy policy. As we found out, there was no short term policy to follow. The Administration, as Secretary Richardson stated at an oil crisis summit in Bangor last February, was caught napping. So, the goal of the task force was to come up with legislation that would decrease the country's dependency on foreign oil to 50 percent by the year 2010 through the enhancement of the use of renewable energy resources and includes the extension of tax credits for the production of energy from biomass, including wood waste; increases eligibility to the federal Weatherization Program, an outreach program to encourage consumers to take actions to avoid seasonal price increases through a summer fill and fuel budgeting program; and provides tax credits for residential use of solar power.

The bill enhances domestic energy production oil by offering tax relief for oil and gas produced from small marginal wells—wells that produce less than 15 barrels a day—that have already been drilled but have been capped when oil prices hit rock bottom over the past few years. Bringing these marginal wells back into domestic production also has the benefit of producing more U.S. jobs.

I am particularly pleased that the bill authorizes the Secretary of Energy to establish a Northeast Heating Oil Reserve to be used when home heating oil inventories fall dangerously low and prices escalate. The Reserve would store two million barrels of refined home heating oil within a day's delivery to Northeast states if supplies run dangerously low because of a sudden demand due to cold winter weather.

Mr. President, I would have liked to have been a cosponsor of S. 2557, because we need a comprehensive policy and the National Energy Security Act was an effort to start down that road. I cannot, however, because the bill also calls for the opening up of the Arctic Coastal Plain, which would allow for oil and gas exploration and drilling in the Arctic National Wildlife Refuge. I continue to believe that ANWR should remain protected and there are a number of other steps that can be taken to increase or conserve our domestic supply.

Now that this legislation has been introduced, potential solutions to our Nation's energy policy—or lack of it—can at least be considered and debated.

TRIBUTE TO MONTANA'S LAW ENFORCEMENT OFFICERS

Mr. BAUCUS. Mr. President, I rise today to honor Montana's Law Enforcement officers who have fallen in the line of duty. These individuals have given their lives protecting the innocent and I can think of no more noble endeavor.

We have recently considered a resolution that will make May 15th a national memorial day for peace officers. I think it is high time that the nation joins Montana in setting aside time to honor our law enforcement officers. For the past twelve years Montana has celebrated the dedication of its law enforcement officers on this day. I wish to commend Terry Tyler and the other members of the Professional Justice Community of Montana whose hard work and sacrifice to preserve and recognize the officers who have died in the line of duty are the best examples of the ''Montana Spirit'' that I know so well. I was pleased to support that resolution as I am pleased to commend and commemorate the Montana Law Enforcement Museum for its continuing commitment to honoring our fallen law enforcement officers who placed public safety before their own.

Montana law enforcement traditions can be traced back to April 1863 when Henry Plummer became the state's first elected sheriff. Since that time Montana's law enforcement officers have been charged with the protection and defense of the public and our laws. In Montana, our citizens enjoy a life style not marred by daily occurrences of gun violence and crime. Our children do not feel threatened in our schools and it is commonplace to leave your door unlocked. I can think of no greater testament to the hard work and dedication of our law enforcement officers and the people of Montana who support their efforts.

It is only right that we take a day to remember those who have died so that others may live in a safe and secure environment. It is an honor and privilege to stand and recognize the efforts of these people and those who will not let their efforts go unnoticed. So, I wish to close with gratitude for those individuals who have dedicated their labors to a higher cause and who continually put their lives on the line to protect me and my family. On behalf of the state of Montana and the Nation, thank you.

LAW ENFORCEMENT SURVIVORS' EDUCATION BENEFITS

Mr. ASHCROFT. Mr. President, I rise today to speak in tribute to all the men and women in law enforcement in this country. This week, May 14–20, is National Police Week, set aside to honor the men and women behind the badge. In 1962, Congress passed and President Kennedy signed a joint resolution proclaiming May 15 of each year as Peace Officers Memorial Day and the calendar week of each year during which such May 15 occurs as Police Week, ''in recognition of the service given by the men and women who, night and day, stand guard in our midst to protect us through enforcement of our laws,'' from Public Law 87–726.

Sadly, between 140 and 160 law enforcement officers die in the line of duty each year. On average, 21,433 officers are injured in the line of duty each year.

In honor of the thousands of officers who have given their lives to protect the people of this Nation, I am pleased to announce an important step that the Senate took yesterday in furtherance of a much needed change in the current federal law. Last September I introduced S. 1638, a bill to expand the educational opportunities under the Deegan program, named after slain Federal officer Bill Deegan, for the families of law enforcement officers killed in the line of duty. This bill honors those who made the ultimate sacrifice in defending our communities by making available Federal funds to those officers' spouses and dependent children in order to pursue secondary education.

Yesterday, on National Peace Officers Memorial Day, the Senate unanimously passed S. 1638. I want to thank

the Senate for taking this action, and urge the House to do the same.

I want to thank the co-sponsors of this bill—Senators COLLINS, GRAMS, ROBB, TIM HUTCHINSON, DODD, ABRAHAM, SPECTER, BRYAN, GREGG, HELMS, and BIDEN. I am very pleased by the bipartisan support for the bill, and for the endorsements of the Federal Law Enforcement Officers Association, the Fraternal Order of Police, the National Sheriffs' Association and other law enforcement organizations.

This bill extends retroactively the benefits created under the 1992 law to the surviving spouses and dependent children of law enforcement officials who were killed between 1978 and the current start dates of the program.

It is important to extend these benefits back to the year 1978 because under the existing program, a large number of dependent children currently between the ages 8 and 21, those born between 1978 and 1992, are excluded from participating in the program merely because their parent was killed before 1992. Pushing back the date allows these dependent children, currently facing the prospect of paying for secondary education in the often financially strained environment of a single-parent family, also to benefit from this program.

This goal is consistent with the intent of the original law: an effort to show our gratitude to the maximum number of dependent children of slain law enforcement officers.

This provision affects the families of an estimated 4,100 officers, including more than 60 in Missouri. The bill makes these spouses and dependent children eligible for up to $5820 a year for 4 years if they enroll in full-time study at an approved secondary school. In short, it helps the loved ones of those who have made the ultimate sacrifice in defending the rest of us by allowing them to pursue their dreams to move forward with their lives and continue their education.

On this occasion, I also want to thank a very important organization headquartered in Camdenton, MO—the Concerns of Police Survivors, Inc. [COPS]. COPS was organized in 1984 with 110 members. Today COPS' membership is over 10,000 families. Concerns of Police Survivors, provides resources to assist in the rebuilding of the lives of surviving families of slain law enforcement officers.

Furthermore, COPS provides training to law enforcement agencies on survivor victimization issues and educates the public of the need to support the law enforcement profession and its survivors.

To help those families begin rebuilding their shattered lives, COPS is again hosting the National Police Survivors' Seminars as part of National Police Week—the second day of this seminar is occurring today in Alexandria, VA. For 15 years, COPS' National Police Survivors' Seminars have provided survivors of law enforcement officers killed in the line of duty the opportunity to interact with other survivors and have access to some of the best mental health professionals available. I wish to thank COPS for the many programs that they operate in addition to the Police Survivors' Seminars, including scholarships, peer-support at the national, State, and local levels, ''C.O.P.S. Kids'' counseling programs, the ''C.O.P.S. Kids'' Summer Camp, Parents' Retreats, trial and parole support, and other assistance programs.

We owe a debt of gratitude to the hundreds of thousands of police officers who protect the lives and property of their fellow Americans. By the enforcement of our laws, these same officers have given our country internal freedom from fear and are responsible for helping our nation lower its crime rates again this year. These men and women, by their patriotic service and their dedicated efforts, have earned the gratitude of us all.

Officers who give their lives to protect our freedom leave behind families that must cope with the terrible loss. When this tragedy occurs, we have an obligation to help the spouses and children of fallen heroes. One way to help is to offer the opportunity to pursue their education. I thank the Senate for supporting this bill, and urge the House of Representatives to pass this legislation quickly.

BURMA'S FORCED MILITARY SERVICE

Mr. MCCONNELL. Mr. President, on Monday, the Financial Times carried a story headlined ''Burma Regime Has the Most Child Soldiers.'' As Burma drives toward a goal of a half million man army, more than 50,000 children have been forced into military service, with orphans and street children the most vulnerable.

These are the facts of life in Burma that no longer surprise any of us who follow the region closely. Forced labor, forced relocations, arrests, detention, torture, even executions are more facts—repeated so often that it is easy to develop a tin ear to the unreal horrors these words convey about daily life in Burma. Add words like hunger, disease, and illiteracy—add unemployment, injustice and drug trafficking, and you get the full picture of the misery the Rangoon regime has created.

As acute as Burma's pain is, this is not a day of mourning. Today is a celebration of wisdom and courage—a tribute to Burma's citizens who 10 years ago defied all risks and elected Daw Aung San Suu Kyi and the National League for Democracy [NLD] to lift the nation from a deep swamp of poverty, brutality and repression to the solid ground of democracy and prosperity.

The army may have stolen Burma's elections and her rightful past, but they will not be allowed to diminish our faith nor discourage our service to her future—to Burma's freedom.

For 10 years, Daw Aung San Suu Kyi has honored the wisdom and courage of her constituents through countless acts of self-discipline, heroic judgment and profound humility. Treated with cruelty, especially during her husband's final days, her compassion has not withered. Imprisoned, isolated by house arrest, she finds strength to reach out for a peaceful, political dialog with her captors. Wounded with each report of a follower's detention or death, she does not scar with bitterness, she does not retreat from her destined course—democracy.

Today, Senator MOYNIHAN and I have introduced a resolution of support for that destiny—for the restoration of democracy. Joined by Senators LOTT, HELMS, LEAHY, ASHCROFT, FEINSTEIN, LUGAR, DURBIN, KENNEDY, SARBANES and WELLSTONE, we are honored to have the opportunity to pay tribute to those who persevere in the noble quest for Burma's liberty.

In particular, let me offer my appreciation to the Members and friends of the NLD who work tirelessly for Burma's free future and, especially the guardian angel of our common cause, Michelle Bohanna.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Tuesday, May 15, 2000, the Federal debt stood at $5,665,244,853,842.93 (Five trillion, six hundred sixty-five billion, two hundred forty-four million, eight hundred fifty-three thousand, eight hundred forty-two dollars and ninety-three cents).

Five years ago, May 15, 1995, the Federal debt stood at $4,881,377,000,000 (Four trillion, eight hundred eighty-one billion, three hundred seventy-seven million).

Ten years ago, May 15, 1990, the Federal debt stood at $3,092,389,000,000 (Three trillion, ninety-two billion, three hundred eighty-nine million).

Fifteen years ago, May 15, 1985, the Federal debt stood at $1,750,555,000,000 (One trillion, seven hundred fifty billion, five hundred fifty-five million).

Twenty-five years ago, May 15, 1975, the Federal debt stood at $520,101,000,000 (Five hundred twenty billion, one hundred one million) which reflects a debt increase of more than $5 trillion—$5,145,143,853,842.93 (Five trillion, one hundred forty-five billion, one hundred forty-three million, eight hundred fifty-three thousand, eight hundred forty-two dollars and ninety-three cents) during the past 25 years.

ADDITIONAL STATEMENTS

TAIWANESE-AMERICAN HERITAGE WEEK

• Mr. KOHL. Mr. President, this week I join people in Wisconsin and across the nation in celebrating Taiwanese-American Heritage Week. This week of celebration, from May 7 to May 14, honors the many diverse contributions of over 500,000 Taiwanese-Americans in the

United States. These Americans have contributed significantly to our social fabric, making notable contributions as medical professionals, Nobel Laureate scientists, business owners, human rights activists, and teachers.

While it is important to recognize the achievements of Taiwanese-Americans in the United States, Taiwanese-American Heritage Week also gives us the opportunity to celebrate the success of democracy in Taiwan. Since the lifting of martial law in 1987, Taiwan has made consistent strides toward becoming an open, democratic society where freedoms are respected and the will of the people is observed. To the credit of the many Taiwanese-Americans who fought to bring democratic principles back to the island, Taiwan is now a vibrant democratic member of the international community.

With the recent election of opposition leader Chen Shui-bian as President, Taiwan has again reaffirmed its commitment to the open electoral process that is the cornerstone of democracy. While this election bodes well for the future of a democratic Taiwan, many challenges remain. Taiwan must continue to resist internal anti-democratic forces, while also providing for its own security in a region with too few democratic neighbors. However, I am confident that Taiwan will meet these challenges and continue to play a productive role in the international community.

Mr. President, Taiwanese-American Heritage Week properly recognizes the longstanding friendship between the United States and Taiwan. Once again, I commend the accomplishments and on-going contributions of the Taiwanese-American community.●

RECOGNITION OF THE 20TH ANNIVERSARY OF THE ERUPTION OF MT. ST. HELENS

● Mr. GORTON. Mr. President, I take the floor today to commemorate one of the most significant events in the history of my state—the eruption of Mt. St. Helens. On the 18th of May, 1980, Mt. St. Helens exploded with the force of a 24-megaton atomic bomb, scorching 230 square miles of picturesque Northwest landscape and triggered the largest known landslide in history, traveling at nearly 200 mph to bury Spirit Lake and the Toutle River. Tragically, fifty-seven men and women lost their lives, over 200 homes and 180 miles of road were destroyed and caused $3 billion in damages.

Since that horrific day, the great people of Washington state began the long road to recovery. Today, I would like to recognize the astounding efforts of thousands of volunteers and donations from countless companies that have succeeded in making Mt. St. Helens a place where trees are growing at record speeds and animals are beginning to thrive in their new home.

Mt. St. Helens is now a place where tens of thousands of visitors flock every year from around the globe to witness both the violent and healing powers of nature. Local residents devastated by the eruption have transformed their communities and now look to Mt. St. Helens to attract visitors and contribute to the local economy.

There is still, however, an enormous amount of work to be done to help Mt. St. Helens and the surrounding areas continue on this path to recovery. The local communities' dedication to rebuilding infrastructure and ecosystems, the creation of a renowned research facility, and the construction of a world-class tourist attraction have demonstrated the highest degree of responsiveness and resourcefulness.

I would also like to take this opportunity to commend the U.S. Army Corps of Engineers and the U.S. Forest Service for their achievements and commitment in bringing Mt. St. Helens back to life.

As a member of the Senate Appropriations Committee, the Chairman of the Interior Appropriations Subcommittee, and a member of the Mt. St. Helens Institute Advisory Board, I am deeply committed to helping Mt. St. Helens make the best possible recovery and to finding federal dollars to keep Mt. St. Helens accessible and enjoyable for all visitors and to assist the surrounding communities in finding solutions to their many challenges.

I am confident that in the next twenty years the people of the Northwest will make even greater strides in reviving the beauty of Mt. St. Helens, making Washington state an even greater place to live.●

REFLECTIONS ON THE BOZEMAN DRUG COURT

● Mr. BAUCUS. Mr. President, I rise today to recognize the innovative work of the Drug Treatment Court in Gallatin County, Montana.

Recently I worked for a day at the Drug Court, where I witnessed the process of evaluating drug court cases and determining who was following the rules—and who was not.

I must say, Mr. President, I was very impressed and inspired by the whole process—Judge Olson, his staff, the prosecutors, defense attorneys, parole and probation officer, counselors. And, most important of all, the people who have voluntarily decided to turn their lives around. This pilot project in Bozeman, Montana should be replicated around the state and nation.

In the morning, I sat in on the briefing, where judges and all the parties involved in sanctioning defendants discussed—with compassion and sometimes frustration—their attempts to help these people get off and stay off of drugs and alcohol.

Their discussions centered not on punishment, but on finding commonsense ways to help these people addicted to drugs and alcohol find ways to improve their lives and be positive contributors to their communities.

And, sitting later in court, I saw the genuine and sincere attempts of the defendants to correct their lives and stay out of jail.

Judge Olson was remarkable. He mixed just the right amount of compassion with tough love to help the defendants.

He counseled them, warned them, cajoled them, and told them he personally would help them find jobs so they could stay ''clean.'' His work is to be highly commended and copied throughout Montana.

The defendants also showed that they can beat drugs and alcohol. One middle-aged man told me later that the Treatment Court was the best thing that ever happened in his life. He had become clean for the first time in 30 years. He owed his life to the Treatment Court. Now he is trying to find ways to help other people.

The Treatment Court is a success story waiting to be copied. It is a way to keep people out of jail, off the streets and in a job.

Yes, some people slip up and don't abide by the rules. When they do, Judge Olson cracks down on them. But when they succeed, Judge Olson praises them, and shakes their hand.

His personal involvement in the lives of these people shows that justice does know compassion, that courts can be places where people headed for jail can make a detour—and be given a chance to redirect their lives. Mr. President, I want to say that I was inspired by what I saw last Friday in Treatment Court in Bozeman. And I want to help to find funding for the Bozeman Treatment Court, as well as funding for similar courts throughout Montana.

Such an investment in people—in helping them become positive citizens in their communities rather than burdens—will save us money—and lives—in the long run.

And I will also work hard to help the Treatment Court find funds to help defendants locate affordable housing, get a good education and good jobs. What struck me, Mr. President, was that many of the defendants suffered from a lack of education. My work day in Treatment Court reminded of the importance and power of education, as well as the importance of creating good-paying jobs.

Along with families, they are the building blocks of a strong and health society, and help keep people off drugs and alcohol.

Count me a supporter of this successful program.

The treatment court idea embodies steps crucial to curbing the influence of drugs on our society.

Nationally, such treatment courts are a relatively new idea. The first drug courts were created in Florida in 1989, under the supervision of Janet Reno.

She and others realized that the solution to the rising number of drug related cases was not to increase the capacity of the criminal justice system—but to reduce the number of drug users.

The Gallatin Treatment Court is only seven months old. And while its first participants have yet to graduate, based on my experience I believe most will succeed.

Roger Curtiss, who works with the Drug Court and heads the non-profit Alcohol and Drug Services program of Gallatin County, told me how he overcame his own drug addiction problems after being placed in a similar program.

I also learned what a dedicated and talented staff Roger has supporting him in his efforts to reduce the scourge of drugs.

I remain committed to fighting illegal drug use in Montana. While I believe that treatment courts such as Gallatin County's will play an increasing role in the fight against drugs, other steps must be taken.

In January I invited drug czar Barry McCaffrey to Montana for a conference. He spoke to dozens of Montanans about the challenge posed by methamphetamine and other drugs.

One experience sticks out in particular. At the town hall meeting we had a man named Wayne approach the microphone to address the group. He fidgeted as he told his story about being addicted to meth for nearly 20 years. He said, ''People don't understand the affect of this drug. It tears the brains up. It rips the family apart. It has a hold that never lets go.''

Mr. President, Wayne is not alone. Across Montana and rural America, meth and other drugs are tearing families—and communities—apart.

In January the DEA reported that eighth graders in rural America are 83 percent more likely to use crack cocaine than their urban counterparts. And they are 104 percent more likely to use meth.

The bottom line is that drugs destroy lives and communities.

The solution to the ongoing fight against drugs will be found only through constant innovation of the type demonstrated by Gallatin County's Treatment Court and similar programs across the nation.

To that end I have introduced legislation to make Montana part of the Rocky Mountain High Intensity Drug Trafficking Area.

The bill would allow Montana to embark on an intensive, statewide media campaign and hire additional personnel for methamphetamine prosecution.

And because WHAT you know depends so much on WHO you know, the measure would establish a state-wide criminal intelligence network, allowing law-enforcement officials in all 56 counties to share information on criminal activity.

Mr. President, if I learned one thing from my meetings with the General McCaffrey and last Friday's visit to the treatment court, it is that there are many committed individuals fighting the drug problem.

The trick is to get them all together working to the same end: treatment, prevention and law enforcement must all coordinate their efforts to fight the scourge of drugs.

We in Congress must do the same. At the end of last session the Senate passed legislation to fight meth, by beefing up law enforcement and treatment resources throughout the nation.

Both S. 486—sponsored by Senator ASHCROFT—and an amendment to the Bankruptcy Bill—sponsored by Senator HATCH—passed the Senate.

Unfortunately, both bills have languished in the House of Representatives. Neither has been acted upon, and the legislative days for the 106th Congress are numbered. I urge my colleagues in the House to act now to strengthen resources in the fight against illegal drugs, meth in particular.

Finally, I want to again recognize the efforts of the Bozeman Drug Court and thank them for allowing me to witness their innovative and inspiring work first-hand.

Drug Court is an alternative, but it's not easy. For many it is just as difficult as serving time.

In fact, I witnessed one individual who, after continually breaking the rules, was kicked out of drug court. Now he faces five years of jail time.

But with our jails bursting at the seams and the drug problem mushrooming in rural areas, I believe the Drug Court is an effective tool in fighting the drug problem we face.

Thank you, Mr. President.●

THE 50TH ANNIVERSARY OF WLNS–TV IN LANSING, MICHIGAN

● Mr. ABRAHAM. Mr. President, I rise today to recognize WLNS–TV in Lansing, Michigan, a station which will celebrate its 50th Anniversary on May 18, 2000. For fifty years, Channel 6 has provided Lansing residents with a wonderful mix of local and national news, community events and information, and an assortment of entertaining and insightful programming.

On May 1, 1950, WJIM–TV, Channel 6, signed on the air in Lansing, Michigan. The station was founded by Mr. Harold Gross, and for the next forty-four years he owned WJIM–TV. In 1984, Bakke Communications bought WJIM–TV, and changed the call letters to WLNS–TV. In 1986, the station's current owners, Young Broadcasting of Lansing, Inc., purchased WLNS–TV.

Serving the Lansing community has always been, and remains, the first and foremost priority of WLNS–TV. Channel 6 covers 24 hours of local news per week. It broadcasts Town Hall meetings on important community issues; political debates; major high school and college sporting events; severe weather and school closing information; and regular announcements highlighting important activities for hundreds of non-profit organizations in the community.

As a C.B.S. affiliate, WLNS–TV is able to keep Lansing residents abreast of local as well as national and global events. In addition, Channel 6 offers C.B.S. entertainment programs and national sporting events. For instance, when the Michigan State University Men's Basketball Team won the N.C.A.A. Championship this past season, Lansing viewers turned to WLNS–TV not only to watch the games, but also to get local updates on their favorite team and its players.

Mr. President, Channel 6 has been home to many prominent Lansing personalities over the years, including Martha Dixon, hostess of the cooking show ''The Copper Kettle''; Len Stuttman, host of ''The Many Worlds of Len Stuttman''; Bill Dansby, news anchor and news director in the 1960's; Howard Lancour, host of the children's show ''Alley Cat and the Mayor,'' and a news anchor in the 1970's; and Jane Aldrich and Sheri Jones, current news anchors who have 25 years of combined tenure at WLNS–TV.

Mr. President, I applaud the many people whose efforts over the years have made this birthday possible. I think it is safe to say that the long term success of WLNS–TV is representative of how much Channel 6, and its many employees, mean to the Lansing community. On behalf of the entire United States Senate, I would like to wish WLNS–TV in Lansing, Michigan, a happy 50th Anniversary.●

TRIBUTE TO MARVIN STONE

● Mr. LEAHY. Mr. President. U.S. News and World Report, in speaking of the death of Marvin Stone, spoke of one man's ''superior contribution''.

Marvin Stone contributed more than should be expected of someone who had had a dozen life times and far more than anyone could have expected in a span of seventy-six years.

Marvin Stone, born in Burlington, VT, served in the Pacific in World War II and then went on to become one of the most respected journalists in America.

My wife, Marcelle, and I have been privileged to know Marvin and his wonderful wife, Terry. I think with fondness not only of times together with them, Marvin's sister, Marilyn Greenfield, and the many friends in Burlington, but also evenings with those far reaching conversations at their home in the Washington area.

Marvin took the time to call me when I was a brand new Senator, even though he probably was at first curious about the oddity of a Democrat from Vermont. We became close friends and throughout two decades I called upon him for advice and insight. I knew the advice would come, never tinged with partisanship but underlined with a great sense of history and his overwhelming integrity.

I can only imagine the void this leaves in the life of Terry, his wife of fifty years, of Jamie and Stacey and Torren and all his family. He also leaves a great void in our country.

Marvin's legacy, though, is also one of example, and those, especially in the field of journalism, who follow that example, can also seek the respect and the honor that he earned.

I ask that the US News World Report article be printed in the RECORD as well as the obituary in the Washington Post.

[From the U.S. News & World Report, May 15, 2000]

ONE MAN'S ''SUPERIOR CONTRIBUTION''

Journalist Marvin L. Stone, who died of cancer last week at 76, played a transforming role a generation ago as the editor of U.S. News & World Report.

In his decade of leadership, from 1976 to 1985, Stone was responsible for U.S. New's editorial shift toward the center from the more conservative views held by its founder, David Lawrence. Stone expanded the magazine's coverage beyond its traditional emphasis on politics and business to include social, cultural, and educational issues. He introduced four-color photography and changed the character of the editorial staff by recruiting younger journalists, women, and minority reporters. ''Ours is a magazine devoted to a singular ideal: to report, clarify, interpret, and project the news—to put people and events in perspective as objectively as humanly possible,'' Stone once told a national convention of Sigma Delta Chi, the journalism society, ''Put another way: to provide information people can rely on, find useful, can act upon.''

Born and raised in Vermont, Stone served in World War II as an attack boat officer in the Pacific. He began his 40-year journalism career as a police reporter for the Huntington (W.Va.) Herald-Dispatch. As an International News Service correspondent based in Tokyo, Vienna, Paris, and London, he covered the Korean War and the French Indochina War and broke the news that the Soviet Union had developed a hydrogen bomb.

To the moon. In 1961, a year after he joined U.S. News, Stone covered the construction of the Berlin Wall. Later in the 1960's, he reported on topics as varied as coal mining in Kentucky and space shots to the moon. He authored the Doubleday Science Series book Man in Space.

When Mortimer B. Zuckerman bought U.S. News in 1984, Stone was holding two positions, editor of the magazine and chairman of its parent company. After what we termed six ''amicable'' months with Zuckerman, he resigned to become deputy director of the United States Information Agency, a position he held for four years. From 1989 to 1995, he was the founding president and chairman of the International Media Fund, an organization that encouraged a free press in Eastern Europe and the Balkans.

Zuckerman, chairman and editor-in-chief of U.S. News, said, ''Marvin Stone was one of the giants of post-World War II journalism. His talent as a reporter and an editor brought him one of the great positions of journalism as the editor of U.S. News & World Report. He extended his career by outstanding service in the public arena. He was a great friend and a great colleague. He shall be missed by all who benefited from his wisdom and insight.''

In 1985, Ronald Reagan hailed Stone's 25 years with U.S. News as a ''superior contribution'' to American journalism. Said the president: ''You helped make the world's events and our challenges just a little more understandable.''

[From the Washington Post, May 3, 2000]

MARVIN L. STONE DIES AT 76; U.S. NEWS EDITOR

Marvin L. Stone, 76, who covered definitive Cold War moments such as the fall of Dien Bien Phu in Vietnam and the rise of the Berlin Wall before he took the top editing job at U.S. News & World Report in 1976 and became deputy director of the U.S. Information Agency in 1986, died of cancer May 1 at his home in Falls Church.

Mr. Stone joined the weekly news magazine in 1960 and advanced to executive editor in 1973. He became the equivalent of editor in chief in 1976, and over the next nine years, he propelled the magazine away from some of its conservative editorial positions and added cultural features and colorful layouts. He resigned in 1985, shortly after Mortimer B. Zuckerman purchased the publication.

Among the changes Mr. Stone oversaw during his years at the magazine were the addition of full-color photographs and service stories about medical, scientific and social trends. Mr. Stone, who considered himself conservative, told The Washington Post in 1982 that he viewed his impact less as a ''revolution'' than an ''evolution.''

Mr. Stone was deputy director of the U.S. Information Agency from 1985 to 1989, followed by six years as president and chairman of the International Media Fund, a Washington-based, government-funded organization encouraging a free press in Eastern Europe. After the fund went defunct in 1995, he spent the next year in Europe on a Knight Foundation journalism fellowship before retiring.

Marvin Lawrence Stone was born in Burlington, Vt., and served in the Navy in the Pacific during World War II. He graduated from Marshall University in Huntington, W.Va., and received a master's degree in journalism from Columbia University.

He was a police reporter in Huntington before joining the old International News Service wire agency in the 1950s, where his assignments included the Korean War.

Mr. Stone was named to the Sigma Delta Chi journalism society's Journalism Hall of Fame in 1990. He was a past adjunct fellow at the Center for Strategic and International Studies. His memberships included Temple Rodef Shalom in Falls Church, the Cosmos Club and the Military Order of the Caribao.

He was the author of ''Man in Space,'' a 1974 booklet that was part of a Doubleday science series.

Survivors include his wife of 50 years, Sydell ''Terry'' Stone of Falls Church; two daughters, Jamie Faith Stone of Falls Church and Stacey Hope Goodrich of West Melbourne, Fla.; a son, Torren M. Stone of Falls Church; a sister; and three grandchildren.●

ANNUAL BREHON MEDAL

● Mr. SANTORUM. Mr. President, I rise today to recognize Ireland's President, Mary McAleese, as she will be awarded the prestigious Annual Brehon Medal in Philadelphia today for her outstanding contributions to the cause of Ireland throughout the world.

Born on June 27th, 1951, Mary Leneghan was married in 1976 to Martin McAleese, with whom she has three children—Emma, Saramai and Justin.

After graduating from Queen's University Belfast, Mary McAleese was called to the Northern Ireland Bar and practiced primarily criminal and family law.

In 1975, she was appointed Reid Professor of Criminal Law, Criminology and Penology at Trinity College Dublin, a position she held until 1979 when she joined RTe as a journalist and presenter. She returned to the Reid Professorship at Trinity in 1981, while continuing with RTe on a part-time basis.

In 1987, Mary McAleese was appointed Director of the Institute of Professional Legal Studies, which trains barristers and solicitors for the legal profession in Northern Ireland. In 1994, she was appointed a Pro-Vice Chancellor of Queen's University Belfast. Other appointments that she has held include Director of Channel 4 Television, Director of Northern Ireland Electricity, Director of the Royal Group of Hospitals Trust, and delegate to the 1995 White House Conference on Trade and Investment in Ireland and follow-up Pittsburgh Conference in 1996. She was also a member of the Catholic Church delegation to the North in 1996, the Commission on Contentious Parades, the Catholic Church Episcopal Delegation to the New Ireland Forum in 1984, and was a founding member of the Irish Commission for Prisoners Overseas.

On November 11, 1997, Mary McAleese was inaugurated as the eighth President of Ireland. As President, she has demonstrated a sincere commitment to promoting Ireland worldwide, and will be recognized for her service to Ireland today, May 16, 2000, at the Brehon Law Society's annual banquet in Philadelphia, Pennsylvania. I would like to welcome President McAleese to Philadelphia and extend my sincere congratulations on the prestigious honor which she will be receiving today.●

TRIBUTE TO U.S. SERVICEMEMBERS OVERSEAS

● Mr. BAUCUS. Mr. President, I rise today to express support for American men and women serving overseas in our Armed Services. These men and women are faced with difficult missions—made even more difficult by the fact that they are serving far from home and loved ones.

Despite these difficulties, the men and women of our armed forces have met every expectation, fulfilled every mission, and upheld the trust of the American people. This is especially commendable because over the last several years, our Armed Forces have been charged with restoring peace and maintaining order in some of the most intractable conflicts around the globe.

Out of many service members, one individual I am proud to recognize is Army Staff Sgt. Travis Elliston. I am proud to say that he is a Montana native, from the town of Kalispell. Elliston is a squad leader with Company B, 3rd Battalion, 504th Infantry, 82nd Airborne Division from Fort Bragg, N.C.

During his time in Vrbovac, Kosovo, Elliston has shown the dedication and

innovation required in today's military.

The quality of his work is reflected in his own words. In a February interview with Stars and Stripes Magazine, Elliston spoke about his work with Vrbovac's residents—many of whom are just now returning after fleeing their homes. Describing his work with town residents, Elliston said, ''I try to put a smile on their faces and give them hope that we will protect them.''

This protection has taken many forms. One Vrbovac resident told Stars and Stripes, ''Before Elliston came here, we locked all the doors. Now that [Elliston] is here we leave the doors open every night because we feel much more safe with him here.'' Elliston and the men and women serving with him have also been able to put an end to many killings, hijackings and kidnapings.

Elliston has also spearheaded measures to improve the quality of life in Kosovo. He has taken steps to facilitate the spread of news from the outside world to local residents and has even installed speed bumps to solve the problem of speeding vehicles.

These are but a few examples illustrating the dedication and innovation of Elliston and those serving with him. It is these qualities upon which our nation depends.

The same Vrbovac resident said of Elliston, ''The people in Montana must be proud because he is a great man.'' I am here today to say that the people of Montana are proud. We are proud of Elliston, and we are also proud of all the other men and women who serve overseas. These sacrifice and dedication of these individuals must be recognized and I call on my colleagues in the Senate to do so.

Thank you Mr. President.●

BOY SCOUT EAGLE SCOUT AND GIRL SCOUT GOLD AWARD

● Mr. JEFFORDS. I rise today to recognize the young men and women of our great nation who have earned the honor of receiving the Boy Scout Eagle Scout Award and the Girl Scout Gold Award.

As a former Boy Scout, I have a great appreciation for the duties, obligations, and benefits that Scouting offers to boys and girls. Scouting helps to shape our nation's youth into proud and civic-minded adults. Recipients of the Eagle Scout and Gold Awards not only meet the challenges presented to them, but they surpass the expectations of their leaders and their peers.

In order to receive the highest honor, each Scout must design and execute a project that will benefit others in their community. Through initiatives such as teaching music to children, hosting an educational seminar, or building a neighborhood playground facility, the recipients display selfless commitment and integrity—qualities they will carry with them for the rest of their lives.

The contributions that these youth have made to their communities, and to our nation, are invaluable. Their hard work and devotion warrants great commendation. I am grateful for this opportunity to offer my appreciation and my congratulations to the recipients of the Boy Scout Eagle Scout Award and the Girl Scout Gold Award.●

COMMENDING THOMAS ALESSANDRO

● Mr. MOYNIHAN. Mr. President, I rise today to give praise and recognition to one of my fellow New Yorkers who has devoted his life to helping heal the wounds of crime. Thomas Alessandro recently received the Crime Victim Service Award from Attorney General Janet Reno. I rise today to echo that recognition and to briefly describe Mr. Alessandro's innovation and tireless work in this field.

The Crime Victim Service Award was given to Mr. Alessandro as part of the Justice Department's Office for Victims of Crime's 20th annual observance of National Crime Victims' Rights Week, held this year from April 9 to April 15. This week of observance enables communities across the country to recognize the millions of Americans who have felt the burdens of crime and those who have enabled them to navigate the difficult and often complex path to justice. This highlights the efforts of Mr. Alessandro and other outstanding individuals by drawing attention to their cause, and praising all citizens of the Nation who work toward this laudable ideal. As part of this week of recognition the Attorney General awarded the Crime Victim Service award to Mr. Alessandro, four other individuals, four organizations and two families. Mr. Alessandro was selected from 110 nominees for the award because of his outstanding progress and innovation in the field of crime victim service, the highest federal award for service to victims of crime. Mr. Alessandro is a shining example of how our law enforcement officials should protect justice and help victims of injustice seek healing.

Mr. Alessandro has dedicated the last 22 years of his life to the service of crime victims. One of his most astounding innovations was the development of the Victims Aid Services into a comprehensive program addressing the needs of all crime victims who come to the New York County District Attorney's Office. Additionally, Mr. Alessandro forged many public and private sector partnerships to strive toward the goal of justice. Among these partnerships and organizational enhancements, he established a counseling department and created a child victim specialist division. These additional tools allow the New York District Attorney's Office to protect the rights of victims not only in the form of conviction of criminals, but also in the form of healing the emotional scars of the victim especially the young victim. This second step is essential to making this society healthier and safer. The counseling staff is now made up of certified clinical social workers who provide individual and group therapy for victims. It is my honor to rise in recognition of this great man who actualizes this ideal.

In addition to counseling services, Mr. Alessandro has directed the development of new technology to increase the efficiency and availability of victim services, including protection order tracing and victim notification systems. He has forged partnerships with private sector organizations, including the AT&T Cell Phone Project, which, along with additional services, provides crime victims with 911 programmed cell phones for use in emergencies.

Mr. Alessandro's commitment to the needs of crime victims does not stop when he leaves the office. His tireless efforts continue into volunteer service. Beyond his professional role, Mr. Alessandro has been actively involved with numerous other state and local initiatives, such as the development of the New York city Victim Information and Notification System. For these accomplishments and innovations in this heroic field I rise to thank Thomas Alessandro and to draw this institution's attention to his outstanding work in this field.●

RECOGNITION OF THE 75TH ANNIVERSARY OF CENTRALIA COLLEGE

● Mr. GORTON. Mr. President, I take the floor today to honor one of the oldest and top community colleges in the great state of Washington. In honor, of their 75th Anniversary, I would like to say a few words about this fine academic institution.

Centralia College serves the citizens of Southcentral Washington, offering outstanding community service programs and a high quality of student life. Centralia College, however, extends beyond traditional instruction of its students and participates in the greater-Centralia community, providing residents with informative and interesting public lectures, art shows and cultural events. Clearly, Centralia College is an integral part of the surrounding community.

Students at Centralia College study a variety of disciplines from accounting and nursing to computer and forestry technology, receiving a well-rounded education that will prepare them for a bright and challenging future.

Furthermore, Centralia College offers students an international experience. Students have the opportunity to study in a number of foreign countries or learn from the many international students that attend Centralia College. I applaud Centralia College for its commitment to expanding its students' horizons and exposing them to new ideas and different ways of life.

The faculty at Centralia College are extremely dedicated to giving their students a balanced education and emphasize the importance of critical thinking skills, writing, oral and visual communication as well as fostering in their students a sense of resourcefulness and responsibility.

I believe that the faculty's continuous hard work and dedication to these goals has made their students successful and contributing citizens of Washington state. Education is more than merely memorizing facts and Centralia College teaches its students vital problem solving and communication skills that will lead our country in the new millennium and give them a solid foundation to help Washington state continue in its prosperity.

I wish Centralia College another successful 75 years. It is institutions like Centralia College that make Washington state one of the best places to live.●

A DRAFT OF PROPOSED LEGISLATION ENTITLED THE ''CONSUMER PRODUCT SAFETY COMMISSION ENHANCED ENFORCEMENT ACT OF 2000''—A 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 Committee 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 CPSC may then order the company to carry out an alternative program that is in the public interest.

The Consumer Product Safety Commission helps to keep America's children and families safe. This legislative 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.*

MESSAGE FROM THE HOUSE

At 12:19 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, without amendment:

S. 2370. An act to designate the Federal building located at 500 Pearl Street in New York City, New York, as the ''Daniel Patrick Moynihan United States Courthouse.''

The message also announced that the House has agreed to the following concurrent resolution, without amendment:

S. Con. Res. 112. Concurrent resolution to make technical corrections in the enrollment of the bill H.R. 434.

The message further announced that the House agrees to the amendments of the Senate to the bill (H.R. 1377) to designate the facility of the United States Postal Service located at 13234 South Baltimore Avenue in Chicago, Illinois, as the ''John J. Buchanan Post Office Building''.

The message also announced that the House agrees to the amendment of the Senate to the concurrent resolution (H. Con. Res. 277) authorizing the use of the Capitol grounds for the Great Washington Soap Box Derby.

The message further announced that the House has passed the following bills, in which it requests the concurrent of the Senate:

H.R. 3519. An act to provide negotiations for the creation of a trust fund to be administered by the International Bank for Reconstruction and Development of the International Development Association to combat the AIDS epidemic.

H.R. 3616. An act to reauthorize the impact aid program under the Elementary and Secondary Education Act of 1965, and for other purposes.

H.R. 4249. An act to foster cross-border cooperation and environmental cleanup in Northern Europe.

H.R. 4251. An act to amend the North Korea Threat Reduction Act of 1999 to enhance congressional oversight to nuclear transfers to North Korea, and for other purposes.

The message also announced that the House has agreed to the following concurrent resolutions, in which it requests the concurrent of the Senate:

H. Con. Res. 251. Concurrent resolution commending the Republic of Croatia for the conduct of its parliamentary and presidential elections.

H. Con. Res. 309. Concurrent resolution expressing the sense of the Congress with regard to in-school personal safety education programs for children.

ENROLLED BILL SIGNED

The message further announced that the Speaker has signed the following enrolled bill:

H.R. 434. An act to authorize a new trade and investment policy for sub-Sahara Africa, expend trade benefits to the countries in the Caribbean Basin, renew the generalized system of preferences, and reauthorize the trade adjustment assistance programs.

The enrolled bill was signed subsequently by the President pro tempore (Mr. THURMOND).

MEASURES REFERRED

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

H.R. 3519. An act to provide for negotiations for the creation of a trust fund to be administered by the International Bank for Reconstruction and Development of the International Development Association to combat the AIDS epidemic; to the Committee on Foreign Relations.

H.R. 4249. An act to foster cross-border cooperation and environmental cleanup in Northern Europe; to the Committee on Foreign Relations.

The following concurrent resolutions were read, and referred as indicated:

H. Con. Res. 251. Concurrent resolution commending the Republic of Croatia for the conduct of its parliamentary and presidential elections, to the Committee on Foreign Relations.

H. Con. Res. 309. Concurrent resolution expressing the sense of the Congress with regard to in-school personal safety education programs for children; to the Committee on Health, Education, Labor, and Pensions.

The following bills, previously received from the House of Representatives for the concurrence of the Senate, were read the first and second times by unanimous consent, and referred as indicated:

H.R. 3903. An act to deem the vessel M/V *Mist Cove* to be less than 100 gross tons, as measured under chapter 145 of title 46, United States Code; to the Committee on Commerce, Science, and Transportation.

H.R. 3439. An act to require the Federal Communications Commission to revise its regulations authorizing the operation of new, low-power FM radio stations; to the Committee on Commerce, Science, and Transportation.

MEASURE PLACED ON THE CALENDAR

The following bill was read the first and second times, and placed on the calendar:

H.R. 3616. An act to reauthorize the impact aid program under the Elementary and Secondary Education Act of 1965, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–8946. A communication from the Naval Nuclear Propulsion Program, transmitting reports on radiological waste disposal and environmental monitoring, worker radiation exposure, and occupational safety and health, and an overview of the Program; to the Committee on Armed Services.

EC–8947. A communication from the Office of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, a report relative to certification of a proposed license for the export of defense articles or defense services sold commercially under a contract in the amount of $50,000,000 or more to Italy, Sweden, Norway, Germany, Australia and the United Arab Emirates; to the Committee on Foreign Relations.

EC–8948. A communication from the Office of Legislative Affairs, Department of State, transmitting, pursuant to the Foreign Assistance Act of 1961, a semi-annual report on progress toward regional nuclear non-proliferation in South Asia, for the period October 1, 1999, to March 31, 2000; to the Committee on Foreign Relations.

EC–8949. A communication from the Federal Maritime Commission, transmitting, pursuant to law, the report of the Office of Inspector General for the period October 1, 1999, through March 31, 2000; to the Committee on Governmental Affairs.

EC–8950. A communication from the Secretary of the Senate, transmitting, pursuant to law, the report of the receipts and expenditures of the Senate for the period October 1, 1999 through March 31, 2000; ordered to lie on the table.

EC–8951. A communication from the Under Secretary of Defense for Acquisition and Technology, transmitting, pursuant to law, a report relative to the Advanced Threat Infrared Countermeasure/Common Missile Warning System defense acquisition program; to the Committee on Armed Services.

EC–8952. A communication from the Federal Mediation and Conciliation Service, transmitting, a copy of the unqualified opinion it received as a result of the audit performed in compliance with the Chief Financial Officers' Act of 1990; to the Committee on Governmental Affairs.

EC–8953. A communication from the Federal Highway Administration, Department of Transportation, transmitting, pursuant to law, the report of an interim final rule entitled ''Indian Reservation Road Bridge Program'' (RIN2125–AE57), received May 11, 2000; to the Committee on Indian Affairs.

EC–8954. A communication from the Federal Election Commission transmitting, pursuant to law, the report of a final rule entitled ''Administrative Fines'', received May 15, 2000; to the Committee on Rules and Administration.

EC–8955. 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 final rule entitled ''Indirect Food Additives: Adjuvants, Production Aids, Sanitizers'' (Docket No. 99F–1910), received May 10, 2000; to the Committee on Health, Education, Labor, and Pensions.

EC–8956. 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 final rule entitled ''Indirect Food Additives: Polymers'' (Docket No. 98F–1019), received May 10, 2000; to the Committee on Health, Education, Labor, and Pensions.

EC–8957. 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 final rule entitled ''Indirect Food Additives: Adjuvants, Production Aids, Sanitizers'' (Docket No. 99F–5111), received May 10, 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–517. A resolution adopted by the Executive Board of the Washington State Labor Council, AFL–CIO in opposition to breaching of the Snake River and Columbia River dams; to the Committee on Environment and Public Works.

POM–518. A resolution adopted by the legislature of the State of Alaska relative to S. 2214, a bill opening the coastal plain of the Arctic National Wildlife Refuge to responsible exploration, development, and production of its oil and gas resources; to the Committee on Energy and Natural Resources.

LEGISLATIVE RESOLVE NO. 38

Whereas, in 1973, during the Arab oil embargo, the United States was 36 percent dependent on foreign supplies, while today the United States relies on imports to supply over 56 percent of its energy consumption; and

Whereas, in the last eight years, the nation's demand for petroleum products has grown by 14 percent while domestic production was declined by 17 percent; and

Whereas, by 2020, the United States expects to be 64 percent dependent on other countries to fuel its industry, transportation, and homes; and

Whereas United States consumers are paying the price, with home heating oil costs in the Northeastern states surpassing 41.70 a gallon, while gasoline prices have climbed to $2 a gallon for mid-range gasoline in California; and

Whereas some airplane passengers are currently paying a $20 fuel surcharge on tickets; and

Whereas the nation's growing reliance on foreign oil is strengthening the aggressive pricing policies of the Organization of the Petroleum Exporting Countries (OPEC); and

Whereas the United States is currently receiving 44 percent of its imported oil from OPEC countries, including 1,400,000 barrels a day from Saudi Arabia and 700,000 barrels a day from Iraq; and

Whereas Iraq has emerged as the fastest growing source of United States oil imports; and

Whereas Iraq has emerged as the fastest growing source of United States oil imports; and

Whereas the United States is spending $300,000,000 a day on foreign oil, accounting for one-third of the entire trade deficit; and

Whereas the United States Secretary of Energy recently visited the OPEC countries of Venezuela, Saudi Arabia, and Kuwait and non-OPEC member Mexico to urge increased production, but did not visit Alaska; and

Whereas it will take 10,000 dockings of foreign supertankers carrying 500,000 barrels of oil each to provide 65 percent of the nation's oil needs in 2020; and

Whereas, if the United States is going to reduce its dependence on foreign oil, it must look toward domestic sources, including Alaska's Arctic; and

Whereas federal legislation has been introduced by Senator Murkowski calling for the opening of the 1,500,000-acre coastal plain of the Arctic National Wildlife Refuge to environmentally sound exploration, development, and production of oil and gas resources; and

Whereas the coastal plain is America's best possibility for the discovery of another giant, Prudhoe Bay-sized oil and gas discovery in North America; and

Whereas, in 1998, a three-year study by the United States Geological Survey estimated the recoverable oil potential of the coastal plain to be as high as 16,000,000,000 barrels of oil, which could replace Saudi oil imports to the United States for 30 years; and

Whereas the vast majority of Alaskans, including the Native residents of Kaktovik,

the only community located in the Arctic National Wildlife Refuge, supports coastal plain development; and

Whereas the state will ensure the continued health and productivity of the Porcupine Caribou herd and the protection of land, water, and wildlife resources during the exploration and development of the coastal plain of the Arctic National Wildlife Refuge; and

Whereas coastal plain development could provide hundreds of thousands of jobs and billions of dollars in government revenue, and could contribute billions of dollars to the nation's economy; and

Whereas many national groups may argue against the development of the Arctic National Wildlife Refuge gas reserves because there is no vehicle to bring the gas to market; be it

Resolved, That the Alaska Legislature supports Alaska's role in providing this nation with a major portion of its domestic oil and encourages the United States Congress to pass S. 2214, a bill opening the coastal plain of the Arctic National Wildlife Refuge to responsible exploration, development, and production of its oil and gas resources; and be it further

Resolved, That oil exploration and development activity be conducted in a manner that protects the wildlife and the environment and utilizes the state's work force to the maximum extent possible; and be it further

Resolved, That the Alaska Legislature opposes any efforts to declare the coastal plain a national monument; and be it further

Resolved, That the Alaska Legislature urges the current leaseholders on the North Slope to make every effort to promptly build a natural gas pipeline to bring Alaska's natural gas to market and thereby avoiding resistance by national organizations that the gas resources in the Alaska National Wildlife Refuge would be stranded.

Copies of this resolution shall be sent to the Honorable Bill Clinton, President of the United States; the Honorable Al Gore, Jr., Vice-President of the United States and President of the U.S. Senate; the Honorable Bruce Babbitt, United States Secretary of the Interior; the Honorable J. Dennis Hastert, Speaker of the U.S. House of Representatives; the Honorable Trent Lott, Majority Leader of the U.S. Senate; the Honorable Ted Stevens and the Honorable Frank Murkowski, U.S. Senators, and the Honorable Don Young, U.S. Representative, members of the Alaska delegation in Congress; and to all other members of the U.S. Senate and the U.S. House of Representatives serving in the 106th United States Congress.

POM–519. A concurrent resolution adopted by the Legislature of the State of Hawaii relative to extending Medicare to prescription drugs for the elderly and disabled; to the Committee on Finance.

SENATE CONCURRENT RESOLUTION NO. 73

Whereas, outpatient prescription drugs, which are not covered under Medicare, are a substantial out-of-pocket burden for many Medicare beneficiaries, as over one-third of beneficiaries have no coverage for prescription drugs; and

Whereas, it has been argued that because roughly two-thirds of beneficiaries have some type of drug coverage from other sources, a Medicare drug benefit for all beneficiaries is not necessary; and

Whereas, however, recent research has identified many gaps in private drug coverage and the degree of protection it affords; and

Whereas, the Prescription Drug Fairness for Seniors Act (Act) (H.R. 664/S. 731) would allow 39,000,000 Medicare beneficiaries to buy prescription drugs at up to forty percent of current retail prices; and

Whereas, as of February 10, 2000, 138 House congressional members and 12 Senate congressional members have co-sponsored the Act, making it the most broadly supported drug reform bill in Congress; and

Whereas, this legislation would end price discrimination among prescription drug makers against the elderly and disabled on Medicare who have no or inadequate prescription drug insurance coverage; and

Whereas, a number of states have state-funded programs, separate from Medicare, to assist elderly and disabled individuals to purchase prescription drugs, however, Hawaii is not among these states; now, therefore, be it

Resolved by the Senate of the Twentieth Legislature of the State of Hawaii, Regular Session of 2000, the House of Representatives concurring, That the United States Congress is urged to support legislation to extend Medicare benefits to include prescription drug coverage for the elderly and disabled; and be it further

Resolved, That certified copies of this Concurrent Resolution be transmitted to the President of the Senate of the United States Senate, the Speaker of the United States House of Representatives, each member of Hawaii's Congressional Delegation, the State Director of Health, and the State Director of Human Services.

POM–520. A resolution adopted by the Senate of the Legislature of the State of Hawaii relative to extending Medicare to prescription drugs for the elderly and disabled; to the Committee on Finance.

SENATE RESOLUTION NO. 28

Whereas, outpatient prescription drugs, which are not covered under Medicare, are a substantial out-of-pocket burden for many Medicare beneficiaries, as over one-third of beneficiaries have no coverage for prescription drugs; and

Whereas, it has been argued that because roughly two-thirds of beneficiaries have some type of drug coverage from other sources, a Medicare drug benefit for all beneficiaries is not necessary; and

Whereas, however, recent research has identified many gaps in private drug coverage and the degree of protection it affords; and

Whereas, the Prescription Drug Fairness for Seniors Act (Act) (H.R. 664/S. 731) would allow 39,000,000 Medicare beneficiaries to buy prescription drugs at up to forty percent of current retail prices; and

Whereas, as of February 10, 2000, 138 House congressional members and 12 Senate congressional members have co-sponsored the Act, making it the most broadly supported drug reform bill in Congress; and

Whereas, this legislation would end price discrimination among prescription drug makers against the elderly and disabled on Medicare who have no or inadequate prescription drug insurance coverage; and

Whereas, a number of states have state-funded programs, separate from Medicare, to assist elderly and disabled individuals to purchase prescription drugs, however, Hawaii is not among these states; now, therefore, be it

Resolved by the Senate of the Twentieth Legislature of the State of Hawaii, Regular Session of 2000, That the United States Congress is urged to support legislation to extend Medicare benefits to include prescription drug coverage for the elderly and disabled; and be it further

Resolved, That certified copies of this Resolution be transmitted to the President of the Senate of the United States Senate, the Speaker of the United States House of Representatives, each member of Hawaii's Congressional Delegation, the State Director of Health, and the State Director of Human Services.

POM–521. A resolution adopted by the Senate of the Legislature of the State of Michigan relative to voluntary, individual, unorganized, and non-mandatory prayer in public schools; to the Committee on the Judiciary.

SENATE RESOLUTION NO. 158

Whereas, the United States of America was founded by men and women with varied religious beliefs and ideals; and

Whereas, The First Amendment to the United States Constitution states that ''Congress shall make no laws respecting an establishment of religion or prohibiting the free exercise thereof . . .,'' which means that the government is prohibited from establishing a state religion. However, no barriers shall be created against the practice of any religion; and

Whereas, The establishment clause of the First Amendment was not drafted to protect Americans from religion, rather, its purpose was clearly to protect Americans from government mandates with respect to religion; and

Whereas, The Michigan Legislature strongly believe that reaffirming a right to voluntary, individual, unorganized, and non-mandated prayer in public schools is an important element of religious choice guaranteed by the Constitution, and will reaffirm those religious rights and beliefs upon which the nation was founded; now, therefore, be it

Resolved by the Senate, That the members of this legislative body memorialize the Congress of the United States to strongly support voluntary, individual, unorganized, and non-mandatory prayer in the public schools of this nation; and be it further.

Revolved. That a copy of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. SMITH, of New Hampshire, from the Committee on Environment and Public Works, with a amendment in the nature of a substitute:

S. 1691: A bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to authorize programs for predisaster mitigation, to streamline the administration of disaster relief, to control the Federal costs of disaster assistance, and for other purposes (Rept. No. 106–295).

By Mr. Smith, of New Hampshire, from the Committee on Environment and Public Works, without amendment:

H.R. 707: A bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to authorize a program for predisaster mitigation, to streamline the administration of disaster relief, to control the Federal costs of disaster assistance, and for other purposes.

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. LOTT (for himself, Mr. MURKOWSKI, and Mr. VOINOVICH):

S. 2557. A bill to protect the Energy Security of the United States and decrease America's dependency on foreign oil sources to 50 percent by the year 2010 by enhancing the use of renewable energy resources, conserving energy resources, improving energy efficiencies, and increasing domestic energy supplies, mitigating the effect of increases in energy prices on the American consumer, including the poor and the elderly, and for other purposes; read the first time.

By Mr. BIDEN:

S. 2558. A bill to amend the Taxpayer Relief Act of 1997 to provide for consistent treatment of survivor benefits for public safety officers killed in the line of duty; to the Committee on Finance.

By Mrs. FEINSTEIN:

S. 2559. A bill for the relief of Vijai Rajan; to the Committee on the Judiciary.

By Mr. THURMOND:

S. 2560. A bill to reduce temporarily the duty on Mesamoll; to the Committee on Finance.

By Mr. THURMOND:

S. 2561. A bill to reduce temporarily the duty on Vulkalent E/C; to the Committee on Finance.

By Mr. THURMOND:

S. 2562. A bill to reduce temporarily the duty on Baytron M; to the Committee on Finance.

By Mr. THURMOND:

S. 2563. A bill to reduce temporarily the duty on Baytron C–R; to the Committee on Finance.

By Ms. SNOWE:

S. 2564. A bill to provide tax incentives for the construction of seagoing cruise ships in United States shipyards, and to facilitate the development of a United States-flag, United States-built cruise industry, and for other purposes; to the Committee on Finance.

By Mrs. HUTCHISON:

S. 2565. A bill to reform the financing of Federal elections, and for other purposes; to the Committee on Rules and Administration.

By Mr. FRIST (for himself and Mr. MCCAIN):

S. 2566. A bill to amend the Federal Food, Drug, and Cosmetic Act to grant the Secretary of Health and Human Services the authority to regulate tobacco products, and for other purposes; to the Committee on Health, Education, Labor and Pensions.

By Mrs. BOXER:

S. 2567. A bill to provide Outer Continental Shelf Impact Assistance to State and local governments, to amend the Land and Water Conservation Fund Act of 1965, the Urban Park and Recreation Recovery Act of 1978, and the Federal Aid in Wildlife Restoration Act (commonly referred to as the Pittman-Robertson Act) to establish a fund to meet the outdoor conservation and recreation needs of the American people, and for other purposes; read the first time.

By Mr. KENNEDY (for himself, Mr. LAUTENBERG, Mr. DURBIN, Mr. KERRY, and Mr. WELLSTONE):

S. 2568. A bill to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BOND (for himself, Mr. KERRY, Mr. CAMPBELL, Mr. MURKOWSKI, Mr. STEVENS, Mr. DASCHLE, and Mr. BAUCUS):

S. 2569. A bill to ensure and enhance participation in the HUBZone program by small business concerns in Native America, to expand eligibility for certain small businesses on a trial basis, and for other purposes; to the Committee on Small Business.

By Mr. FRIST (for himself, Mr. THOMPSON, and Mr. COCHRAN):

S. 2570. A bill to provide for the fair and equitable treatment of the Tennessee Valley Authority and its ratepayers in the event of restructuring of the electric utility industry; to the Committee on Environment and Public Works.

By Mr. WYDEN:

S. 2571. A bill to provide for the liquidation or reliquidation of certain entries of athletic shoes; to the Committee on Finance.

By Mr. BURNS (for himself, Mr. BREAUX, Mr. ENZI, Mr. GRAMS, and Mrs. LINCOLN):

S. 2572. A bill to amend the Communications Act of 1934 to promote deployment of advanced services and foster the development of competition for the benefit of consumers in all regions of the Nation by relieving unnecessary burdens on the Nation's two percent local exchange telecommunications carriers, and for other purposes; to the Committee on Commerce, Science, and Transportation.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. MOYNIHAN (for himself, Mr. MCCONNELL, Mr. LOTT, Mrs. BOXER, Mr. FEINGOLD, Mr. ASHCROFT, Mrs. FEINSTEIN, Mr. HELMS, Mr. LUGAR, Mr. DURBIN, Mr. KENNEDY, Mr. LEAHY, Mr. WELLSTONE, and Mr. SARBANES):

S. Con. Res. 113. A concurrent resolution expressing the sense of the Congress in recognition of the 10th anniversary of the free and fair elections in Burma and the urgent need to improve the democratic and human rights of the people of Burma; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. FEINSTEIN:

S. 2559. A bill for the relief of Vijai Rajan; to the Committee on the Judiciary.

PRIVATE RELIEF LEGISLATION GRANTING UNITED STATES CITIZENSHIP TO VIJAI RAJAN

Mrs. FEINSTEIN. Mr. President, I am pleased to introduce legislation today to grant United States citizenship to Vijai Rajan. Ms. Rajan is a twenty-four year old permanent resident from India whose naturalization application was denied because of physical disabilities that make it impossible for her to take the oath of allegiance.

Ms. Rajan has lived in the United States since she was four months old. Her sister, Inbhu, was born in Cincinnati and is an American citizen by right of her birth in the United States. Her father Sunder Rajan became a naturalized citizen in 1980. But Ms. Rajan's mother Shakunthala, was not naturalized until 1994, just after Vijai's 18th birthday. If both parents had become citizens before Rajan turned 18, she would have automatically qualified for citizenship.

Unfortunately, due to this peculiar circumstance, the law now requires that Ms. Rajan undergo the rigors of the regular naturalization process, including taking the oath of allegiance, before she can become a United States citizen.

An anomaly in the law has resulted in Ms. Rajan being left out of her family's American dream, for no other reason than because her physical disabilities prevent her from taking the oath of allegiance. Ms. Rajan suffers from cerebral palsy, muscular dystrophy, seizures, and Crohn's disease.

American citizenship is the most visible sign of one's attachment to the United States. The naturalization process, including the oath of allegiance, should be credible, and it must be accorded the formality and ceremony appropriate to its importance. I would not support any steps that would detract from the meaningfulness, solemnity, and dignity of this time-honored tradition.

In 1952, when Congress codified the requirements for becoming an American citizen, it required that the oath contain five elements: (1) support for the Constitution; (2) renunciation of prior allegiance; (3) defense of the Constitution against all enemies; (4) true faith and allegiance; and (5) a commitment to bear arms or perform noncombatant service when required.

I believe these principles should remain intact. But I also believe that we should carry out these ideals with compassion and sufficient flexibility that persons who are so severely disabled, like Ms. Rajan, are not automatically disqualified from becoming U.S. citizens.

I believe the case of Vijai Rajan is compelling and warrants Congress' immediate consideration. Moreover, I am aware that there are other cases in which a physical disability has prevented an otherwise qualified person from becoming an American citizen. I intend to work to enact legislation that will give the Attorney General the discretion to act on such compelling cases without having to resort to a private act of Congress.

In the meantime, I urge my colleagues to support this private legislation on behalf of Vijai Rajan.

By Mr. THURMOND:

S. 2560. A bill to reduce temporarily the duty on Mesamoll; to the Committee on Finance.

S. 2561. A bill to reduce temporarily the duty on Vulkalent E/C; to the Committee on Finance.

S. 2562. A bill to reduce temporarily the duty on Baytron M; to the Committee on Finance.

S. 2563. A bill to reduce temporarily the duty on Baytron C–R; to the Committee on Finance.

LEGISLATION TO SUSPEND THE DUTY ON CERTAIN CHEMICALS USED IN THE MANUFACTURING INDUSTRY

Mr. THURMOND. Mr. President, I rise today to introduce four bills which will suspend the duties imposed on certain chemicals that are important components in a wide array of

applications. Currently, these chemicals are imported for use in the United States because there are no known American producers or readily available substitutes. Therefore, suspending the duties on these chemicals would not adversely affect domestic industries.

These bills would temporarily suspend the duty on the following:

Mesamoll (alkyl sulfonic acid ester of phenol);

Vulkalent E/C (N-phenyl-N-((trichloromethyl)thio)-benzenesulfonamide

with calcium carbonate and mineral oil);

Baytron M (3,4 ethylenedioxythiophene); and

Baytron C-R (iron(III) toluenesulfonate).

These chemicals are used in the manufacturing of a number of products including, but not limited to, solvents, PVC coated fabric, medical apparatus, rubber products for automobile hoses, circuit boards, and other electronic goods.

Mr. President, suspending the duty on these chemicals will benefit the consumer by stabilizing the costs of manufacturing the end-use products. Further, these duty suspensions will allow U.S. manufacturers to maintain or improve their ability to compete internationally. I hope the Senate will consider these measures expeditiously.

I ask unanimous consent that the text of these bills be printed in the RECORD.

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

S. 2560

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

SECTION 1. REDUCTION OF DUTY ON MESAMOLL.

(a) IN GENERAL.—Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new subheading:

‘‘	9902.38.14	A certain Alkylsulfonic Acid Ester of Phenol (CAS No. 70775–94–9) (provided for in subheading 3812.20.10)	Free	No change	No change	On or before 12/31/2003	’’.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) applies to goods entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of the enactment of this Act.

S. 2561

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

SECTION 1. REDUCTION OF DUTY ON VULKALENT E/C.

(a) IN GENERAL.—Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new subheading:

‘‘	9902.38.30	A mixture of N-Phenyl-N-((trichloromethyl)thio)-Benzenesulfonamide; calcium carbonate; and mineral oil (the foregoing provided for in subheading 3824.90.28)	Free	No change	No change	On or before 12/31/2003.	’’.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) applies to goods entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of the enactment of this Act.

S. 2562

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

SECTION 1. REDUCTION OF DUTY ON BAYTRON M.

(a) IN GENERAL.—Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new subheading:

‘‘	9902.29.34	A certain 3,4-ethylenedioxythiophene (CAS No. 126213–50–1) (provided for in subheading 2934.90.90)	Free	No change	No change	On or before 12/31/2003.	’’.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) applies to goods entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of the enactment of this Act.

S. 2563

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

SECTION 1. REDUCTION OF DUTY ON BAYTRON C-R.

(a) IN GENERAL.—Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new subheading:

‘‘	9902.38.15	A certain catalytic preparation based on Iron (III) toluenesulfonate (CAS No. 77214–82–5) (provided for in subheading 3815.90.50)	Free	No change	No change	On or before 12/31/2003.	’’.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) applies to goods entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of the enactment of this Act.

By Ms. SNOWE:

S. 2564. A bill to provide tax incentives for the construction of seagoing cruise ships in United States shipyards, and to facilitate the development of a United States-flag, United States-built cruise industry, and for other purposes; to the Committee on Finance.

ALL AMERICAN CRUISE ACT OF 2000

Ms. SNOWE. Mr. President, I rise to introduce legislation designed to promote growth in the domestic cruise ship industry and at the same time enable U.S. shipyards to compete for cruise ship orders. The legislation would require that at least two U.S.-built ships be ordered for each foreign-built ship permitted to operate in the U.S. market, and provide tax incentives for U.S. cruise ship construction and operation.

Current law prohibits non-U.S. vessels from carrying passengers between U.S. ports. As such, today's domestic cruise market is very limited. The cruise industry consists predominantly of foreign vessels which must sail to and from foreign ports. The vast majority of cruise passengers are Americans, but most of the revenues now go to foreign destinations. That is because the high cost of building and operating U.S.-flag cruise ships and competition from modern, foreign-flag cruise ships have deterred growth in the domestic cruise ship trade.

By some estimates, a single port call by a cruise vessel generates between $300,000 and $500,000 in economic benefits. This is a very lucrative market, and I would like to see U.S. companies and American workers benefit from this untapped potential. However, domestic ship builders and cruise operations face a very difficult, up-hill battle against unfair competition from foreign cruise lines and foreign shipyards. Foreign cruise lines, for example, pay no corporate income tax. Nor are they held to the same demanding ship construction and operating standards imposed on U.S.-flag vessel operators. Foreign cruise lines are also free from the need to comply with many U.S. labor and environmental protection laws, and U.S. health, safety, and sanitation laws do not apply to the foreign ships.

The legislation I am introducing today is designed to level the playing field between the U.S. cruise industry and the international cruise industry. It requires that at least two U.S.-built ships be ordered for each foreign-built ship permitted to operate on a temporary basis in the U.S. market, and provide tax incentive for U.S. cruise ship construction and operation. For example, it provides that a shipyard will pay taxes on the construction or overhaul of a cruise ship of 20,000 gross tons or greater only after the delivery of the ship.

Under my bill, a U.S. company operating a cruise ship of 20,000 grt and greater may depreciate that vessel over a five-year period rather than the current 10-year depreciation period. The bill would also repeal the $2,500 business tax deduction limit for a convention on a cruise ship to provide a tax deduction limit equal to that provided to conventions held at shore-side hotels. The measure would authorize a 20-percent tax credit for fuel operating costs associated with environmentally clean gas turbine engines manufactured in the U.S., and also allows use of investment of Capital Construction Funds to include not only the non-contiguous trades, but also the domestic point-to-point trades and ''cruise to nowhere.''

Finally, the bill provides that a foreign-built ship may be brought into the U.S. trades only after the owner or buyer of such vessel has entered into a binding contract for the construction of at least two cruise ships of equal or greater size in the U.S. The interim foreign-built ship must be documented in the U.S. The contract must require that the first ship constructed in the U.S. be delivered no later than four years from the date of entering the binding contract with the delivery of a second ship within five years, and that the foreign-built ship must exit the U.S. trade within 12 months of the delivery of the last ship, provided there is no longer than a 24-month elapse between delivery of second and subsequent ships, should the contract provide for construction of more than two ships.

Mr. President. I truly believe that this legislation would jumpstart the domestic cruise trade, benefit U.S. workers and companies, and promote economic growth in our ports. I strongly urge my colleagues to join me in a strong show of support for this legislation.

By Mr. FRIST (for himself and Mr. MCCAIN):

S. 2566. A bill to amend the Federal Food, Drug, and Cosmetic Act to grant the Secretary of Health and Human Services the authority to regulate tobacco products, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

NATIONAL YOUTH SMOKING REDUCTION ACT

Mr. FRIST. Mr. President, I rise today to introduce the National Youth Smoking Reduction Act, along with my colleague, Senator MCCAIN. The purpose of this bill is to diminish the number of children who start to smoke or use other tobacco products, while at the same time trying to reduce the risk such products pose to adults who make the ill-advised—but legal—choice to use these products.

Mr. President, each day, more than 3,000 kids become regular smokers. That's about one million per year. Currently more than 4 million children 12 to 17 years old smoke. Sadly, more than 5 million children alive today will die prematurely from smoking-related illnesses, unless current trends are reversed.

Adults almost always start smoking as children. According to a 1994 Surgeon General report, nearly 90 percent of adults who smoke took his or her first puff at or before the age of 18. Moreover, youth smoking is on the rise! The Centers for Disease Control and Prevention have determined that smoking rates for students in grades 9 through 12 increased from 27.5 percent in 1991 to 36.4 percent in 1997. In my own state of Tennessee, 38 percent of all high school students smoke compared to just 26 percent of Tennessee adults.

Mr. President, we should all be alarmed by these statistics. Before my election to the United States Senate, I was a heart and lung transplant surgeon. I have held hundreds and hundreds of lungs in my hands that were ravaged by years of smoking. I've performed hundreds of coronary artery bypass heart operations to repair damage accelerated by smoking. When you've seen the damage that cigarettes can cause to the human body, it is a powerful motive to find a way to try to prevent children from ever starting the habit. After all, as the statistics suggest, if you keep a child from smoking, he'll probably never start as an adult.

Many factors account for a child's decision to smoke. One concerns the easy access of tobacco products to our nation's youth. For too long, cigarettes have been readily available to those who are too young to purchase them legally, whether through vending machines or by pilfering them from self-service displays.

Another heavily-researched factor is the role that advertising has in stimulating children to smoke. According to a 1995 study published in the Journal of the National Cancer Institute, teens are more likely to be influenced to smoke by cigarette advertising than they are by peer pressure. In 1994 the CDC determined that 86 percent of children who smoke prefer Marlboro, Camel and Newport—the three most heavily advertised brands—compared to only about one-third of adult smokers. When advertising for the ''Joe Camel'' campaign jumped from $27 million to $43 million, between 1989 and 1993, Camel's share among youth increased by more than 50 percent, while its adult market share did not change at all.

There have been efforts made during the last decade to curb and eliminate children smoking. In 1996, the Food and Drug Administration promulgated a rule which would have reduced youth access to tobacco by banning most cigarette vending machines and requiring that retailers verify the age of all over the counter sales. The rule would also address advertising to children by restricting advertising within 1,000 feet of schools and playgrounds, restricting outdoor ads and ads in publication with a significant teen readership to black and white text only.

The rule was controversial, particularly some of the advertising restrictions. It was made even more controversial by the fact that many in Congress did not believe that FDA had ever been given the authority to regulate tobacco.

During the 105th Congress, Senator MCCAIN introduced S. 1415, the tobacco settlement bill, which was a comprehensive response to the landmark tobacco settlement of 1997. As part of that bill, I drafted provisions which set up a framework for the FDA to regulate tobacco. The tobacco settlement bill did not pass the Senate, which killed my effort during the 105th Congress to have FDA regulate tobacco in an attempt to keep the product away from children.

Thus, Congress has never delegated to the FDA the authority to regulate tobacco. On March 21, 2000, the U.S. Supreme Court ruled that FDA lacked any authority to regulate tobacco

products. It was obvious to the Court that Congress never intended for the FDA to treat tobacco products as drugs subject to regulation under the Federal Food, Drug and Cosmetic Act.

The National Youth Smoking Reduction Act, which we introduce today, would for the first time give the FDA authority to regulate tobacco.

This authority would not flow from treating nicotine as a drug and tobacco products as drug delivery devices. That's what the FDA has already tried to do, by trying to force tobacco products under Chapter 5 of the existing Act. To me, this is like taking a square peg and trying to put it in a round hole; it just doesn't fit. Chapter 5 calls on the Secretary to determine whether the regulatory actions taken will provide reasonable assurance of the ''safety and effectiveness'' of the drug or the device. Well, clearly, tobacco is neither safe nor effective, as those terms are understood in the Act. We know that tobacco kills. That has clearly been demonstrated over the last 35 years. You can talk about the effectiveness of a pacemaker or a heart valve or an artificial heart; you can talk about those devices as being safe and effective. You really cannot apply that standard to tobacco. Therefore, instead of taking tobacco and ramming it through the drug and device provisions, I felt it was important to look at the unique nature of tobacco, and regulate it under a new chapter, which we designate as Chapter 9. This gives FDA the flexibility to create a new standard that was appropriate for tobacco products.

Chapter 9 requires manufacturers to submit to the FDA information about the ingredients, components and substances in their products. It empowers the FDA to set performance standards for tobacco products, by which FDA can try to reduce the risk posed by these products. It gives FDA the power to regulate the sale, distribution, access to, and advertising of tobacco products to try to prevent children from smoking. It also gives the FDA the power to revise and improve the warning labels contained on tobacco product packages and advertising. Last, it gives FDA the power to encourage tobacco manufacturers—who probably know more about the products than even FDA's scientists—to develop and market ''reduced risk'' products for adults who are regular users of tobacco.

In short, our bill represents a powerful, initial grant of authority to the FDA to regulate tobacco.

We think the bill, as a whole, strikes a fair balance between the need to promote the public health and the recognition that adults may legally choose to smoke. I very strongly believe that, should Congress act to give FDA authority to regulate tobacco products, this legislation will be the template.

Six years ago, I was saving lives as a heart and lung surgeon. I saw the ravages of tobacco in the operating room. The people of Tennessee elected me to use common sense to advance the public good. I submit that crafting a comprehensive approach to keep children from smoking is a chance for the Senate to save lives through the exercise of common sense.

Mr. MCCAIN. Mr. President, I am pleased to co-sponsor this important legislation aimed at reducing youth smoking. This legislation addresses the void in federal regulatory authority over tobacco left by the recent Supreme Court ruling that FDA has no current power to regulate tobacco products.

Dr. FRIST provided excellent guidance and leadership on FDA authority in 1998. In this legislation he is continuing that role by proposing legislation which I believe can gain support of enough of our colleagues to actually make this the law. Right now FDA has no authority whatsoever. While I supported the even more stringent measures proposed in 1998, I concur with Senator FRIST that our chief responsibility this year is to pass legislation which will actually result in reductions in the number of kids smoking. We should pass this legislation and see results, not simply talk for several more years about how much more we would like to do.

The statistics on youth smoking are clear and alarming: 3000 kids start smoking every day; 1000 of them will die early from smoking related disease; and one of three adolescents is using tobacco by age 18.

We're not talking about kids who sneak a cigarette out of their mother's purse. According to a Surgeon General's report 71 percent of youth smokers use tobacco daily, but 90 percent of lifetime smokers take up the habit before the age of 18—the legal age to buy tobacco products in every state in the union—so if we can limit the number of kids smoking, we will eventually decrease the number of adults smoking.

Specifically, what the legislation will do is:

1. FDA will oversee ingredients in tobacco products to ensure that they are adulterated with ''putrid'' or ''poisonous substances,'' and may regulate the manufacturing process to require the sanitary conditions one would normally expect in dealing with agricultural products.

2. It includes the very stringent and specific warning labeling requirements from the 1998 legislation. FDA will have the authority to revise and enforce labeling requirements, and to ensure that tobacco products are not misbranded or misrepresented to the public.

3. FDA will serve as the clearinghouse for information about tobacco products, the ingredients used by manufacturers, and will approve new products and formulas to ensure that they protect public health.

4. FDA will have the authority to establish advertising and access limitations designed to ensure that kids are not the target of marketing by tobacco companies, and to prevent kids from easily shoplifting or buying cigarettes.

5. It provides a mechanism for lower risk tobacco products to be tested, reviewed and approved.

6. It allows FDA to regulate tobacco products and nicotine to decrease the harm caused by them as much as feasible.

What the legislation does not do is permit FDA to ban tobacco products directly, or indirectly. That authority remains with Congress. There are an estimated 40–50 million smokers in this country, and it is neither practical nor in the public interest to vest that authority with a federal agency which is unaccountable to the public at large. We do not gain by driving current smokers to black markets. It is better to regulate tobacco products to prevent them from becoming worse and to focus on decreasing the number of kids who take up smoking or using chewing tobacco.

The legislation also does not raise prices—it does not raise taxes. No new government programs or agencies are created. No liability issues are addressed. This is simple and straightforward legislation to give the FDA authority to regulate tobacco products and to promulgate regulations to prevent advertising, marketing and access for kids.

The legislation does not permit a broad ban or control over advertising. Instead, it vests authority with FDA to regulate advertising aimed at kids. This limitation allows FDA sufficient authority to address Joe Camel type advertising, while providing the best opportunity for success against constitutional challenges.

While I strongly advocate against kids smoking, I recognize that it is the right of an adult to make a stupid choice—to smoke—knowing of the consequences. This legislation protects that right. It provides a delicate balance between protecting a person from himself, and letting each individual make individual choices, and suffer the consequences of those choices.

This legislation will draw attacks from both sides—from those who think the bill is too stringent, and from those who think the legislation does not go far enough. I say to my friends on both sides, this is a reasonable and practical solution to a serious problem. I urge an end to the posturing and a dedication to making sure that we do not leave this session without providing FDA with some authority over tobacco products. I pledge to both sides that I will work with them to refine the language, to address their legitimate concerns. But, we will have gained nothing if we allow this to become the political football that it became two years ago.

Make no mistake, this is not perfect legislation. I would like to do more. But I think it is more important to move forward with this very good proposal than to wait for some distant time, if ever, when we can pass a perfect bill.

This legislation is a major step in the right direction. I think we can get enough support to pass it. I support its early consideration and action.

By Mrs. BOXER.

S. 2567. A bill to provide Outer Continental Shelf Impact Assistance to State and local governments, to amend the Land and Water Conservation Fund Act of 1965, the Urban Park and Recreation Recovery Act of 1978, and the Federal Aid in Wildlife Restoration Act (commonly referred to as the Pittman-Robertson Act) to establish a fund to meet the outdoor conservation and recreation needs of the American people, and for other purposes; read the first time.

CONSERVATION AND REINVESTMENT ACT

Mrs. BOXER. Mr. President, earlier today, I introduced in the Senate a bill that passed the House of Representatives on Thursday, May 11—the Conservation and Reinvestment Act of 2000. I introduced the bill and asked that it be put on the Senate calendar for one simple reason. I believe that the fastest way to pass legislation to protect our national lands legacy is to take up where the House left off last week.

I know that the Energy and Natural Resources Committee has been trying for many months to get a lands legacy bill, and I commend the efforts of Senator BINGAMAN, Senator LANDRIEU and others. But I am also aware of the great differences of opinion on the Committee. I personally support the Bingaman bill, which is similar to legislation I introduced last year, the Resources 2000 Act. Some Senators support the Landrieu bill. Others oppose both approaches.

Thus, it may not be possible to get a strong bill out of the Energy Committee this year. And, Mr. President, we are running out of time. There are probable fewer than 60 working days left in the 106th Congress. So that is why I have asked that the House bill be placed on the Senate calendar, so that at any time the Majority Leader can take it up and place it before the Senate.

The House bill isn't perfect. I would like to see further changes. But it would be a good start for the Senate. We must not let this session of Congress end without passing this critical legislation to protect our natural heritage.

By Mr. KENNEDY (for himself, Mr. LAUTENBERG, Mr. DURBIN, Mr. KERRY, and Mr. WELLSTONE):

S. 2568. A bill to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products; to the Committee on Health, Education, Labor, and Pensions.

YOUTH SMOKING PREVENTION AND PUBLIC HEALTH PROTECTION ACT

Mr. KENNEDY. Mr. President, today, I am introducing legislation to give the Food and Drug Administration board authority to regulate tobacco products for protection of the public health. With the recent 5 to 4 decision by the Supreme Court rejecting FDA's claim that it had authority to regulate tobacco products under current law, it is now essential for Congress to act. We cannot in good conscience allow the federal agency most responsible for protecting the public health to remain powerless to deal with the enormous risk of tobacco, the most deadly of all consumer products.

The provisions in this bill are identical to those in the bipartisan compromise reached during Senate consideration of comprehensive tobacco control legislation in 1998. Fifty eight Senators supported it at that time. That legislation was never enacted because of disputes over tobacco taxation and litigation, not over FDA authority.

This FDA provision is a fair and balanced approach to FDA regulation. It creates a new section in FDA jurisdiction for the regulation of tobacco products, with standards that allow for consideration of the unique issues raised by tobacco use. It is sensitive to the concerns of tobacco farmers, small businesses, and nicotine-dependent smokers. But, it clearly gives FDA the authority it needs in order to prevent youth smoking and to reduce addiction to this highly lethal product.

I had hoped to be introducing this bill with the same bipartisan support we had for this FDA provision in 1998. Unfortunately, we have not been able to reach agreement. I believe the changes in the 1998 language now being proposed by Republicans will undermine the FDA's ability to deal effectively with the enormous health risks posed by smoking. This concern is shared by a number of independent public health experts who have reviewed the proposed Republican changes and by the FDA officials who would be responsible for administering the law. The bipartisan compromise agreed to in 1998 is still the best opportunity for Senators to come together and grant FDA the regulatory authority it needs to substantially reduce the number of children who start smoking and to help addicted smokers quit. Nothing less will do the job.

The stakes are vast. Three thousand children begin smiling every day. A thousand of them will die prematurely from tobacco-induced diseases. Smoking is the number one preventable cause of death in the nation today. Cigarettes kill well over four hundred thousand Americans each year. That is more lives lost than from automobile accidents, alcohol abuse, illegal drugs, AIDS, murder, suicide, and fires combined. Our response to a public health problem of this magnitude must consist of more than half-way measures.

We must deal firmly with tobacco company marketing practices that target children and mislead the public. The Food and Drug Administration needs broad authority to regulate the sale, distribution, and advertising of cigarettes and smokeless tobacco.

The tobacco industry currently spends five billion dollars a year to promote its products. Much of that money is spent in ways designed to tempt children to start smoking, before they are mature enough to appreciate the enormity of the health risk. The industry knows that more than 90% of smokers begin as children and are addicted by the time they reach adulthood.

Documents obtained from tobacco companies prove, in the companies' own words, the magnitude of the industry's efforts to trap children into dependency on their deadly product. Recent studies by the Institute of medicine and the Centers for Disease Control show the substantial role of industry advertising in decisions by young people to use tobacco products. If we are serious about reducing youth smoking, FDA must have the power to prevent industry advertising designed to appeal to children wherever it will be seen by children. This legislation will give FDA the ability to stop tobacco advertising which glamorizes smoking from appearing in publications likely to be read by significant numbers of children.

FDA authority must also extend to the sale of tobacco products. Nearly every state makes it illegal to sell cigarettes to children under 18, but surveys show that those laws are rarely enforced and frequently violated. FDA must have the power to limit the sale of cigarettes to face-to-face transactions in which the age of the purchaser can be verified by identification. This means an end to self-service displays and vending machine sales. There must also be serious enforcement efforts with real penalties for those caught selling tobacco products to children. This is the only way to ensure that children under 18 are not able to buy cigarettes.

The FDA conducted the longest rulemaking proceeding in its history, studying which regulations would most effectively reduce the number of children who smoke. Seven hundred thousand public comments were received in the course of that rulemaking. At the conclusion of its proceeding, the Agency promulgated rules on the manner in which cigarettes are advertised and sold. Due to litigation, most of those regulations were never implemented. If we are serious about curbing youth smoking as much as possible, as soon as possible; it makes no sense to require FDA to reinvent the wheel by conducting a new multi-year rulemaking process on the same issues. This legislation will give the youth access and advertising restrictions already developed by FDA the immediate force of law, as if they had been issued under the new statute.

The legislation also provides for stronger warnings on all cigarette and smokeless tobacco packages, and in all print advertisements. These warnings

will be more explicit in their description of the medical problems which can result from tobacco use. The FDA is given the authority to change the text of these warning labels periodically, to keep their impact strong.

Nicotine in cigarettes is highly addictive. Medical experts say that it is as addictive as heroin or cocaine. Yet for decades, tobacco companies have vehemently denied the addictiveness of their products. No one can forget the parade of tobacco executives who testified under oath before Congress as recently as 1994 that smoking cigarettes is not addictive. Overwhelming evidence in industry documents obtained through the discovery process proves that the companies not only knew of this addictiveness for decades, but actually relied on it as the basis for their marketing strategy. As we now know, cigarette manufacturers chemically manipulated the nicotine in their products to make it even more addictive.

The tobacco industry has a long, dishonorable history of providing misleading information about the health consequences of smoking. These companies have repeatedly sought to characterize their products as far less hazardous than they are. They made minor innovations in product design seem far more significant for the health of the user than they actually were. It is essential that FDA have clear and unambiguous authority to prevent such misrepresentations in the future. The largest disinformation campaign in the history of the corporate world must end.

Given the addictiveness of tobacco products, it is essential that the FDA regulate them for the protection of the public health. Over forty million Americans are currently addicted to cigarettes. No responsible public health official believes that cigarettes should be banned. A ban would leave forty million people without a way to satisfy their drug dependency. FDA should be able to take the necessary steps to help addicted smokers overcome their addiction, and to make the product less toxic for smokers who are unable or unwilling to stop. To do so, FDA must have the authority to reduce or remove hazardous ingredients from cigarettes, to the extent that it becomes scientifically feasible. The inherent risk in smoking should not be unnecessarily compounded.

Recent statements by several tobacco companies make clear that they plan to develop what they characterize as ''reduced risk'' cigarettes. This legislation will require manufacturers to submit such ''reduced risk'' products to the FDA for analysis before they can be marketed. No health-related claims will be permitted until they have been verified to the FDA's satisfaction. These safeguards are essential to prevent deceptive industry marketing campaigns, which could lull the public into a false sense of health safety.

Smoking is the number one preventable cause of death in America. Congress must vest FDA not only with the responsibility for regulating tobacco products, but with full authority to do the job effectively.

This legislation will give the FDA the legal authority it needs to reduce youth smoking by preventing tobacco advertising which targets children—to prevent the sale of tobacco products to minors—to help smokers overcome their addiction—to make tobacco products less toxic for those who continue to use them—and to prevent the tobacco industry from misleading the public about the dangers of smoking.

The 1998 compromise we reached in the Senate is still the right answer. We cannot allow the tobacco industry to stop us from doing what we know is right for America's children. I intend to do all I can to see that Congress enacts this legislation this year. The public health demands it.

By Mr. BOND (for himself, Mr. KERRY, Mr. CAMPBELL, Mr. MURKOWSKI, Mr. STEVENS, Mr. DASCHLE, and Mr. BAUCUS):

S. 2569. A bill to ensure and enhance participation in the HUBZone program by small business concerns in Native America, to expand eligibility for certain small businesses on a trial basis, and for other purposes; to the Committee on Small Business.

HUBZONES IN NATIVE AMERICA ACT OF 2000

● Mr. BOND. Mr. President, the bill I am introducing today with Senators KERRY, CAMPBELL, MURKOWSKI, STEVENS, DASCHLE, and BAUCUS will expand economic opportunity in some of the most stubborn areas of poverty and unemployment in the entire country. It will do so by expanding the HUBZone program to ensure that Indian Tribal enterprises and Alaska Native Corporations are eligible to participate.

The HUBZone program, enacted in 1997, directs a portion of Federal contracting dollars into areas of the country that have been out of the economic mainstream for far too long. HUBZone areas, which include, qualified census tracts, poor rural counties, and Indian reservations, often are relatively out-of-the-way places that the stream of commerce passes by. They tend to be low-traffic areas that do not have a reliable customer base to support business development. As a result, business has been reluctant to move into these areas. It simply has not been profitable, without a customer base to keep them operating.

The HUBZone Act seeks to overcome this problem by making it possible for the Federal government to become a customer for small businesses that locate in HUBZones. While a small business works to establish its regular customer base, a Federal contract can help it stabilize its revenues and remain profitable. This gives small business a chance to get a foothold, and provides jobs to these areas. New business and new jobs mean new life and new hope for these communities.

The HUBZone Act seeks to restart the economic engine in these communities and keep it running. Small business is the carburetor that makes that engine run smoothly. If a community seeks to attract a large business, often with expensive tax concessions and promises of public works, that community can find itself back where it started if that large business becomes unprofitable and closes its plant. However, if a community attracts a diversified base of small businesses its overall economic development does not stop just because one or two of those businesses close. That is why small business must be a central part of any economic development strategy.

Unfortunately, when we wrote the HUBZone Act three years ago, we accidentally created a technical glitch that excludes Indian Tribal enterprises and Alaska Native Corporations. These businesses must play a central role in improving life in rural Alaska and on Indian reservations. That is why we are here to propose a solution to this problem.

In the HUBZone Act, we specified that participating small businesses must be 100 percent owned and controlled by U.S. citizens. However, since citizens are ''born or naturalized'' under the Fourteenth Amendment, ownership by citizens implies ownership by individual flesh-and-blood human beings. Corporate owners and Tribal government owners are not ''born or naturalized'' in the usual meanings of those terms. Thus, the Small Business Administration found that it had no authority to certify small businesses owned wholly or partly by Alaska Native Corporations and Tribal governments.

Although the legal logic of that view seems sound, the outcome is not. It certainly is not what we intended. On many reservations, particularly the desolate, isolated ones in western State, the only investment resources available are the Tribal governments. Excluding those governments from investing in their own reservations means, in practical terms, excluding those reservations from the HUBZone program entirely. Similarly, Alaska Native Corporations have the corporate resources that are necessary to make real investments in rural Alaska, to provide jobs to Alaska Natives who currently have no hope of getting them.

That is why we are here to propose a legislative fix. In putting together this bill, we have sought to follow three broad principles.

First, no firm should be made eligible solely by virtue of who they are. We should not, for example, make all Alaska Native Corporations eligible solely because they are Alaska Native Corporations. Instead, Alaska Native Corporations and Indian Tribal enterprises should be eligible only if they agree to advance the goals of the HUBZone program: job creation and economic development in the areas that need it most.

Second, our legislation should seek to conform to existing Native American policy and not allow the HUBZone

program to be used as a back door to change that policy. Some folks would like to change Alaska Native policy so that Alaska Natives exercise governmental jurisdiction over their lands, just like Tribes in the Lower 48 do on their reservations and trust lands. However, the Alaska Native Claims Settlement Act (ANCSA) of 1971 deliberately avoided that approach, and our legislation here simply recognizes existing practice in ANCSA.

The third principle underlying this bill is that Alaska Natives and Indian Tribes should participate on more-or-less equal grounds. It is impossible to have exact equivalence because the Federal relationship with Alaska Natives is not equal to the relationship with Indian Tribes, and also because Alaska is a very different State from the Lower 48. However, ANCSA provided that Alaska Natives should be eligible to participate in Federal Indian programs ''on the same basis as other Native Americans.''

Mr. President, with these principles in mind, we have finally come to the end of a long negotiation on these issues. This bill represents the outcome of that discussion, and it is a long step forward. I have a section-by-section discussion of the bill, and I ask unanimous consent that it be printed in the RECORD.●

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

SECTION-BY-SECTION ANALYSIS

Section 1. The bill amends the definition of ''HUBZone small business concern'' to include small businesses owned by one or more U.S. citizens (current law), Alaska Native Corporations and their subsidiaries, joint ventures, and partnerships as defined under ANCSA, and Tribal enterprises. Tribal enterprises refers to those wholly owned by one or more Tribal governments, and to those partly owned by Tribal governments if all other owners are small businesses or U.S. citizens. Some Tribal governments have also created holding companies to do their business for them, so they can waive sovereign immunity against those companies without waiving it against the Tribe itself. Small businesses owned by these holding companies would also be eligible.

Section 2. This amends the definition of ''qualified HUBZone small business concern'' to indicate what each of the ''HUBZone small business concerns'' must do in order to advance the goals of the program and be qualified. Small businesses in general must have a principal office in a HUBZone, and 35% of their employees must reside in a HUBZone (current law). This is also the underlying policy that would apply to Alaska Native Corporations if the pilot program described below were to become inactive; however, it is not likely that Alaska Native Corporations would be able to participate in the HUBZone program on this basis, for the reasons in the discussion of the pilot program, below. Having this as the fallback position in case the pilot program is suspended, however, keeps Alaska Native Corporations and small businesses in Alaska on the same footing. In this way, a uniform standard will be in force in Alaska for all program participants, either under the pilot program or under this section. This prevents unnecessary confusion and complexity.

Tribal enterprises would be required to have 35% of their employees performing a HUBZone contract either reside on an Indian reservation or on any HUBZone adjoining a reservation. This allows Tribal enterprises to use a place-of-performance standard similar to Alaska Native Corporations in the pilot program, below. However, it is slightly more restrictive than the rule that applies to small businesses in general, whose employees may come from any HUBZone to meet the 35% threshold. Since Tribal enterprises are government-owned entities (owned wholly or partly by Tribal governments), this provision limits their scope to the reservations governed by their respective owners.

The language about HUBZones ''adjoining'' a reservation is also comparable to existing language in the Indian Education Act that refers to activities ''on or near'' a reservation, so the idea has a precedent in other Indian policy areas.

In each of these cases, a firm added to the definition of ''HUBZone small business concerns'' has a corresponding obligation imposed on it to be ''qualified.'' They have to do something in a HUBZone to participate.

The final component of this section is the ''HUBZone Pilot Program for Sparsely Populated Areas.'' This attempts to address concerns that small businesses in Alaska, as well as Alaska Native Corporations, are likely to face insurmountable practical problems that prevent their participation in the HUBZone program even if they are eligible on paper. Most of the useful HUBZones are in rural areas (Anchorage has just a handful of qualified census tracts, and two of those tracts are military installations), but rural areas tend not to have large residential populations and have little infrastructure to support contract performance. Thus, Alaska Native Corporations tend to be headquartered in Anchorage, and 50% of the Native population lives in Anchorage, where HUBZones are few. This makes it unlikely that an Alaska Native Corporation would be able to meet the general HUBZone program's criteria of having a principal office plus 35% of their employees in a HUBZone.

Other small businesses in Alaska are likely to confront these same problems of population patterns and lack of infrastructure that affect the Alaska Natives—and unlike the Alaska Natives, regular small businesses will have fewer corporate resources to call upon to overcome those problems. It also makes sense administratively for all of Alaska to have the same set of basic rules for the program at any given time. Thus, the bill includes a three-year pilot program providing that HUBZone participants must have their principal office in a HUBZone in Alaska or 35% of their employees must reside in a HUBZone in Alaska or in an Alaska Native village in Alaska or 35% of the employees working on a contract awarded through the HUBZone program must do their work in a HUBZone in Alaska. This creates a rule unique to Alaska. HUBZone participants in Alaska would not need to meet all three criteria, just one of them.

Under the pilot language, firms could relocate their principal office to comply, or else they could hire 35% of their employees from HUBZones. If neither of those is do-able, they would have a third option, of having 35% of their employees working a specific HUBZone contract do so in an Alaska HUBZone.

However, since this does represent a relaxing of the current HUBZone criteria, it is important to be on guard against the possibility of relaxing the rules too much. Thus, the pilot program has a cap. If more than 2% of the nation's small business contract dollars are awarded to Alaska in any fiscal year, the pilot would shut down for the next fiscal year. Alaska Native Corporations and Alaska small businesses would then fall back on the underlying, current-law criteria of having a principal office in a HUBZone and 35% of their employees residing in a HUBZone.

Section 3. The definitions of Alaska Native Corporation and Alaska Native Village are the same as in ANCSA. The definition of ''Indian reservation'' refers generally to the definition of ''Indian country'' at 18 U.S.C. 1151, with two exceptions. It excludes lands taken into trust in any State where a Tribe did not exercise governmental jurisdiction on the date of enactment (unless the Tribe is recognized after the date of enactment). It also excludes land acquisitions that are not within the external boundaries of a reservation or former reservation or are noncontiguous to trust or restricted lands as of the date of enactment. Since reservation and trust areas are deemed HUBZones without any explicit test of economic need, a Tribe could otherwise purchase a plot of land in a prosperous area, have it placed into trust status, and have it deemed a HUBZone. Using scarce economic development resources like the HUBZone program, on areas that are already developing without such assistance, is not the highest and best use of those limited resources. However, this definition would still allow Tribes to continue current practices of trying to acquire lots, within their reservations, to eliminate the ''checkerboard'' pattern of reservations that have plots within them not owned by the Tribe; it also allows Tribes to expand existing trust areas.

Finally, the definition of ''Indian reservation'' provides a special rule for Oklahoma, which was all reservation at one time. If all of Oklahoma were to be deemed a HUBZone, the program benefits would flow to businesses in their current locations, without requiring job creation in distressed areas of Oklahoma. This would be corporate welfare, not economic development. To avoid this problem, the definition focuses the HUBZone program on Oklahoma lands currently in trust or eligible for trust status under existing regulation.●

● Mr. KERRY. Mr. President, I want to express my support for the HUBZones in Native America Act of 2000. This bill is designed to clarify eligibility requirements and enhance participation by Native American-owned small firms seeking certification in the Small Business Administration's Historically Underutilized Business Zone (HUBZone) government contracting program. The bill also sets up a temporary pilot program for Alaska Native Corporations under the HUBZone program.

As ranking member of the Committee on Small Business, I was a cosponsor to the HUBZone legislation when it was enacted into law as part of the Small Business Reauthorization Act of 1997. The original bill language, because of some peculiarities in Native American and Alaska Native law, inadvertently exempted some Native American-owned firms located in economically distressed areas from participating in the HUBZone program. This bill is designed to make those firms eligible to participate.

The HUBZone program, Mr. President, is designed to help qualified small businesses located in economically distressed areas—inner cities, rural areas, and Native American tribal lands—secure contracting opportunities with the Federal government. The

program is also designed to create jobs in these areas by requiring that firms hire 35% of their workforce from economically distressed areas.

According to the SBA, there are currently 1171 small businesses that are eligible to participate in the HUBZone program, and 114 of these are Native American-owned, 11 of which are located in the state of Alaska. This bill should provide the vehicle for more Native American-owned firms to become eligible.

Mr. President, Native Americans are one of the groups that the SBA presumes to be socially and economically disadvantaged for purposes of their Section 8(a) and Small Disadvantaged Business contracting programs. Unfortunately, Native American tribal areas have not been able to share in the remarkable economic growth that our country has enjoyed for the last few years. It is my hope that this bill, with its technical corrections to the HUBZone program, will in some part, provide greater economic opportunities in these areas that continue to suffer high levels of unemployment and desperately need this help.●

● Mr. CAMPBELL. Mr. President, I am pleased today to join my fellow chairman Senator BOND in introducing the HUBZones in Native America Act of 2000.

The act is designed to make sure that federal procurement dollars are targeted to the areas that are most in need of an economic boost. These areas are called ''historically underutilized business zones'' and under the Act, Indian reservations are defined as ''historically underutilized business zones''.

Tribal economies continue to be among the most depressed and economically stagnant in the country. Though some well-situated tribes are benefiting from gambling, most tribes and Indian people live in Third World conditions.

In the 106th Congress, the emphasis of the Committee on Indian Affairs has been that of Indian economic development. The ultimate goal for Native economies is self-sufficiency. Programs, such as this, bridge the gap between Native economies and private enterprise.

On May 10, 1999, the Committee on Small Business and the Committee on Indian Affairs held a joint hearing on the implementation of the HUBZones Act of 1997 and its impact on Indian communities.

During that hearing three main issues were aired that are remedied by the amendments we introduce today:

Eligibility of Indian Lands in Oklahoma; Eligibility of Indian Lands in Alaska; and Eligibility of Tribally-owned enterprises.

The original intent of the HUBZone program was to re-target existing federal contracting dollars into America's distressed communities, including Alaska Native and Indian communities. The changes reflected in the HUBZones in Native America Act of 2000 build on the original intent of the Act, and make further steps to ensure that Alaska Native and Indian communities fully participate in this competitive program. I look forward to perfecting the obstacles that remain.

I am hopeful that the legislation introduced today will encourage long-term economic growth in Native communities by expanding business opportunities and job creation activities.●

Mr. STEVENS. Mr. President, today I join Senators BOND, KERRY, CAMPBELL, MURKOWSKI, DASCHLE, and BAUCUS, in introducing this bill. I want to focus on a few specific portions of this bill that would be beneficial to Alaska. this bill contains a provision to create a pilot program for small businesses in qualified areas of Alaska. The pilot program contained in this bill would alter the requirements for Alaska small Businesses to quality as HUBZone participants.

The current HUBZone Program, as designed by the chairman of the Small Business Committee, Senator BOND, is a good tool for getting contracting dollars into distressed geographic areas and neighborhoods. A HUBZone is an area that is (1) located in a qualified census tract, (2) a qualified ''non-metropolitan county'' that is not located in a metropolitan statistical area, and in which the median household income is less than 80 percent of the non-metropolitan state median household income, or an area that has an unemployment rate that is not less than 140 percent of the statewide average unemployment rate for the state in which the county is located, or (3) lands within the external boundaries of an Indian reservation. The current HUBZone program requires a small business to be located in one of these designated areas while also requiring at least 35 percent of the business' employees to live in a HUBZone. This helps get dollars circulating into areas of the community that have not enjoyed the economic growth of the last 10 years.

The Alaska Pilot Program contained in this bill will modify the requirements to allow a small business to qualify as a HUBZone participant if they meet only one of the following conditions: Either (1) they have their principle place of business in a HUBZone, or (2) at least 35 percent of their employees live in a HUBZone, or (3) at least 35 percent of the employees working on a qualified contract perform the work in a HUBZone. Rather than requiring a small business to meet all of the requirements for HUBZone contracts, this Alaska Pilot Program will allow small businesses in Alaska to compete for HUBZone contracts by fulfilling only one of the requirements. This should be beneficial for the communities and neighborhoods who have missed out on growth of the 1990's. In addition, it could mean more jobs for Alaskans and more money circulating into the Alaskan economy.

The bill also fixes technical problems that kept Alaska native-owned firms from being able to participate in the HUBZone program. This will allow Alaska native-owned small businesses an opportunity to broaden their business activities in the state while also contributing economically to their local communities and shareholders.

I would like to note that in providing benefits to native communities, this bill would not change Indian law, nor the State of Alaska's exclusive jurisdiction over lands in Alaska.

I thank the members of the Small Business and Indian Affairs Committees who worked on this issue and for their willingness to take into account the unique circumstances in Alaska. I believe this program will help Alaska's economy to move forward and will afford hard working small business owners in Alaska new opportunities.

By Mr. FRIST (for himself, Mr. THOMPSON, and Mr. COCHRAN):

S. 2570. A bill to provide for the fair and equitable treatment of the Tennessee Valley Authority and its rate payers in the event of restricting of the electric utility industry.

LEGISLATION TO PROVIDE FOR FAIR TREATMENT OF THE TENNESSEE VALLEY AUTHORITY

● Mr. FRIST. 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. 2570

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

SECTION 1. DEFINITIONS.

In this Act:

(1) COMMISSION.—The term ''Commission'' means the Federal Energy Regulatory Commission.

(2) DISTRIBUTOR.—The term ''distributor'' means a cooperative organization, municipal, or other publicly owned electric power system that, on December 31, 1997, purchased all or substantially all of its wholesale power requirements from the Tennessee Valley Authority under a long-term power sales agreement.

(3) DISTRIBUTOR SERVICE AREA.—The term ''distributor service area'' means a geographic area within which a distributor is authorized by State law to sell electric power to retail electric consumers on the date of enactment of this Act.

(4) ELECTRIC UTILITY.—The term ''electric utility'' has the meaning given the term in section 3 of the Federal Power Act (16 U.S.C. 796).

(5) EXCESS ELECTRIC POWER.—The term ''excess electric power'' means the amount of the electric power and capacity that—

(A) is available to the Tennessee Valley Authority; and

(B) exceeds the Tennessee Valley Authority's power supply obligations to distributors and any Tennessee Valley Authority retail electric consumers (or predecessors in interest) that had a contract for the purchase of electric power from the Tennessee Valley Authority on the date of enactment of this Act.

(6) PUBLIC UTILITY.—The term ''public utility'' has the meaning given the term in section 201 of the Federal Power Act (16 U.S.C. 824).

(7) RETAIL ELECTRIC CONSUMER.—The term ''retail electric consumer'' has the meaning given the term in section 3 of the Federal Power Act (16 U.S.C. 796).

(8) TENNESSEE VALLEY REGION.—The term ''Tennessee Valley Region'' means the geographic area in which the Tennessee Valley Authority or its distributors were the primary source of electric power on December 31, 1997.

SEC. 2. WHOLESALE COMPETITION IN THE TENNESSEE VALLEY REGION.

(a) AMENDMENTS TO THE FEDERAL POWER ACT.—

(1) WHEELING ORDERS.—Section 212(f) of the Federal Power Act (16 U.S.C. 824k(f)) is repealed.

(2) TRANSMISSION.—Section 212(j) of the Federal Power Act (16 U.S.C. 824k(j)) is repealed.

(b) AMENDMENTS TO THE TENNESSEE VALLEY AUTHORITY ACT.—

(1) SALE OR DELIVERY OF ELECTRIC POWER.—The third sentence of the first undesignated paragraph of section 15d(a) of the Tennessee Valley Authority Act of 1933 (16 U.S.C. 831n–4(a)) is repealed.

(2) ADDITIONAL AMENDMENTS.—The second and third undesignated paragraphs of section 15d(a) of the Tennessee Valley Authority Act of 1933 (16 U.S.C. 831n–4(a)) are repealed.

SEC. 3. TENNESSEE VALLEY AUTHORITY POWER SALES.

(a) LIMIT ON RETAIL SALES BY TENNESSEE VALLEY AUTHORITY.—Notwithstanding sections 10, 11, and 12 of the Tennessee Valley Authority Act (16 U.S.C. 831i, 831j, 831k), the Tennessee Valley Authority may sell electric power at retail only to—

(1) a retail electric consumer (or predecessor in interest) that had a contract for the purchase of electric power from the Tennessee Valley Authority on the date of enactment of this Act; or

(2) a retail electric consumer that consumes the electric power within a distributor service area, if the applicable regulatory authority (other than the Tennessee Valley Authority) permits any other power supplier to sell electric power to the retail electric consumer.

(b) CONSTRUCTION OF RETAIL ELECTRIC SERVICE FACILITIES.—No person shall construct or modify a facility in the service area of a distributor for the purpose of serving a retail electric consumer within the distributor service area without the consent of the distributor, except when the electric consumer is already being served by such a person.

(c) WHOLESALE POWER SALES.—

(1) EXISTING SALES.—Nothing in this title shall modify or alter the existing obligations of the Tennessee Valley Authority under the first sentence of section 10 of the Tennessee Valley Authority Act (16 U.S.C. 831i) to sell power to a distributor, provided that this paragraph shall not apply to access to power being supplied to another entity under an existing contract with a term of 1 year or longer by a distributor that—

(A) has made a prior election under section 5(b); and

(B) requests to increase its power purchases from the Tennessee Valley Authority.

(2) SALES OF EXCESS ELECTRIC POWER.—

(A) IN GENERAL.—Notwithstanding sections 10, 11, and 12, or any other provision of the Tennessee Valley Authority Act of 1933 (16 U.S.C. 831i, 831j, 831k), the sale of electric power at wholesale by the Tennessee Valley Authority for use outside the Tennessee Valley Region shall be limited to excess electric power.

(B) NO EXCESS ELECTRIC POWER.—The Tennessee Valley Authority shall not offer excess electric power under a firm power agreement with a term of 3 or more years to any new wholesale customer at rates, terms, and conditions more favorable than those offered to any distributor for comparable electric power, taking into account such factors as the amount of electric power sold, the firmness of such power, and the length of the contract term, unless the distributor or distributors that are purchasing electric power under equivalent firm power contracts agree to the sale to the new customer.

(C) NO EFFECT ON EXCHANGE POWER ARRANGEMENTS.—Nothing in this subsection precludes the Tennessee Valley Authority from making exchange power arrangements with other electric utilities when economically feasible.

(d) APPLICATION OF TENNESSEE VALLEY AUTHORITY ACT TO SALES OUTSIDE TENNESSEE VALLEY REGION.—The third proviso of section 10 of the Tennessee Valley Authority Act of 1933 (16 U.S.C. 831i) and the second and third provisos of section 12 of the Tennessee Valley Authority Act of 1933 (16 U.S.C. 831k) shall not apply to any sale of excess electric power by the Tennessee Valley Authority for use outside the Tennessee Valley Region.

SEC. 4. TENNESSEE VALLEY AUTHORITY ELECTRIC GENERATION FACILITIES.

Section 15d(a) of the Tennessee Valley Authority Act of 1933 (16 U.S.C. 831n–4(a)) is amended—

(1) in the second sentence, by inserting before the period at the end the following: '', if the Corporation determines that the construction, acquisition, enlargement, improvement, or replacement of any plant or facility used or to be used for the generation of electric power is necessary to supply the demands of distributors and retail electric consumers of the Corporation''; and

(2) by inserting after the second sentence the following: ''Commencing on the date of enactment of this sentence, the Tennessee Valley Authority shall provide to distributors and their duly authorized representatives, on a confidential basis, detailed information on its projections and plans regarding the potential acquisition of new electric generating facilities, and, not less than 45 days before a decision by the Tennessee Valley Authority to make such an acquisition, shall provide distributors an opportunity to comment on the acquisition. Notwithstanding any other provision of law, confidential information described in the preceding sentence shall not be disclosed by a distributor to a source other than the Tennessee Valley Authority, except (1) in response to process validly issued by any court or governmental agency having jurisdiction over the distributor; (2) to any officer, agent, employee, or duly authorized representative of a distributor who agrees to the same confidentiality and non-disclosure obligation applicable to distributor; (3) in any judicial or administrative proceeding initiated by distributor contesting action by the Tennessee Valley Authority to cause the construction of new electric generation facilities; or (4) on or after a date that is at least 3 years after the commercial operating date of the electric generating facilities.''.

SEC. 5. RENEGOTIATION OF POWER CONTRACTS.

(a) RENEGOTIATION.—The Tennessee Valley Authority and the distributors shall make good faith efforts to renegotiate their power contracts in effect on and after the date of enactment of this Act.

(b) DISTRIBUTOR CONTRACT TERMINATION OR REDUCTION RIGHT.—If a distributor and the Tennessee Valley Authority are unable by negotiation to arrive at a mutually acceptable replacement contract to govern their post-enactment relationship, the Tennessee Valley Authority shall allow the distributor to give notice 1 time each calendar year, within the 60-day period beginning on the date of enactment of this Act or on any anniversary of that date, of the distributor's decision to (1) terminate the contract to purchase wholesale electric energy from the Tennessee Valley Authority that was in effect on the date of enactment of this Act, to take effect on the date that is 3 years after the date on which notice is given under this subsection; or (2) reduce the quantity of wholesale power requirements under the contract to purchase wholesale electric energy from the Tennessee Valley Authority that was in effect on the date of enactment of this Act by up to 10 percent of its requirements, to take effect on the date that is 2 years after the date on which notice is given under this subsection, or more than 10 percent of its requirements, to take effect on the date that is 3 years after the date on which notice is given under this subsection, and to negotiate with the Tennessee Valley Authority to amend the contract that was in effect on the date of enactment to reflect a partial requirements relationship.

(c) PARTIAL REQUIREMENTS NOTICE.—As part of a notice under subsection (b), a distributor shall identify—

(1) the annual quantity of electric energy that the distributor will acquire from a source other than the Tennessee Valley Authority as the result of an election by the distributor; and

(2) the times of the day and year that specified amounts of the energy will be received by the distributor.

(d) NONDISCRIMINATION.—The Tennessee Valley Authority shall not unduly discriminate against any distributor as the result of—

(1) the exercise of notice under paragraph (1) or (2) of subsection (b) by the distributor; or

(2) the status of the distributor as a partial requirements customer.

SEC. 6. REGULATION OF TENNESSEE VALLEY AUTHORITY TRANSMISSION SYSTEM.

Notwithstanding sections 201(b)(1) and 201(f) of the Federal Power Act (16 U.S.C. 824(b)(1), 824(f)), sections 202(h), 205, 206, 208, 210 through 213, 301 through 304, 306, 307 (except the last sentence of 307(c)), 308, 309, 313, and 317 of that Act (16 U.S.C. 824a(h), 824d, 824e, 824g, 824i–824*l*, 825–825c, 825e, 825f, 825g, 825h, 825*l*, 825p) apply to the transmission and local distribution of electric power by the Tennessee Valley Authority to the same extent and in the same manner as the provisions apply to the transmission of electric power in interstate commerce by a public utility otherwise subject to the jurisdiction of the Commission under part II of that Act (16 U.S.C. 824 et seq.).

SEC. 7. REGULATION OF TENNESSEE VALLEY AUTHORITY DISTRIBUTORS.

(a) ELECTION TO REPEAL TENNESSEE VALLEY AUTHORITY REGULATION OF DISTRIBUTORS.—On the election of a distributor, the third proviso of section 10 of the Tennessee Valley Authority Act of 1933 (16 U.S.C. 831i) and the second and third provisos of section 12 of the Tennessee Valley Authority Act of 1933 (16 U.S.C. 831k) shall not apply to a wholesale sale of electric power by the Tennessee Valley Authority in the Tennessee Valley Region after the date of enactment of this Act, and the Tennessee Valley Authority shall not be authorized to regulate, by means of a rule, contract provision, resale rate schedule, contract termination right, or any other method, any rate, term, or condition that is—

(1) imposed on the resale of the electric power by the distributor; or

(2) for the use of a local distribution facility.

(b) AUTHORITY OF GOVERNING BODIES OF DISTRIBUTORS.—

(1) IN GENERAL.—Any regulatory authority exercised by the Tennessee Valley Authority over any distributor making an election

under subsection (a) shall be exercised by the governing body of the distributor in accordance with the laws of the State in which the distributor is organized.

(2) NO ELECTION.—If a distributor does not make an election under subsection (a), the third proviso of section 10 of the Tennessee Valley Authority Act of 1933 (16 U.S.C. 831i) and the second and third provisos of section 12 of the Tennessee Valley Authority Act of 1933 (16 U.S.C. 831k) shall continue to apply for the duration of any wholesale power contract between the Tennessee Valley Authority and the distributor, in accordance with the terms of the contract.

(c) USE OF FUNDS.—In any contract between the Tennessee Valley Authority and a distributor for the purchase of at least 70 percent of the distributor's requirements for the sale of electric power, the Tennessee Valley Authority shall include such terms and conditions as may be reasonably necessary to ensure that the financial benefits of a distributor's electric system operations are allocated to the distributor's retail electric consumers.

(d) REMOVAL OF PURPA RATEMAKING AUTHORITY.—Section 3(17) of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2602(17)) is amended by striking '', and in the case of an electric utility with respect to which the Tennessee Valley Authority has ratemaking authority, such term means the Tennessee Valley Authority''.

SEC. 8. STRANDED COST RECOVERY.

(a) COMMISSION JURISDICTION.—

(1) RECOVERY OF COSTS.—

(A) IN GENERAL.—Subject to subparagraph (B), notwithstanding the absence of 1 or more provisions addressing wholesale stranded cost recovery in a power sales agreement between the Tennessee Valley Authority and a distributor that is executed after the date of enactment of this Act, the Tennessee Valley Authority may recover any wholesale stranded costs that may arise from the exercise of rights by a distributor under section 5, to the extent authorized by the Commission based on application of the rules and principles that the Commission applies to wholesale stranded cost recovery by other electric utilities within its jurisdiction.

(B) NO RECOVERY OF COSTS RELATED TO LOSS OF SALES REVENUES.—In any recovery under subparagraph (A), the Tennessee Valley Authority shall not be authorized to recover from any distributor any wholesale stranded costs related to loss of sales revenues by the Tennessee Valley Authority, or its expectation of continuing to sell electric energy, for any period after September 30, 2007.

(2) NO EFFECT ON CLAIM.—The exercise of rights by a distributor under section 5 shall not affect any claim by the Tennessee Valley Authority that the Tennessee Valley Authority may have for the recovery of stranded costs before October 1, 2007.

(b) DEBT.—

(1) IN GENERAL.—Stranded costs recovered by the Tennessee Valley Authority under subsection (a) shall be used to pay down the debt of the Tennessee Valley Authority, to the extent determined by the Tennessee Valley Authority to be consistent with proper financial management.

(2) GENERATION CAPACITY.—The Tennessee Valley Authority shall not use any amount recovered under paragraph (1) to pay for additions to the generation capacity of the Tennessee Valley Authority.

(c) UNBUNDLING.—

(1) IN GENERAL.—Any stranded cost recovery charge to a customer authorized by the Commission to be assessed by the Tennessee Valley Authority shall be—

(A) unbundled from the otherwise applicable rates and charges to the customer; and

(B) separately stated on the bill of the customer.

(2) NO WHOLESALE STRANDED COST RECOVERY.—The Tennessee Valley Authority shall not recover wholesale stranded costs from any customer through any rate, charge, or mechanism.

(d) REPORT.—Beginning in fiscal year 2001, as part of the annual management report submitted by the Tennessee Valley Authority to Congress, the Tennessee Valley Authority shall include in the report—

(1) the status of the Tennessee Valley Authority's long-range financial plans and the progress toward its goal of competitively priced electric power (including a general discussion of the Tennessee Valley Authority's prospects on meeting the objectives of the Ten Year Business Outlook issued on July 22, 1997);

(2) any changes in assumptions since the previous report that may have a material effect on the Tennessee Valley Authority's long-range financial plans;

(3) the source of funds used for any generation and transmission capacity additions;

(4) the use or other disposition of amounts recovered by the Tennessee Valley Authority under the Tennessee Valley Authority Act of 1933 (16 U.S.C. 831 et seq.) and this Act;

(5) the amount by which the Tennessee Valley Authority's publicly held debt was reduced; and

(6) the projected amount by which the Tennessee Valley Authority's publicly held debt will be reduced.

SEC. 9. APPLICATION OF ANTITRUST LAW

(a) IN GENERAL.—

(1) DEFINITION OF ANTITRUST LAWS.—

(A) IN GENERAL.—Except as provided in subparagraph (B), in this section, the term ''antitrust laws'' has the meaning given the term in subsection (a) of the first section of the Clayton Act (15 U.S.C. 12(a)).

(B) INCLUSION.—In this section, the term ''antitrust laws'' includes section 5 of the Federal Trade Commission Act (15 U.S.C. 45), to the extent that section 5 applies to unfair methods of competition.

(2) APPLICABILITY OF ANTITRUST LAW.—Except as provided in subsection (b), the Tennessee Valley Authority shall be subject to the antitrust laws with respect to the operation of its electric power and transmission systems.

(b) DAMAGES.—No damages, interest on damages, costs, or attorneys' fees may be recovered under section 4, 4A, or 4C of the Clayton Act (15 U.S.C. 15, 15a, 15c) from the Tennessee Valley Authority.

(c) EFFECT ON OTHER RIGHTS.—Nothing in this Act diminishes or impairs any privilege, immunity, or exemption in effect on the day before the date of enactment of this Act that would have been accorded any person by virtue of the association of the person together in advocating a cause or point of view to—

(1) the Tennessee Valley Authority; or

(2) any other agency or branch of Federal, State or local government.

SEC. 10. SAVINGS PROVISION.

Nothing in this Act shall affect section 15d(b) of the Tennessee Valley Authority Act of 1933 (16 U.S.C. 831n–4(b)), providing that bonds issued by the Tennessee Valley Authority shall not be obligations of, nor shall payment of the principal thereof or interest thereon be guaranteed by, the United States.●

By Mr. WYDEN:

S. 2571. A bill to provide for the liquidation or reliquidation of certain entries of athletic shoes; to the Committee on Finance.

DUTY DRAWBACK FOR ENVIRONMENTAL RECYCLING

Mr. WYDEN. Mr. President, I am introducing legislation today to help retain a unique environmental recycling program launched by Nike, a homegrown Oregon business, which involves recycling running shoes rather than dumping them in a landfill. The bill would resolve an issue on which the U.S. Customs Service has taken inherently conflicting positions: whether a duty drawback can be claimed on an item that has no commercial value and is no longer an item in United States commerce but which is recycled rather than destroyed. I believe recycling should be promoted and not punished, and that is what this legislation does.

Under existing U.S. Customs law, an importer is entitled to import duty drawback on products that are returned to the importer because they are defective. The point of this provision is to safeguard against an import duty being imposed on a product that does not end up in United States commerce. Customs law and regulation ensures that a product will not end up in U.S. commerce by requiring that the product be completely destroyed to the extent that the product has no commercial value, or that it be exported from the United States. In certain cases Customs has allowed duty drawback: for example, alcohol salvaged from destroyed beer and malt liquor which was sold as scrap rather than dumped as waste was accorded duty drawback.

Consistent with Customs' requirements, for a number of years Nike destroyed the shoes and placed them in a landfill. This amounted to thousands of tons of non-biodegradable shoes being dumped in landfills. Because shoes are not biodegradable, Nike developed a new, more environmentally-sustainable way to dispose of the defective shoes by chopping them into small pieces, called ''re-grind,'' and giving the regrind without charge or compensation to manufacturers of sport surfaces. The re-grind became part of playground, basketball and other surfaces that was used primarily for charitable purposes in poor urban centers around the country. The program, called the ''Re-Use A-Shoe,'' is one of the many initiatives Nike has undertaken to incorporate environmental sustainability into its operations.

The issue Customs has been grappling with is whether the re-grind is ''destroyed with no commercial value'' so as to qualify the destroyed shoes for duty drawback treatment. For several years Customs granted the re-grind shoes duty drawback, but a Customs audit team recently determined that the re-grind was not ''destroyed,'' as it had commercial value for court manufacturers and Customs recommended retroactive denial of Nike's drawback claims, totaling $11.6 million. Because Customs had already refunded the drawback, the audit team recommended that Nike repay the $11.6 million to Customs.

It is clear from Customs' decisions that an article is considered destroyed when it has been rendered of no commercial value and is no longer an article of commerce. In this case, the defective footwear, once shred, is valueless and of no commercial interest to anyone. Even when the shredded material is subsequently processed by Nike to recover some material of limited use, the recovered material is not saleable to anyone and therefore has no commercial value.

Mr. President, it seems to me that the position taken by the Customs audit team is not consistent with the intent of the duty drawback provision. There is no commercial value to Nike in the re-grind; the shoes have been destroyed. Nike gives the product to the manufacturer without charge or compensation, and the manufacturers have confirmed they would not pay for the material. I have copies of letters from each of the manufacturers attesting to the fact that they would not pay for the re-grind and that it is not commercially viable. It appears that the Customs audit team believes a more desirable outcome is to have Nike dump some 2 million pairs or 3.5 million pounds of shoes into a landfill rather than recycle the destroyed material. The outcome is the same: the shoes no longer have commercial value, nor are they a product in U.S. commerce. It would seem to me there is no public policy benefit in forcing Nike to dump the shoes in a landfill; but that there is much to be gained from recycling millions of pairs of shoes that would otherwise be dumped in a landfill.

The legislation I am introducing today resolves the question in favor of recycling, in favor of the environment and in favor of a rational duty drawback policy. I ask unanimous consent that a copy of the legislation be printed in the RECORD.

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

S. 2571

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

SECTION 1. LIQUIDATION OR RELIQUIDATION OF CERTAIN ENTRIES.

(a) IN GENERAL.—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law, the United States Customs Service shall, not later than 90 days after the date of the enactment of this Act, liquidate or reliquidate each drawback claim as filed described in subsection (b).

(b) DRAWBACK CLAIMS.—The drawback claims referred to in subsection (a) are the following claims, filed between August 1, 1993 and June 1, 1998:

Drawback Claims

221–0590991–9
221–0890500–5 through 221–0890675–5
221–0890677–1 through 221–0891427–0
221–0891430–4 through 221–0891537–6
221–0891539–2 through 221–0891554–1
221–0891556–6 through 221–0891557–4
221–0891559–0
221–0891561–6 through 221–0891565–7
221–0891567–3 through 221–0891578–0
221–0891582–0
221–0891584–8 through 221–0891587–1
221–0891589–7
221–0891592–1 through 221–0891597–0
221–0891604–4 through 221–0891605–1
221–0891607–7 through 221–0891609–3

(c) PAYMENT OF AMOUNTS DUE.—Any amounts due pursuant to the liquidation or reliquidation of the claims described in subsection (b) shall be paid not later than 90 days after the date of such liquidation or reliquidation.

ADDITIONAL COSPONSORS

S. 63

At the request of Mr. KOHL, the name of the Senator from Georgia (Mr. CLELAND) was added as a cosponsor of S. 63, a bill to amend the Internal Revenue Code of 1986 to provide a credit against tax for employers who provide child care assistance for dependents of their employees, and for other purposes.

S. 85

At the request of Mr. BUNNING, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 85, a bill to amend the Internal Revenue Code of 1986 to reduce the tax on vaccines to 25 cents per dose.

S. 662

At the request of Mr. L. CHAFEE, the name of the Senator from Colorado (Mr. ALLARD) was added as a cosponsor of S. 662, a bill to amend title XIX of the Social Security Act to provide medical assistance for certain women screened and found to have breast or cervical cancer under a federally funded screening program.

S. 1007

At the request of Mr. JEFFORDS, the name of the Senator from New Hampshire (Mr. SMITH) was added as a cosponsor of S. 1007, a bill to assist in the conservation of great apes by supporting and providing financial resources for the conservation programs of countries within the range of great apes and projects of persons with demonstrated expertise in the conservation of great apes.

S. 1102

At the request of Mr. GRAMS, the name of the Senator from Michigan (Mr. ABRAHAM) was added as a cosponsor of S. 1102, a bill to guarantee the right of individuals to receive full social security benefits under title II of the Social Security Act in full with an accurate annual cost-of-living adjustment.

S. 1237

At the request of Mr. HUTCHINSON, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 1237, a bill to amend title 10, United States Code, to permit retired members of the Armed Forces who have a service-connected disability to receive military retired pay concurrently with veterans' disability compensation.

S. 1333

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

S. 1419

At the request of Mr. MCCAIN, the names of the Senator from Wisconsin (Mr. KOHL), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Arkansas (Mrs. LINCOLN), and the Senator from Colorado (Mr. CAMPBELL) were added as cosponsors of S. 1419, a bill to amend title 36, United States Code, to designate May as ''National Military Appreciation Month''.

S. 1565

At the request of Mr. SARBANES, the name of the Senator from Georgia (Mr. CLELAND) was added as a cosponsor of S. 1565, a bill to license America's Private Investment Companies and provide enhanced credit to stimulate private investment in low-income communities, and for other purposes.

S. 1638

At the request of Mr. LEAHY, his name 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. 1883

At the request of Mr. BINGAMAN, the name of the Senator from South Dakota (Mr. DASCHLE) was added as a cosponsor of S. 1883, a bill to amend title 5, United States Code, to eliminate an inequity on the applicability of early retirement eligibility requirements to military reserve technicians.

S. 1900

At the request of Mr. LAUTENBERG, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 1900, a bill to amend the Internal Revenue Code of 1986 to allow a credit to holders of qualified bonds issued by Amtrak, and for other purposes.

S. 1921

At the request of Mr. CAMPBELL, the name of the Senator from Idaho (Mr. CRAIG) was added as a cosponsor of S. 1921, a bill to authorize the placement within the site of the Vietnam Veterans Memorial of a plaque to honor Vietnam veterans who died after their service in the Vietnam war, but as a direct result of that service.

S. 2225

At the request of Mr. GRASSLEY, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of S. 2225, a bill to amend the Internal Revenue Code of 1986 to allow individuals a deduction for qualified long-term care insurance premiums, use of such insurance under cafeteria plans and flexible spending arrangements, and a credit for individuals with long-term care needs.

S. 2274

At the request of Mr. GRASSLEY, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 2274, a bill to amend title XIX of the

Social Security Act to provide families and disabled children with the opportunity to purchase coverage under the medicaid program for such children.

S. 2287

At the request of Mr. L. CHAFEE, the name of the Senator from Minnesota (Mr. WELLSTONE) was added as a cosponsor of S. 2287, a bill to amend the Public Health Service Act to authorize the Director of the National Institute of Environmental Health Sciences to make grants for the development and operation of research centers regarding environmental factors that may be related to the etiology of breast cancer.

S. 2299

At the request of Mr. L. CHAFEE, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 2299, a bill to amend title XIX of the Social Security Act to continue State Medicaid disproportionate share hospital (DSH) allotments for fiscal year 2001 at the levels for fiscal year 2000.

S. 2311

At the request of Mr. JEFFORDS, the name of the Senator from Florida (Mr. MACK) was added as a cosponsor of S. 2311, supra.

At the request of Mr. KENNEDY, the name of the Senator from New Jersey (Mr. TORRICELLI) 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. 2357

At the request of Mr. REID, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 2357, a bill to amend title 38, United States Code, to permit retired members of the Armed Forces who have a service-connected disability to receive military retired pay concurrently with veterans' disability compensation.

S. 2413

At the request of Mr. CAMPBELL, the name of the Senator from Kentucky (Mr. BUNNING) was added as a cosponsor of S. 2413, a bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to clarify the procedures and conditions for the award of matching grants for the purchase of armor vests.

S. 2415

At the request of Mr. SARBANES, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 2415, a bill to amend the Home Ownership and Equity Protection Act of 1994 and other sections of the Truth in Lending Act to protect consumers against predatory practices in connection with high cost mortgage transactions, to strengthen the civil remedies available to consumers under existing law, and for other purposes.

S. 2420

At the request of Mr. GRASSLEY, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 2420, a bill to amend title 5, United States Code, to provide for the establishment of a program under which long-term care insurance is made available to Federal employees, members of the uniformed services, and civilian and military retirees, and for other purposes.

S. 2459

At the request of Mr. COVERDELL, the name of the Senator from Louisiana (Mr. BREAUX) 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. 2463

At the request of Mr. FEINGOLD, the name of the Senator from Minnesota (Mr. WELLSTONE) was added as a cosponsor of S. 2463, a bill to institute a moratorium on the imposition of the death penalty at the Federal and State level until a National Commission on the Death Penalty studies its use and policies ensuring justice, fairness, and due process are implemented.

S. 2510

At the request of Mr. MCCAIN, the name of the Senator from Michigan (Mr. ABRAHAM) was added as a cosponsor of S. 2510, a bill to establish the Social Security Protection, Preservation, and Reform Commission.

S. 2539

At the request of Mr. REID, the name of the Senator from Virginia (Mr. ROBB) 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. CON. RES. 60

At the request of Mr. GRASSLEY, his name was added as a cosponsor of S. Con. Res. 60, a concurrent resolution expressing the sense of Congress that a commemorative postage stamp should be issued in honor of the U.S.S. *Wisconsin* and all those who served aboard her.

At the request of Mr. KERRY, his name was added as a cosponsor of S. Con. Res. 60, supra.

At the request of Mr. HUTCHINSON, his name was added as a cosponsor of S. Con. Res. 60, supra.

S. CON. RES. 100

At the request of Mr. HAGEL, the names of the Senator from Louisiana (Ms. LANDRIEU), the Senator from Georgia (Mr. COVERDELL), the Senator from Mississippi (Mr. COCHRAN), and the Senator from Colorado (Mr. ALLARD) were added as cosponsors of S. Con. Res. 100, a concurrent resolution expressing support of Congress for a National Moment of Remembrance to be observed at 3:00 p.m. eastern standard time on each Memorial Day.

S.J. RES. 44

At the request of Mr. KENNEDY, the name of the Senator from Maryland (Mr. SARBANES) was added as a cosponsor of S.J. Res. 44, a joint resolution supporting the Day of Honor 2000 to honor and recognize the service of minority veterans in the United States Armed Forces during World War II.

AMENDMENT NO. 3146

At the request of Mr. ROBB, the names of the Senator from Virginia (Mr. WARNER), the Senator from Massachusetts (Mr. KENNEDY), the Senator from New Mexico (Mr. BINGAMAN), the Senator from Maryland (Ms. MIKULSKI) and the Senator from Washington (Mrs. MURRAY) were added as cosponsors of Amendment No. 3146 intended to be proposed to S. 2521, an original bill 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.

SENATE CONCURRENT RESOLUTION 113—EXPRESSING THE SENSE OF THE CONGRESS IN RECOGNITION OF THE 10TH ANNIVERSARY OF THE FREE AND FAIR ELECTIONS IN BURMA AND THE URGENT NEED TO IMPROVE THE DEMOCRATIC AND HUMAN RIGHTS OF THE PEOPLE OF BURMA

Mr. MOYNIHAN (for himself, Mr. MCCONNELL, Mr. LOTT, Mrs. BOXER, Mr. FEINGOLD, Mr. ASHCROFT, Mrs. FEINSTEIN, Mr. HELMS, Mr. LUGAR, Mr. DURBIN, Mr. KENNEDY, Mr. LEAHY, Mr. WELLSTONE, and Mr. SARBANES) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 113

Whereas in 1988 thousands of Burmese citizens called for a democratic change in Burma and participated in peaceful demonstrations to achieve this result;

Whereas these demonstrations were brutally repressed by the Burmese military, resulting in the loss of hundreds of lives;

Whereas despite continued repression, the Burmese people turned out in record numbers to vote in elections deemed free and fair by international observers;

Whereas on May 27, 1990, the National League for Democracy (NLD) led by Daw Aung San Suu Kyi won more than 60 percent of the popular vote and 80 percent of the parliamentary seats in the elections;

Whereas the Burmese military rejected the results of the elections, placed Daw Aung San Suu Kyi and hundreds of members of the NLD under arrest, pressured members of the NLD to resign, and severely restricted freedom of assembly, speech, and the press;

Whereas 48,000,000 people in Burma continue to suffer gross violations of human rights, including the right to democracy, and economic deprivation under a military regime known as the State Peace and Development Council (SPDC);

Whereas on September 16, 1998, the members of the NLD and other political parties who won the 1990 elections joined together to form the Committee Representing the People's Parliament (CRPP) as an interim mechanism to address human rights, economic

and other conditions, and provide representation of the political views and voice of Members of Parliament elected to but denied office in 1990;

Whereas the United Nations General Assembly and Commission on Human Rights have condemned in nine consecutive resolutions the persecution of religious and ethnic minorities and the political opposition, and SPDC's record of forced labor, exploitation, and sexual violence against women;

Whereas the United States and the European Union Council of Foreign Ministers have similarly condemned conditions in Burma and officially imposed travel restrictions and other sanctions against the SPDC;

Whereas in May 1999, the International Labor Organization (ILO) condemned the SPDC for inflicting forced labor on the people and has banned the SPDC from participating in any ILO meetings;

Whereas the 1999 Department of State Country Reports on Human Rights Practices for Burma identifies more than 1,300 people who continue to suffer inhumane detention conditions as political prisoners in Burma;

Whereas the Department of State International Narcotics Control Report for 2000 determines that Burma is the second largest world-wide source of illicit opium and heroin and that there are continuing, reliable reports that Burmese officials are ''involved in the drug business or are paid to allow the drug business to be conducted by others'', conditions which pose a direct threat to United States national security interests; and

Whereas despite these massive violations of human rights and civil liberties and chronic economic deprivation, Daw Aung San Suu Kyi and members of the NLD have continued to call for a peaceful political dialogue with the SPDC to achieve a democratic transition: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that—

(1) United States policy should strongly support the restoration of democracy in Burma, including implementation of the results of the free and fair elections of 1990;

(2) United States policy should continue to call upon the military regime in Burma known as the State Peace and Development Council (SPDC)—

(A) to guarantee freedom of assembly, freedom of movement, freedom of speech, and freedom of the press for all Burmese citizens;

(B) to immediately accept a political dialogue with Daw Aung San Suu Kyi, the National League for Democracy (NLD), and ethic leaders to advance peace and reconciliation in Burma;

(C) to immediately and unconditionally release all detained Members elected to the 1990 parliament and other political prisoners; and

(D) to promptly and fully uphold the terms and conditions of all human rights and related resolutions passed by the United Nations General Assembly, the Commission on Human Rights, the International Labor Organization, and the European Union; and

(3) United States policy should sustain current economic and political sanctions against Burma as the appropriate means—

(A) to secure the restoration of democracy, human rights, and civil liberties in Burma; and

(B) to support United States national security counternarcotics interests.

Mr. MOYNIHAN. Mr. President, the Senator from Kentucky and I rise today to submit, along with several of our distinguished colleagues, a resolution commemorating the 10th anniversary of free and fair elections in Burma.

On May 27, 1990, the National League for Democracy (NLD), led by Daw Aung San Suu Kyi, won a majority of the parliamentary seats in the elections. This was a great victory for the champions of democracy and human rights in Burma. However, the Burmese military arbitrarily annulled the results and arrested Aung San Suu Kyi and hundreds of NLD members. Others were forced to flee, and the people's freedoms of assembly, speech and the press were severely restricted.

Today, the steady erosion of human rights continues under the heavy hand of the military regime known as the State Peace and Development Council (SPDC). This resolution calls upon the SPDC to guarantee basic freedoms to its people; accept a political dialogue with the NLD and other Burmese political leaders; and to comply with human rights agreements and resolutions emanating from such bodies as the United Nations General Assembly, the European Union, and the International Labor Organization.

The struggle in Burma is not over. The 1999 Department of State Country Reports on Human Rights Practices for Burma identifies more than 1,300 people who continue to suffer as political prisoners. A recent study traced the distribution patterns of different HIV strains to paths of heroin traffic originating from the country. As a New York Times editorial wrote on March 16, 2000, ''The cruelty of * * * Burma is increasingly a regional problem that threatens to destabilize its Southeast Asian neighbors with refugees, narcotics and now AIDS.'' I urge my colleagues to pass this important resolution.

AMENDMENTS SUBMITTED

MILITARY CONSTRUCTION APPROPRIATIONS ACT, 2001

DASCHLE AMENDMENT NO. 3148

Mr. DASCHLE proposed an amendment to the 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; as follows:

At the appropriate place add the following:

Since on Mother's Day, May 14, 2000, an estimated 750,000 mothers, fathers, and children united for the Million Mom March on the National Mall in Washington, D.C. and were joined by tens of thousands of others, in 70 cities across America, in a call for meaningful, common-sense gun policy;

Since 4,223 young people ages 19 and under were killed by gunfire—one every two hours, nearly 12 young people every day—in the United States in 1977;

Since American children under the age of 15 are 12 times more likely to die from gunfire than children in 25 other industrialized countries combined;

Since gun safety education programs are inadequate to protect children from gun violence;

Since a majority of the Senate resolved that the House-Senate Juvenile Justice Conference should meet, consider and pass by April 20, 2000, a conference report to accompany H.R. 1501, the Juvenile Justice Act, and that the conference report should retain the Senate-passed gun safety provisions to limit access to firearms by juveniles, felons, and other prohibited persons;

Since the one year Anniversary of the Columbine High School tragedy passed on April 20, 2000, without any action by the Juvenile Justice Conference Committee on the reasonable gun safety measures that were passed by the Senate almost one year ago;

Since continued inaction on this critical threat to public safety undermines confidence in the ability of the Senate to protect our children and raises concerns about the influence of special interests opposed to even the most basic gun safety provisions;

Since this lack of action on the part of the Juvenile Justice Conference Committee and this Congress to stem the flood of gun violence is irresponsible and further delay is unacceptable; and

Since protecting our children from gun violence is a top priority for our families, communities, and nation: Now, therefore, be it

Determined, That it is the sense of the Senate that—

(1) the organizers, sponsors, and participants of the Million Mom March should be commended for rallying to demand sensible gun safety legislation; and

(2) Congress should immediately pass a conference report to accompany H.R. 1501, the Violent and Repeat Juvenile Offender Accountability and Rehabilitation Act, before the Memorial Day Recess, and include the Lautenberg-Kerrey gun show loophole amendment and the other Senate-passed provisions designed to limit access to firearms by juveniles, convicted felons, and other persons prohibited by law from purchasing or possessing firearms.

EDUCATIONAL OPPORTUNITIES ACT

STEVENS AMENDMENT NO. 3149

(Ordered to lie on the table.)

Mr. STEVENS submitted an amendment intended to be proposed by him to the bill (S. 2) to extend programs and activities under the Elementary and Secondary Education Act of 1965; as follows:

At the appropriate place, insert the following:

SEC. ___. PHYSICAL EDUCATION FOR PROGRESS.

Title X of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8001 et seq.) is amended by adding at the end the following:

"PART L—PHYSICAL EDUCATION FOR PROGRESS

"SEC. 10999A. SHORT TITLE.

''This part may be cited as the 'Physical Education for Progress Act'.

"SEC. 10999B. PURPOSE.

''The purpose of this part is to award grants and contracts to local educational agencies to enable the local educational agencies to initiate, expand and improve physical education programs for all kindergarten through 12th grade students.

"SEC. 10999C. FINDINGS.

''Congress makes the following findings:

''(1) Physical education is essential to the development of growing children.

''(2) Physical education helps improve the overall health of children by improving their

cardiovascular endurance, muscular strength and power, and flexibility, and by enhancing weight regulation, bone development, posture, skillful moving, active lifestyle habits, and constructive use of leisure time.

''(3) Physical education helps improve the self esteem, interpersonal relationships, responsible behavior, and independence of children.

''(4) Children who participate in high quality daily physical education programs tend to be more healthy and physically fit.

''(5) The percentage of young people who are overweight has more than doubled in the 30 years preceding 1999.

''(6) Low levels of activity contribute to the high prevalence of obesity among children in the United States.

''(7) Obesity related diseases cost the United States economy more than $100,000,000,000 every year.

''(8) Inactivity and poor diet cause at least 300,000 deaths a year in the United States.

''(9) Physically fit adults have significantly reduced risk factors for heart attacks and stroke.

''(10) Children are not as active as they should be and fewer than 1 in 4 children get 20 minutes of vigorous activity every day of the week.

''(11) The Surgeon General's 1996 Report on Physical Activity and Health, and the Centers for Disease Control and Prevention, recommend daily physical education for all students in kindergarten through grade 12.

''(12) Twelve years after Congress passed House Concurrent Resolution 97, 100th Congress, agreed to December 11, 1987, encouraging State and local governments and local educational agencies to provide high quality daily physical education programs for all children in kindergarten through grade 12, little progress has been made.

''(13) Every student in our Nation's schools, from kindergarten through grade 12, should have the opportunity to participate in quality physical education. It is the unique role of quality physical education programs to develop the health-related fitness, physical competence, and cognitive understanding about physical activity for all students so that the students can adopt healthy and physically active lifestyles.

''(14) Every student in our Nation's schools should have the opportunity to achieve the goals established by Healthy People 2000 and Healthy People 2010.

''SEC. 10999D. PROGRAM AUTHORIZED.

''The Secretary is authorized to award grants to, and enter into contracts with, local educational agencies to pay the Federal share of the costs of initiating, expanding, and improving physical education programs for kindergarten through grade 12 students by—

''(1) providing equipment and support to enable students to actively participate in physical education activities;

''(2) developing or enhancing physical education curricula to meet national goals for physical education developed by the Secretary in consultation with the National Association for Sport and Physical Education; and

''(3) providing funds for staff and teacher training and education.

''SEC. 10999E. APPLICATIONS; PROGRAM REQUIREMENTS.

''(a) APPLICATIONS.—Each local educational agency desiring a grant or contract under this part shall submit to the Secretary an application that contains a plan to initiate, expand, or improve physical education programs in the schools served by the agency in order to make progress toward meeting—

''(1) the goals described in subsection (b); or

''(2) State standards for physical education.

''(b) GOALS.—The goals referred to in subsection (a) are as follows:

''(1) Physical education programs shall facilitate achievement of the national goals for physical education described in section 10999D(2), and the curriculum of the programs may provide—

''(A) fitness education and assessment to help children understand, improve, or maintain their physical well-being;

''(B) instruction in a variety of motor skills and physical activities designed to enhance the physical, mental, and social or emotional development of every child;

''(C) development of cognitive concepts about motor skill and physical fitness that support a lifelong healthy lifestyle;

''(D) opportunities to develop positive social and cooperative skills through physical activity participation; and

''(E) instruction in healthy eating habits and good nutrition.

''(2) Teachers of physical education shall be afforded the opportunity for professional development to stay abreast of the latest research, issues, and trends in the field of physical education.

''(c) SPECIAL RULE.—For the purpose of this part, extracurricular activities such as team sports and Reserve Officers' Training Corps (ROTC) program activities shall not be considered as part of the curriculum of a physical education program assisted under this part.

''SEC. 10999F. PROPORTIONALITY.

''The Secretary shall ensure that grants awarded and contracts entered into under this part shall be equitably distributed between local educational agencies serving urban and rural areas, and between local educational agencies serving large and small numbers of students.

''SEC. 10999G. PRIVATE SCHOOL STUDENTS AND HOME-SCHOOLED STUDENTS.

''An application for funds under this part, consistent with the number of home-schooled children or children enrolled in private elementary schools, middle schools, and secondary schools located in the school district of a local educational agency, may provide for the participation of such children and their teachers in the activities assisted under this part.

''SEC. 10999H. REPORT REQUIRED FOR CONTINUED FUNDING.

''As a condition to continue to receive grant or contract funding after the first year of a multiyear grant or contract under this part, the administrator of the grant or contract for the local educational agency shall submit to the Secretary an annual report that describes the activities conducted during the preceding year and demonstrates that progress has been made toward achieving goals described in section 10999E(b) or meeting State standards for physical education.

''SEC. 10999I. REPORT TO CONGRESS.

''The Secretary shall submit a report to Congress not later than June 1, 2003, that describes the programs assisted under this part, documents the success of such programs in improving physical fitness, and makes such recommendations as the Secretary determines appropriate for the continuation and improvement of the programs assisted under this part.

''SEC. 10999J. ADMINISTRATIVE COSTS.

''Not more than 5 percent of the grant or contract funds made available to a local educational agency under this part for any fiscal year may be used for administrative costs.

''SEC. 10999K. FEDERAL SHARE; SUPPLEMENT NOT SUPPLANT.

''(a) FEDERAL SHARE.—The Federal share under this part may not exceed—

''(1) 90 percent of the total cost of a project for the first year for which the project receives assistance under this part; and

''(2) 75 percent of such cost for the second and each subsequent such year.

''(b) SUPPLEMENT NOT SUPPLANT.—Funds made available under this part shall be used to supplement and not supplant other Federal, State and local funds available for physical education activities.

''SEC. 10999L. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated $30,000,000 for fiscal year 2000, $70,000,000 for fiscal year 2001, and $100,000,000 for each of the fiscal years 2002 through 2004, to carry out this part. Such funds shall remain available until expended.''.

● Mr. STEVENS. Mr. President, I offer an amendment to the Elementary and Secondary Education Act. My amendment would provide a demonstration program for incentive grants for local school districts to develop minimum weekly requirements for physical education.

More than a third of young people aged 12–21 years do not regularly engaged in vigorous physical activity, and the percentage of overweight young Americans has more than doubled in the past 30 years.

More and more Americans are obese—more than 30 pounds overweight. In 1991, only four states had populations more than 15 percent of which were overweight. In 1998, the number of states with more than 15 percent overweight residents rose to 43.

Lack of exercise is a matter of death. Poor diet and exercise are the second leading cause of death in the United States. Only tobacco causes more deaths. Lack of exercise contributes to 300,000 deaths in a year in the U.S.—more than alcohol, infectious agents, or guns. The immediate and long-term impact of our poor health habits is staggering, costing the nation more than $100 billion per year. If our young people continue to be inactive, the cost to the nation down the road will be astronomical. That long-term cost can be prevented, or at least greatly diminished, through regular physical activity and good nutrition.

Lifelong health-related habits, including physical activity and eating patterns, are normally established in childhood. Habits are hard to change as people grow older. We need to convince young people early, before health-damaging behaviors are adopted, to pursue a disciplined life with regular exercise.

My amendment—the PEP bill—will provide our schools an ideal opportunity to make an enormous, positive impact on the health of our nation. Every student in our nation's schools should have an opportunity to participate in quality physical education.

Children need to know that physical activity will help them feel good, be successful in school and work, and stay healthy. Education in sports activities provides important lifelong lessons about teamwork and dealing with defeat. The lessons of sports may help resolve some of the problems that lead to violence in schools.

The trends for physical education have not been good. Daily participation in Phys Ed dropped from 42 percent in 1991 to 27 percent in 1997. Budgets for physical education are cut first. Only one state in the U.S. currently requires physical education.

Sports and healthy body help produce a healthy mind. 47 percent of Fortune 500 executives were in the National Honor Society—95 percent participated in school athletics. Healthy, active kids grow into healthy, active leaders.

There is a great support for the PEP Act. Many of my colleagues have been contacted by constituents expressing their support for the return of physical education to schools. This is not a new program—physical education was a regular part of school for decades. 72 percent of Americans surveyed would support legislation for physical education. This amendment creates a 5-year demonstration project to provide an opportunity to prove the impact of physical activity in schools on our young people.●

MILITARY CONSTRUCTION APPROPRIATIONS ACT, 2001

LOTT AMENDMENT NO. 3150

Mr. LOTT proposed an amendment to the bill, S. 2251, supra; as follows:

At the appropriate place, insert the following:

SEC. . SENSE OF THE SENATE REGARDING THE SECOND AMENDMENT, THE ENFORCEMENT OF FEDERAL FIREARMS LAWS, AND THE JUVENILE CRIME CONFERENCE.

(a) FINDINGS.—The Senate makes the following findings:

(1) The Second Amendment to the United States Constitution protects the right of each law-abiding United States citizen to own a firearm for any legitimate purpose, including self-defense or recreation; and

(2) The Clinton Administration has failed to protect law-abiding citizens by inadequately enforcing Federal firearms laws. Between 1992 and 1998, Triggerlock gun prosecutions of defendants who use a firearm in the commission of a felony dropped nearly 50 percent, from 7,045 to approximately 3,800, despite the fact that the overall budget of the Department of Justice increased 54 percent during this period; and

(3) It is a Federal crime to possess a firearm on school grounds under section 922(q) of title 18, United States Code. The Clinton Department of Justice prosecuted only 8 cases under this provision of law during 1998, even though more than 6,000 students brought firearms to school that year. The Clinton Administration prosecuted only 5 such cases during 1997; and

(4) It is a Federal crime to transfer a firearm to a juvenile under section 922(x) of title 18, United States Code. The Clinton Department of Justice prosecuted only 6 cases under this provision of law during 1998 and only 5 during 1997; also

(5) It is a Federal crime to transfer or possess a semiautomatic assault weapon under section 922(v) of title 18, United States Code. The Clinton Department of Justice prosecuted only 4 cases under this provision of law during 1998 and only 4 during 1997; and

(6) It is a Federal crime for any person ''who has been adjudicated as a mental defective or who has been committed to a mental institution'' to possess or purchase a firearm under section 922(g) of title 18, United States Code. Despite this federal law, mental health adjudications are not placed on the national instant criminal background system; also

(7) It is a Federal crime for any person knowingly to make any false statement in the attempted purchase of a firearm; it is also a Federal crime for convicted felons to possess or purchase a firearm. More than 500,000 convicted felons and other prohibited purchasers have been prevented from buying firearms from licensed dealers since the Brady Handgun Violence Prevention Act was enacted. When these felons attempted to purchase a firearm, they committed another crime by making a false statement under oath that they were not disqualified from purchasing a firearm; and, of the more than 500,000 violations, only approximately 200 of the felons have been referred to the Department of Justice for prosecution; and

(8) The juvenile crime conference committee is considering a comprehensive approach to juvenile crime including:

(a) tougher penalties on criminals using guns and illegal gun purchases;

(b) money for states to get tough on truly violent teen criminals;

(c) a provision allowing Hollywood to reach agreements to clean up smut and violence on television, in video games, and in music;

(d) changing federal education mandates to ensure that all students who bring guns to school can be disciplined; and

(e) a ban on juveniles who commit felonies from ever legally possessing a gun and from possessing assault weapons, and

(b) SENSE OF THE SENATE.—It is the sense of the Senate that:

(1) Any juvenile crime conference report should reflect a comprehensive approach to juvenile crime and enhance the prosecution of firearms offenses, including:

(a) designating not less than 1 Assistant United States Attorney in each district to prosecute Federal firearms violations and thereby expand Project Exile nationally;

(b) upgrading the national instant criminal background system by encouraging States to place mental health adjudications on that system and by improving the overall speed and efficiency of that system; and

(c) and providing incentive grants to States to encourage States to impose mandatory minimum sentences of firearm offenses;

(2) The right of each law-abiding United States citizen to own a firearm for any legitimate purpose, including self-defense or recreation, should not be infringed.

NOTICE OF HEARING

COMMITTEE ON RULES AND ADMINISTRATION

Mr. MCCONNELL. Mr. President, I wish to announce that the Committee on Rules and Administration will meet at 9:30 a.m., Wednesday, May 17, 2000, in Room SR–301 Russell Senate Office Building, to receive testimony on legislative remedies, including S. 1816, the Hagel-Kerrey-Abraham-Landrieu campaign finance reform bill.

For further information concerning this meeting, please contact Hunter Bates at the Rules Committee on 4–6352.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. BURNS. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Tuesday, May 16, 2000, at 9:30 a.m., in open session to consider the nomination of Admiral Vernon E. Clark, USN to be Chief of Naval Operations.

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

COMMITTEE ON ARMED SERVICES

Mr. BURNS. Mr. President, I ask unanimous consent that the committee on Armed Services be authorized to meet during the session of the Senate on Tuesday, May 16, 2000, at 10:00 a.m., in open session to consider the nomination of Admiral Vernon E. Clark, USN to be Chief of Naval Operations.

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

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. BURNS. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Tuesday, May 16, 2000, at 9:30 a.m. on reauthorization of Marad administration.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. BURNS. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, May 16, 2000, at 10:00 am to hold a hearing.

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

SUBCOMMITTEE ON INTERNATIONAL SECURITY, PROLIFERATION AND FEDERAL SERVICES

Mr. BURNS. Mr. President, I ask unanimous consent that the Subcommittee on International Security, Proliferation and Federal Services be authorized to meet during the session of the Senate on Tuesday, May 16, 2000, at 10:00 a.m. for a hearing on Long-Term Care Insurance for Federal Employees.

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

SUBCOMMITTEE ON CRIMINAL JUSTICE OVERSIGHT

Mr. BURNS. Mr. President, I ask unanimous consent that the Subcommittee on Criminal Justice Oversight be authorized to meet to conduct a hearing on Tuesday, May 16, 2000, at 10:00 a.m., in 226 Dirksen.

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

SUBCOMMITTEE ON FORESTS AND PUBLIC LANDS

Mr. BURNS. Mr. President, I ask unanimous consent that the Subcommittee on Forests and Public Lands of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Tuesday, May 16, at 2:30 p.m. to conduct an oversight hearing. The subcommittee will receive testimony on the United States Forest Service's proposed transportation policy.

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

SUBCOMMITTEE ON HOUSING AND TRANSPORTATION

Mr. BURNS. Mr. President, I ask unanimous consent that the Subcommittee on Housing and Transportation of the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Tuesday, May 16, 2000, to conduct a hearing on ''HUD's Single Family Management and Marketing Contracts.''

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

SUBCOMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE

Mr. BURNS. Mr. President, I ask unanimous consent that the Subcommittee on Transportation and Infrastructure be authorized to meet during the session of the Senate on Tuesday, May 16, 10:00 a.m., to conduct a hearing on the Army Corps of Engineers backlog of authorized projects and the future of the Army Corps of Engineers mission.

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

PRIVILEGE OF THE FLOOR

Mr. BIDEN. Mr. President, I ask unanimous consent that Bennett Lowenthal, a State Department Pearson fellow on the staff of the Foreign Relations Committee, be granted the privilege of the floor for the duration of the consideration of S. 2521, the military construction appropriations bill.

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

MEASURE READ FOR THE FIRST TIME—S. 2567

Mr. SESSIONS. Mr. President, I understand that S. 2567 is at the desk, and I ask for its first reading.

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

The bill clerk read as follows:

A bill (S. 2567) to provide Outer Continental Shelf Impact Assistance to State and local governments, to amend the Land and Water Conservation Fund Act of 1965, the Urban Park and Recreation Recovery Act of 1978, and the Federal Aid in Wildlife Restoration Act (commonly referred to as the Pittman-Roberts on Act) to establish a fund to meet the outdoor conservation and recreation needs of the American people, and for other purposes.

Mr. SESSIONS. Mr. President, I now ask for its second reading, and I object to my own request.

The PRESIDING OFFICER. The objection is heard.

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

ORDERS FOR WEDNESDAY, MAY 17, 2000

Mr. SESSIONS. On behalf of the majority leader, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 9:30 a.m. on Wednesday, May 17. I further ask consent that on Wednesday, 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 resume consideration of S. 2521, the military construction appropriations bill under the previous consent, with Senator SPECTER to be recognized for up to 30 minutes at 9:30 to speak, with his time being considered as being consumed from the majority leader's time.

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

PROGRAM

Mr. SESSIONS. For the information of all Senators, the Senate will immediately resume consideration of the military construction appropriations bill at 9:30 tomorrow. Under the previous agreement, there will be 4 hours of debate on the pending Lott and Daschle amendments, with those votes occurring at 1:30 p.m. A vote on final passage of the bill is expected to occur on Wednesday. Therefore, additional votes can be expected, and Senators will be notified as those votes are scheduled. Following this bill, the Senate will begin consideration of the foreign operations appropriations bill.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. SESSIONS. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 10:02 p.m., adjourned until Wednesday, May 17, 2000, at 9:30 a.m.