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House of Representatives

The House was not in session today. Its next meeting will be held on Monday, July 24, 2000, at 12:30 p.m.

Senate

FRIDAY, JULY 21, 2000

The Senate met at 9 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:

Gracious Father of all the families of the earth, this coming Sunday we celebrate Parents' Day. We pray that this special day, established by Congress and signed into law by the President, will be a day to recall America to a new commitment to the family.

We ask You to bless parents as they live out their high calling. Help them to learn from the way You parent all of us as Your children. You have shown us Your faithfulness, righteousness, and truthfulness. You never leave nor forsake us; You respond to our wants with what is ultimately best for our real needs. You love us so much that You press us to become all that You intended.

As parents, we commit ourselves to moral purity, absolute honesty, and consistent integrity. Make us dependable people in whom children can experience tough love and tender acceptance along with a bracing challenge to excellence and responsibility. May our example of patriotism raise up a new generation of Americans who love You and their country.

Be with parents when they grow weary or become discouraged or feel they have failed. Be their comfort and courage. Remind them that they are partners with You in the launching of children into the adventure of living for Your glory and by Your grace. Amen.

PLEDGE OF ALLEGIANCE

The Honorable LINCOLN CHAFEE, a Senator from the State of Rhode Island, 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 PRESIDING OFFICER (Mr. L. CHAFEE). The Senator from Delaware is recognized.

SCHEDULE

Mr. ROTH. Mr. President, today the Senate will resume debate on the conference report to accompany the marriage penalty reconciliation bill. There will be 30 minutes for closing remarks, with a vote to occur on adoption of the conference report at approximately 9:30 a.m. As previously announced, this will be the only vote today. Following the disposition of the marriage penalty conference report, the Senate is expected to begin consideration of the energy and water appropriations bill. Amendments are expected and Senators are encouraged to come to the floor to offer their amendments.

I thank my colleagues for their attention.

RESERVATION OF LEADER TIME

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

MARRIAGE TAX RELIEF RECONCILIATION ACT OF 2000—CONFERENCE REPORT

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of the conference report to accompany H.R. 4810, which the clerk will report.

The legislative clerk read as follows:

A conference report to accompany H.R. 4810, an act to provide for reconciliation pursuant to section 103(a)(1) of the concurrent resolution on the budget for fiscal year 2001.

The PRESIDING OFFICER. Under the previous order, there are now 30 minutes equally divided for debate.

Mr. ROTH. Mr. President, I yield myself 5 minutes.

Mr. President, the provisions in this bill will help 45 million families, and that is substantially every family in the U.S. Some of my colleagues have argued that almost half of those families do not deserve any tax relief. I reject that. I reject it because in my home state of Delaware it would mean leaving over 30,000 families that contributed to our ever-growing budget surplus out of family tax relief. They contributed to the surplus and they should benefit from the surplus.

Today's bill amounts to less than 5 percent of the total budget surplus over the next 5 years. That is less than a nickel on the dollar of our total budget surplus. It amounts to just 9 percent of the total non-Social Security surplus over the next 5 years. That is less than a dime on the dollar of the non-Social Security surplus. A nickel and a dime—by any comparison or estimation, this marriage tax relief is fiscally responsible. Those who dispute

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

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that are themselves seeking to ''nickel-and-dime'' America's families out of tax relief.

I ask those who oppose this family tax relief: just how big will America's budget surplus have to get before America's families deserve to receive some of their tax dollars back? If not now, when? If just 5 percent of the budget surplus and just 9 percent of the tax overpayment is too big a refund, how little should it be? How long do they have to wait? How hard do they have to work? How large an overpayment do they have to make?

This bill is fair. We have addressed the three largest sources of marriage tax penalties in the tax code—the standard deduction, the rate brackets, and the earned income credit. We have done so in a way that does not create any new penalties—any new disincentives in the tax code. We have ensured that a family with one stay-at-home parent is not treated worse for tax purposes than a family where both parents work outside the home. This is an important principle because these are important families.

Finally, we have made this tax relief immediate for the current year. That means when a couple files their tax return next April, they will be able to see and feel the results of our work. As a result, I believe that we should call this bill the ASAP tax relief bill for America's taxpayers—tax relief for America's families now.

Despite the red flags thrown up by those who want to stand in the way of marriage tax relief, this bill actually makes the tax code more progressive. As a result, families with incomes under $100,000 will receive a proportionally larger tax cut.

There is no honest way people can claim that this bill is tilted towards the rich. I believe that the real complaint of those who oppose this bill is not that it is tilted towards the rich—because it is not—but because it is tilted away from Washington.

While I would rather have seen the 28 percent bracket doubling included in the bill, its absence does do one thing. Its absence removes any excuse for the President not to sign this bill. If President Clinton does not sign this bill, then there is only one explanation. No matter how much the amount of surplus, no matter how much the size of the tax overpayment, no matter how high the overall tax burden, and no matter how much families deserve tax relief, it is all less important to him than the fact that Washington wants the money more.

Mr. President, the time for excuses has passed, the time for family tax relief has come. Yet some in the White House still disagree. Yesterday I received a letter from Treasury Secretary Summers in which he tried to raise two new excuses that are as transparent as they are late.

First, he tried to over-estimate the cost of the tax relief passed by Congress this year. Despite his exaggerated figures, when Congress sends this bill to the President it, along with the other bills we have passed, comprise just $120 billion worth of tax relief over the next 5 years.

Second, there is only one bill before us today and there will be only one bill when it arrives on his desk: family tax relief. When we look at this bill, we need to look at its actual provisions—not some concocted estimate of what another Congress and another President will do. Congress' official estimator scores this bill at under $90 billion for both five and ten years. That is the accurate figure and that is the appropriate measure of the tax relief before us today.

Despite what the President's advisers may wish, the issue is whether he will or won't grant America's families the tax relief they have earned. Let's approve the Marriage Tax Relief Reconciliation Act of 2000 and let's divorce the marriage tax penalty from the tax code once and for all.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from New York.

Mr. MOYNIHAN. Mr. President, might I first express my gratitude to our chairman who suggested that the 10 hours reserved for a conference committee report be reduced, in this case, to a half an hour in order that we might continue with the Senate's business on appropriations, the sooner to reach the issue of permanent normal trade relations with China, which is a wholly admirable purpose with which I agree and congratulate him.

Having said that, I cannot wholly recognize the legislation he describes. I cannot be entirely certain because, although I was a conferee, as appointed by the Senate, to the House-Senate conference on the bill, I was never notified of any meeting, and all I really know about this legislation is what I read in the newspapers.

I read this morning in the New York Times on the front page an article by Richard W. Stevenson, a well-respected journalist, with the headline: ''An Effort to Soften a Tax Cut Only Hardens the Opposition'':

> Hoping to make it harder for President Clinton to veto a measure they see as having tremendous political appeal, Republicans have unveiled a new version of their tax cut for married couples, but as the bill passed the House today, they promptly found themselves under fire for making the bill cost $44 billion more overnight.

Mr. President, $44 billion more overnight. The ways in which this happened are obscure, but the outcome is clear. The House originally passed a $248 billion measure. This now is $292 billion, almost a third of a trillion dollars.

In the Finance Committee and on the floor, the Democratic Members made the point that, yes, the marriage penalty needed to be addressed, and we had a measure, a device that was simplicity itself. We said in one sentence: A couple is free to file jointly or singly, period.

There are 65 marriage penalties in the Tax Code. The measure before us deals with one, half of another, and half of yet another, leaving, if you count, as you will, 62 or 63 untouched.

The most notorious and the most difficult, dealing directly with a palpable social problem, which is that of single parents, is the earned-income tax credit. In this morning's New York Times, also, there is an article by David Riemer, who is the Milwaukee director of administration for the Wisconsin's welfare replacement program, which has received very encouraging notices in recent years. It is entitled ''The Marriage Tax on the Poor.'' He describes how this works.

The earned-income tax credit evolved in the aftermath of President Nixon's effort to establish a guaranteed national income, family assistance plan, and Congress rejected that. The House passed it. The Senate did not. The Senate thought at least we should do something equivalent for people who work; hence, the earned-income tax credit. It has been expanded over the years, and it is our most effective antipoverty program, period, if you describe poverty in terms of resources, of income.

I read one paragraph:

> The earned-income tax credit's marriage penalty can be huge. Imagine a young woman and the father of her two children, living together as one household, unmarried but hoping to wed. She earns $12,000 a year; he earns $20,000. Under the tax rules, her credit is the maximum, $3,888. If they marry, the mother's ''family earnings'' will rise from $12,000 to $32,000. Her credit will go from $3,888 to zero—a big loss of income for a couple of such modest earnings.

The bill before us does almost nothing about that, less than the bill that left the floor in the middle of this week.

Our alternative measure is simplicity, one line, which says to that couple, as to any other: By all means, get married and choose to file jointly or separately. Separately, you retain the mother's earned-income tax credit.

This is a great opportunity lost, part of a strategy to have lots of individual tax cuts which will cumulate into an enormous tax cut. The President has said he will veto it. He should. We can get back to this next year. Do the simple thing, the reasonable thing: Get rid of all marriage tax penalties, 65 in all, and particularly those on the poor deriving a significant benefit from the earned-income tax credit.

Mr. President, I ask unanimous consent that the op-ed, ''The Marriage Tax on the Poor'' by David Riemer, in today's New York Times, be printed in the RECORD following my remarks.

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

[From the New York Times, Friday, July 21, 2000]

THE MARRIAGE TAX ON THE POOR

(By David Riemer)

MILWAUKEE.—Congress has agreed on a plan to eliminate the ''Marriage penalty''

long embedded in our tax laws—the tax advantage that the Internal Revenue Code now confers on couples who choose to live together outside marriage, or who get divorced. The House has voted to double the standard deduction and the ceiling on the 15 percent tax bracket for married couples, and the Senate is expected to follow suit.

Though President Clinton has threatened to veto the bill because most of its benefits go to relatively well-off couples, in the end he may find it hard to resist signing a measure that is popular and is advertised as family-friendly.

But there's a big flaw in this supposed erasure of the marriage penalty: It doesn't erase the marriage penalty. Lawmakers have barely touched one of the tax law's biggest and most socially damaging taxes on matrimony—the penalty for people eligible for the earned-income tax credit.

This credit, which benefits the working poor, has done more to reduce poverty than almost any other federal program. But as workers' earnings rise, the tax code imposes a heavy fine on marriage for millions of low-income workers with children.

The earned-income tax credit pays workers a maximum of $2,353, or $3,888 if the worker has two or more children, but this payment is gradually reduced once earnings increase above $12,690, going down by 16 to 21 cents for each extra dollar earned. The credit phases out entirely at $27,432 in earnings, or $31,152 if there are two or more children.

The marriage penalty arises because the tax credit calculations use family earnings, not individual earnings. If a single mother lives with her boyfriend, his wages aren't included in figuring her tax credit, since he is not officially a part of her family. Should she marry him, their real joint income will stay the same, but her official family earnings will rise, and her tax credit will go down or disappear.

The earned-income tax credit's marriage penalty can be huge. Imagine a young woman and the father of her own children, living together as one household, unmarried but hoping to wed. She earns $12,000; he earns $20,000. Under the tax rules, her credit is the maximum: $3,888.

If they marry, the mother's ''family earnings'' will rise from $12,000 to $32,000. Her credit will go from $3,888 to zero—a big loss of income for a couple of such modest earnings.

If Congress is serious about eliminating the marriage penalty in the tax code, it must fix the earned-income tax credit as dramatically as it is fixing the standard deduction and the tax brackets. This low-income marriage disincentive probably turns away far more individuals from wedlock than are discouraged by the other disincentives. Low-income workers, who count every penny, are much more likely to avoid marriages that will cost them dearly than are the high-salaried live-ins that Congress has its eye on helping.

The Senate and House have agreed to trim the earned-income tax credit's marriage penalty somewhat, for some couples, by increasing the income levels where it applies by $2,000. But most of the marriage penalty remains. The only real solution is to reduce significantly the rate at which the tax credit decreases as income goes up—in other words, to expand the upper limit of eligibility. Such a change would cost the Treasury more money, but it would make the distribution of benefits more equitable. Why thwart the marital aspirations of those who work for McDonald's and Walgreen's while rewarding the ties that bind the middle class and rich?

Mr. MOYNIHAN. Mr. President, I yield the floor. My friend from Massachusetts has 2 minutes.

Mr. KENNEDY. I thank the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, this vote is about our priorities as a nation. The price tag on this tax giveaway is almost exactly what we need to provide a Medicare prescription drug benefit to millions of senior citizens who desperately need this help: $292 billion over the next decade.

In the past week or so, our Republican friends have passed tax breaks that total about a trillion dollars over the next ten years, benefiting the wealthiest Americans. We don't just look at it over 5 years, we ought to be looking at the consequences of this bill over a 10-year period, and even longer. And the record shows that the tax proposals are not what they are claimed to be.

This so-called marriage penalty tax break is a sham. Democrats strongly support eliminating the marriage penalty in the tax laws, and our Democratic alternative will do that. But less than half the tax breaks in the phony Republican bill are actually directed, as the Senator from New York pointed out, at the marriage penalty.

Once again, our Republican friends are using an attractive label like ''marriage penalty'' as a cover for unjustified tax breaks for the wealthy at the expense of urgently needed priorities, such as prescription drug coverage for our senior citizens.

The Republican trillion dollar tax breaks for the wealthy mean: No Medicare prescription drug benefit for the Nation's senior citizens; no new teachers for the Nation's schools; no increase in the minimum wage for the Nation's hard-working, low-wage workers; no protections for patients across the Nation facing abuses by HMOs; nothing to make the Nation's schools or our neighborhoods safer.

This tax break for the wealthy is a giant step in the wrong direction for America. President Clinton is right to veto it.

Never in the history of the Senate has so much been given to so few, with so little consideration for working families in America.

Mr. President, Republicans say that President Clinton himself called for marriage penalty relief in the State of the Union address that he delivered five months ago, so he should hurry and sign this bill. I wonder whether they heard the same speech that I heard last February. President Clinton certainly called for elimination of the marriage penalty, but he also urged action on other national priorities that are every bit as important—a Medicare prescription drug benefit, support for the nation's schools, and many other urgent national needs.

This is a do-nothing Republican Congress on all of these other priorities. The shamefully excessive single-minded focus has been on tax breaks for the wealthy, to the exclusion of all other major priorities. The GOP tax cuts already approved by this Congress will consume about a trillion dollars of the projected surplus over the next ten years. The bill that Republicans brought to the Senate today is a marriage penalty in name only.

It fails to eliminate 62 of the 65 marriage penalties in the tax code—while the Democrats' marriage penalty alternative eliminates every single one.

In the interest of all Americans, President Clinton offered to compromise and sign the Republican marriage penalty bill despite its shortcomings, but only if the Republican Congress made progress on at least one of the other urgent needs facing the nation—prescription drug coverage to end the unconscionable crisis that millions of senior citizens face every day—the high cost of the drugs they need to safeguard their health. The extraordinary promise of fuller and healthier lives offered by new discoveries in medicine is often beyond their reach. They need help to afford the life-saving, life-changing miracle drugs that are increasingly available.

Republicans in Congress have rejected this reasonable offer by the President and are still pursuing their irresponsible tax-cut agenda. Republicans have eyes only for tax breaks. They've attached tax breaks to the minimum wage bill in the House, more tax breaks to the bankruptcy bill in the Senate, and still more tax breaks to the Patients' Bill of Rights in the House. They have tried to pass tax breaks to subsidize private school. They even want to eliminate the estate tax, the ultimate tax break for the wealthy.

Earlier this week, the Republican leadership forced through the Senate a complete repeal of the estate tax which will cost over $50 billion a year when fully implemented. Over 90 percent of the benefits in that bill will go to the richest 1 percent of taxpayers. In total, Republicans in the House and Senate have already passed tax cuts that would consume almost a trillion dollars of the budget surplus over the next ten years, and far more than that in the next decade, because these GOP tax schemes are so backloaded to conceal their true cost to the nation's future.

Fortunately, the nation has a President who will not hesitate to stamp ''veto'' on all of these irresponsible GOP giveaways. But what if we had a President who would sign these monstrosities?

The American people have a basic choice to make in November. Do they want the record budget surplus to be used for strengthening Social Security and Medicare—for providing a prescription drug benefit under Medicare—and for improving our schools? Or do they want to give trillions of dollars to the wealthiest individuals and corporations in the nation?

These are the basic policy choices for what kind of America we want in the years ahead. Democrats do not oppose

tax cuts, but we do insist that tax cuts must be reasonable in amount and must be fairly allocated to all Americans.

We also want action on other key priorities for the nation's future. Taking a trillion dollars out of the federal treasury for tax breaks clearly jeopardizes our ability to provide a prescription drug benefit for Medicare. It jeopardizes our ability to fix crumbling schools, reduce class sizes, and ensure that teachers are properly trained. It jeopardizes our ability to help the 4 million Americans who have no health insurance today because their employers won't provide it and they can't afford it on their own.

Just one of the Republican bills—the repeal of the estate tax—will give $250 billion to America's 400 wealthiest families over ten years. $250 billion will buy ten years of prescription drug coverage for eleven million senior citizens who have no coverage now. Yet, these astronomical tax giveaways are being rammed through Congress by a right wing Republican majority in Congress bent on rewarding the wealthy and ignoring the country's true priorities that have a far greater claim on these resources.

The prosperous economy is helping many Americans. But those who work day after day at the minimum wage are falling farther and farther behind. The number of families without health insurance is rising alarmingly.

A recent study by the pro-business Conference Board finds that the number of working poor is actually rising, in spite of the record prosperity. More and more working families are being forced to seek emergency help in soup kitchens and food pantries, and those charities are often unable to meet the increasing need. Yet Congress stands on the sidelines.

The result of the GOP tax break frenzy is to crowd out necessary spending on priorities that the American people care most about. These other priorities for all Americans are being ignored by the GOP Congress in this unseemly stampede to enact tax breaks so heavily skewed to the wealthiest Americans. Never in the entire history of the country has so much been given away so quickly to so few, with so little semblance of fairness or even thoughtful consideration.

If we are serious about ending the marriage penalty, instead of using it as a fig leaf for enormous tax breaks for the wealthy, we can easily do so at a reasonable cost that leaves ample room for other high priorities. I strongly support tax relief to end the marriage penalty. The marriage penalty is unfair, and it should be eliminated.

But I do not support the GOP proposal. That proposal is a trojan horse. Marriage penalty relief is not its real purpose. Only 42 percent of the tax benefits—less than half of the total—goes to persons subject to the marriage penalty. The rest of the tax breaks—58 percent—go to those who pay no marriage penalty at all, and many of them are actually receive what is called a marriage bonus under the law. Republicans who claim their bill is intended only to eliminate the marriage penalty either haven't read the bill, or they are violating the ''Truth in Advertising'' laws.

Most married couples today do not pay a marriage penalty. A larger percentage of couples actually receive a marriage bonus than pay a marriage penalty. The marriage penalty is paid by couples in which both spouses work and also have relatively equal incomes. They deserve relief from this penalty. They deserve it immediately, and we can provide it modest cost.

But the Republican bill does not target its tax cuts to those who actually pay a marriage penalty. The cost of their bill is highly inflated and heavily backloaded to make the cost in the early years seem low. The current bill will cost nearly fifty billion dollars more over the next ten years than the bill which the Senate passed earlier this week. In just three days, the price tag has risen from $248 billion to $293 billion. That's an inflation rate which should alarm every American.

As with all Republican tax breaks, the bill earmarks the overwhelming majority of its tax benefits for the wealthiest taxpayers. The final bill sandpapers one of the roughest edges by deleting a provision that would have solely benefitted taxpayers with six figure incomes. But the overall bill is still grossly unfair to middle and low income working families. More than two thirds of the total tax savings go to the wealthiest 20 percent of taxpayers.

An honest plan to eliminate the marriage penalty could easily be designed at much lower cost. House Democrats offered such a plan, and so did Senate Democrats. Our Democratic proposal would cost $11 billion a year less, when fully implemented, than the Republican plan, yet provide more marriage penalty tax relief to middle income families.

The problem is obvious. Republican colleagues insist on using marriage penalty relief as a cover for large tax breaks that have nothing to do with the marriage penalty and that are heavily weighted to the wealthiest individuals in the nation. The message to all Americans is clear and unmistakable—Beware of Republicans bearing tax cuts. They're not what they seem, and they're not fair to the vast vast majority of the American people.

This GOP Congress is a dream Congress for the very wealthy and their special interest friends, but it is a nightmare Congress for hard-working families all across America. Whether the Republican tax breaks arrive at the White House in smaller prices or in one big mess, their trillion-dollar tax breaks will eminently deserve the veto that President Clinton is about to give them.

The PRESIDING OFFICER. Who yields time?

Mr. ROTH. Mr. President, I yield 1 minute to the Senator from Kansas.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. BROWNBACK. Mr. President, I guess we are reading different bills here. The bill that we have is a 5-year bill. It sunsets in 5 years. It is scored at $89 billion. At the end of 5 years, it sunsets. We don't know what happens at the end of that. It is only on the 15-percent tax bracket. It doubles the standard deduction over a period of years from $26,250 per individual to $52,500. I hardly see how that is wealthy. It is 5 percent of the on-budget surplus, not Social Security. It does not steal money from other priority programs. I guess I am confused. I guess he is talking about a different bill than I will vote on this morning.

My final point is, this will pass with a large margin. It will pass with over 60 votes. Then it is up to the President of the United States and the Vice President—President Clinton and Vice President Gore—whether this tax cut will reach our working families across America. It will be up to them. I call on them to sign this bill and not penalize our people across this country for the simple act of being married.

I thank the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. ROTH. I yield 3 minutes to the Senator from Texas.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I keep hearing the Democrats talk about tax breaks for the wealthy. I have talked to couples who make $30,000 apiece. I have asked them directly: Do you think that you are wealthy? Do you think that you do not send enough money to the Government? Do you think you are paying more than your fair share?

The answer is, they do not think they are wealthy. They do think they are doing their fair share. And they are trying to do something for their children that they will not be able to do if they send $1,400 more to Washington, DC, instead of being able to save it for their children's education or taking a family vacation or giving them extra computers or books or clothes that they would want to have for their own families.

A couple that earns $30,000 each is not wealthy. We must understand they are hard-working Americans. Many times the spouse who wants to stay home to help their children does not do so because they think they need to work to bring in the extra income. We are talking about tax relief for the hardest hit among us—people who make $25,000 a year, $30,000 a year, $40,000 a year. They are paying 28 percent in Federal income taxes. And they do not think they are wealthy. They earn this money, and they deserve to keep more of it.

We are talking about 50 million Americans who would benefit from the

tax relief we are giving today. Twenty-five million couples will get relief from the marriage tax penalty.

Over 60 percent of the House of Representatives voted to pass this bill. Over 60 percent of the Senate will vote to pass this bill. Is the President going to fly in the face of the elected Representatives—in those numbers—who want to give relief to hard-working Americans?

If we were saying that this was going to take up all of the surplus, that we were not going to be able to pay down debt this year, that would be one thing. That is not the case. Instead, we are being good stewards of our taxpayer dollars. We are putting a fence around the Social Security surplus so that it stays in Social Security. We are going to pay down the debt by billions this year.

But we think it is time to return to the people who earn the money more of the money they earn to keep for the decisions in their families.

Mr. President, tear down this unfair tax. It is time to have a tax correction for the hard-working married couples in this country.

We are sending the bill to the President today to do just that.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. ROTH. Mr. President, I yield 30 seconds to the Senator from Virginia.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, as we say, ''yea'' today on this historic vote, Congress pays its respects to the venerable institution of marriage. It is as simple as that.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

The Senator from New York.

Mr. MOYNIHAN. Mr. President, I yield 5 minutes to the distinguished Senator from Montana.

Mr. BAUCUS. Mr. President, this issue is really quite simple. It is unfortunate that it has been confused by lots of statements, which are somewhat true but not entirely true.

The goal here is to eliminate the marriage tax penalty. Remember, there is nothing in the code that we enacted to create the penalty. It was not an intentional act. It is just a consequence of the way the code has worked. It is a necessary consequence if we want to have progressive tax rates and also have the same taxation for American citizens with the same income.

We also have to remind ourselves that there is a bonus in the Tax Code; that is, certain people who get married get a bonus. In fact, there are more taxpayers receiving a bonus than there are taxpayers who receive a penalty. That is indisputable. That is a solid fact. But we are here to try to find a way to help eliminate the marriage tax penalty for those who get a penalty as a consequence of getting married.

There are two approaches here. One is the approach by the majority, and one is the approach by the Democratic side of the aisle. The majority eliminates only 3 of the 65 provisions in this code that create a penalty—only 3. The Democratic proposal eliminates them all, all 65. There is a big difference between the two.

In the Democratic alternative, taxpayers have the right to choose. They can choose which way to file their taxes so it benefits them. On the majority side, the taxpayer does not have a choice. That is just the way it is.

I might also say, if we say we are going to pass marriage tax penalty relief, we should pass marriage tax penalty relief. That is what the Democrats have tried to do. The Republicans are doing some of that—albeit only 3 out of the 65—but they are also giving a tax cut, irrespective of marriage, which widens the disparity between married couples and singles.

A lot of single people in this country, when they see what is passed by the majority party, are going to wonder what in the world is happening. Why are we giving the 60 percent of married people who don't even have a marriage penalty such a big tax break and not giving a tax break to them simply because they are single? That is not fair at all. Again, the Democratic proposal says, we will give a break, a true break for marriage, but not widen the discrepancy between marrieds and singles.

The long and short is, we have a conference report. The battle has been waged and the battle is over.

Mr. MOYNIHAN. Will the Senator yield?

Mr. BAUCUS. I yield.

Mr. MOYNIHAN. Has he seen the conference report?

Mr. BAUCUS. I say to my good friend from New York, no, I have not. I have heard there is one, but I have not seen one.

Mr. MOYNIHAN. Did the Senator hear there was a conference?

Mr. BAUCUS. I heard there was, but I don't know who was there.

Mr. MOYNIHAN. Well, I am a conferee, and, while I heard there was a conference, I wasn't told about any meetings.

Mr. BAUCUS. That sometimes happens. Conferees on our side of the aisle hear of a conference, but they are never asked to attend.

Mr. MOYNIHAN. This is one such instance.

Mr. BAUCUS. Unfortunately, this is not the first time that has happened under this Republican majority.

To sum it up, Mr. President, we on this side are definitely for tax cuts, very significant tax cuts. We are for eliminating entirely the marriage tax penalty. We want to reduce the Federal estate tax dramatically. But it is unfortunate that the conference report before us goes way too far. It is unbalanced. It is unfair. If the American people truly see all the components of it, compare it to all the other tax provisions going through here, I think they will say: Wait a minute, this is kind of a funny thing the Congress is doing. It is not what they say it is. Why don't they fess up and be honest and say what is really in the conference report.

That is sometimes the way this place operates. It is up to us on this side of the aisle to get the facts out, to allow more sun to shine on the conference report so that more married American people will know exactly what is in it.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, will the Senator yield me 4 minutes?

Mr. ROTH. I yield the Senator 4 minutes.

The PRESIDING OFFICER. The Senator from Delaware has only 3 minutes.

Mr. NICKLES. Mr. President, I will take the 3 minutes then. I thank my colleague.

Mr. MOYNIHAN. Mr. President, I am happy to yield 1 minute from our side.

Mr. NICKLES. Mr. President, I think the world of my colleague from New York, and I am very grateful.

I want to make a couple comments. First, I compliment Senator ROTH. This is really his proposal. He is greatly responsible for making this happen. He introduced this in the Finance Committee, and it is going to pass today. I hope, and will even say I expect, it will become law. It will be a shame if it doesn't become law.

I also compliment Senator HUTCHISON for her leadership, Senator BROWNBACK, Senator ASHCROFT, Senator SANTORUM, and Senator ABRAHAM. They have been working tirelessly on this. They have been pushing in caucuses and conferences. They said: We need to pass marriage penalty relief. We have a chance to do that today. I thank the House leaders for doing it.

I heard some people saying they are against this. I heard my friends speak against it. They kept saying it is $290 billion. It is not. We are voting today on a $90 billion tax cut, period. Those are the facts. If it is to be extended—and I hope it will be—Congress is going to have to pass another bill, and it is going to have to be signed by a President, a different President. That is another action. That may happen 3 or 4 years from now. I hope it does. We will have to see what the circumstances are at that time. The bill we have before us is $90 billion.

I read the President's letter—at least it came from his Secretary of the Treasury—which said: We provided significant marriage penalty relief. In his bill, in his budget proposal, he has a $9 billion tax increase for next year—not a tax cut, a $9 billion tax increase. His marriage penalty relief over the next 5 years is $9 billion. It doesn't do it. It won't work. It won't happen. He has more tax increases in the first year than tax cuts. Over 5 years, he has a net tax cut of only $5 billion.

We are going to have a surplus of $1.8 trillion in the next 5 years, $4.5 trillion over the next 10. The only tax cut we are talking about right now is marriage penalty relief totaling $90 billion. That figure loses people.

Let's talk about what it means for families. Some people say this targets the wealthy. That is not true. People are entitled to their own opinions, but they are not entitled to their own facts. The fact is what we do is double the standard deduction, $4,400 for an individual, $8,800 for a couple. The fact is, people pay taxable income up to $26,000, an individual at 15 percent. That is $26,000. We say for couples, that should be $52,000. We double it for couples, whether both are working or not. We don't penalize stay-at-home spouses. The Democrat proposal provided no relief for stay-at-home spouses. We say the 15-percent bracket should be twice as much for couples, income adjusted, as it is for individuals. So we don't penalize people if they happen to stay at home.

We provide tax relief for millions of American families. How much? It is a couple hundred. By doubling the standard deduction, that is a couple hundred dollars for all married couples. Then by doubling the 15-percent rate, that equals the $1,125, if somebody makes up to $52,000. That is the maximum benefit. The maximum benefit is basically $1,125 if somebody makes up to $52,000. It is weighted towards the low-income people, middle-income people. There are millions of American families with one or two wage earners making $40,000, $50,000, $60,000, who will save $1,300, $1,350, if this becomes law. The only reason it won't become law is if the President vetoes it.

I urge the President to sign this bill and provide marriage penalty relief as he said he would.

Mr. DURBIN. Will the Senator yield for a question?

Mr. NICKLES. My friend and colleague gave me a nice note. The other day I said if I am factually incorrect, I will eat this paper. He gave me a paper that was a March proposal; the proposal we passed in the Senate was $56 billion. The proposal we will pass today is $90 billion.

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

Mr. DURBIN. Will the Senator yield for a question?

Mr. NICKLES. I am afraid my time has expired.

Mr. BIDEN. Mr. President, in the best economic and budget times in our country's history, I believe that we should provide American families with tax relief. That is why I supported this bill when it passed the Senate earlier this week, and that is why I will vote for it again today.

But I vote today knowing that this bill will be vetoed by the President. Everyone here knows that. I hope that passage here today will lead to the kind of eventual compromise between the President and Congress—maybe a grand compromise that will include a prescription drug benefit under Medicare—that we can all support.

If that kind of compromise is not reached, Mr. President, I will vote to sustain that veto.

Since we voted just a few days go, the cost of this bill has gone up over $40 billion—that is the wrong direction. I still prefer an alternative that would cost less and that would be better targeted at the marriage penalty and at those families with the greatest need, one that would give families more flexibility to deal with their own circumstances.

Passage of this bill today is the beginning of the debate on this issue, Mr. President, not the end.

Mr. FEINGOLD. Mr. President, this conference report is evidence of a missed opportunity. It is, in fact, yet another in what is becoming a series of missed opportunities. Today, the majority is missing the opportunity to enact marriage penalty relief.

The majority is missing that opportunity by insisting on its poorly-targeted, expensive tax breaks. It is missing that opportunity by rejecting the better-targeted, more responsible Democratic alternative. And it is missing that opportunity by rejecting President Clinton's offer to enact both marriage penalty relief and prescription drug benefits.

Everyone in this chamber wants marriage penalty relief. The question now is how we transform that wish into law.

By presenting the Senate with this conference report, the majority shows that it would rather have marriage penalty relief next year than this year. For now, they appear to prefer an old issue to a new law.

The majority continues today to pass poorly-targeted, expensive tax breaks. Earlier this week, the Treasury Department released a study that analyzed all the major tax cuts that the majority has passed in this Congress this year to date.

That study found that more than three-fourths of the benefits of the Republican tax bills would go to the best-off fifth of the population—those making more than $82,000.

The study found that those in the best-off fifth of the population would get an average tax cut of more than $2,000 a year, while those in the middle fifth would get less than $200. Republicans want to spend 10 times as much on the best-off than on middle-income families.

The study found that almost half of the benefits of the Republican tax bills would go to the best-off 5 percent, those with incomes over $150,000.

The study found that more than a quarter of the benefits of the Republican tax bills would go to the best-off one percent—those with incomes over $346,000—who would get an average tax cut of more than $15,000 a year.

And as an op-ed piece in this morning's New York Times by Milwaukee director of administration David Riemer points out, the conference report before us today fails to solve the marriage penalty for working families who get the Earned Income Tax Credit. Mr. President, I ask unanimous consent that this op-ed be printed in the RECORD at the conclusion of my remarks.

And yesterday, the Joint Committee on Taxation released distribution tables on the conference report before us today. Those tables indicate that in 2004, nearly four-fifths of this conference report's benefits would go to those with incomes over $75,000. The conference report's benefits are thus more skewed to the better off than the Senate bill we considered earlier this week. In the Senate bill, 68 percent of benefits in 2004 would have gone to the best-off, while in the conference report, 79 percent would.

And because the majority's bills are so poorly targeted, they cost more than they should. The conference report before us today would join the other bills passed to date, spending more than it should because it gives more to the very well-off than it should. According to the Joint Committee on Taxation, the conference report before us today would spend $34 billion more than the costly bill that the Senate considered earlier this week.

Wednesday, the White House estimated that the tax bills considered by the House and Senate this year to date have already sought to spend roughly $700 billion over the next 10 years, a price tag that would increase to $850 billion when one accounts for financing costs on the debt. Mr. President, I ask unanimous consent that a letter from the President's Chief of Staff on this subject be printed in the RECORD at the conclusion of my remarks.

The majority continues today to reject the better-targeted, more responsible Democratic alternative. The Democratic alternative would have focused its relief on those who actually endure a marriage penalty. That is, after all, how the majority chose to name the bill before us. The Democratic alternative would have held the majority to its word. It was a truth-in-advertising amendment.

The majority shows again today that they did not really want to cure the marriage penalty. That is not what most of this conference report does. Three-fifths of the benefits of this conference report go to people who do not experience marriage penalties. And that's another reason why this conference report costs more than it should.

The majority shows again today that it does not really want to enact a law to relieve the marriage penalty. By moving this conference report, the majority rejects President Clinton's offer to work out an agreement that would allow enactment of both marriage penalty relief and needed coverage for prescription drugs on the other. That's what the majority could have done if it really wanted to enact marriage penalty relief this year.

Sadly, by bringing this conference report before us today, the majority shows that what it really wants is

something that the President will have to veto right before the Republican Convention. The enterprise upon which they have embarked has more of theater than of law about it.

The President will veto this bill, and he should. The majority should pass better-targeted marriage penalty relief, but apparently they'd rather not.

They miss another opportunity today. Mr. President, I hope they do not miss the next one.

Mr. President, I ask unanimous consent that an editorial and letter be printed in the RECORD.

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

THE MARRIAGE TAX ON THE POOR

(By David Riemer)

Congress has agreed on a plan to eliminate the ''marriage penalty'' long embedded in our tax laws—the tax advantage that the Internal Revenue Code now confers on couples who choose to live together outside of marriage, or who get divorced. The House has voted to double the standard deduction and the ceiling on the 15 percent tax bracket for married couples, and the Senate is expected to follow suit.

Though President Clinton has threatened to veto the bill because most of its benefits go to relatively well-off couples, in the end he may find it hard to resist signing a measure that is popular and is advertised as family-friendly.

But there's a big flaw in this supposed erasure of the marriage penalty: It doesn't erase the marriage penalty. Lawmakers have barely touched one of the tax law's biggest and most socially damaging taxes on matrimony—the penalty for people eligible for the earned-income tax credit.

This credit, which benefits the working poor, has done more to reduce poverty than almost any other federal program. But as workers' earnings rise, the tax code imposes a heavy fine on marriage for millions of low-income workers with children.

The eared-income tax credit pays workers a maximum of $2,353, or $3,888 if the worker has two or more children, but this payment is gradually reduced once earnings increase above $12,690, going down by 16 to 21 cents for each extra dollar earned. The credit phases out entirely at $27,432 in earnings, or $31,152 if there are two or more children.

The marriage penalty arises because the tax credit calculations use family earnings, not individual earnings. If a single mother lives with her boyfriend, his wages aren't included in figuring her tax credit, since he is not officially a part of her family. Should she marry him, their real joint income will stay the same, but her official family earnings will rise, and her tax credit will go down or disappear.

The earned-income tax credit's marriage penalty can be huge. Imagine a young woman and the father of her two children, living together as one household, unmarried but hoping to wed. She earns $12,000; he earns $20,000. Under the tax rules, her credit is the maximum: $3,888.

If they marry, the mother's ''family earnings'' will rise from $12,000 to $32,000. Her credit will go from $3,888 to zero—a big loss of income for a couple of such modest earnings.

If Congress is serious about eliminating the marriage penalty in the tax code, it must fix the earned-income tax credit as dramatically as it is fixing the standard deduction and the tax brackets. This low-income marriage disincentive probably turns away far more individuals from wedlock than are discouraged by the other disincentives. Low-income workers, who count every penny, are much more likely to avoid marriages that will cost them dearly than are the high-salaried live-ins that Congress has its eye on helping.

The Senate and House have agreed to trim the earned-income tax credit's marriage penalty somewhat, for some couples, by increasing the income levels where it applies by $2,000. But most of the marriage penalty remains. The only real solution is to reduce significantly the rate at which the tax credit decreases as income goes up—in other words, to expand the upper limit of eligibility. Such a change would cost the Treasury more money, but it would make the distribution of benefits more equitable. Why thwart the marital aspirations of those who work for McDonald's and Walgreen's while rewarding the ties that bind the middle class and rich?

THE WHITE HOUSE,
Washington, DC, July 19, 2000.

Hon. TRENT LOTT,
Majority Leader,
U.S. Senate, Washington, DC.

DEAR MR. LEADER: The President is increasingly concerned about the spending binge under way in Congress as we approach the summer recess. With the political conventions drawing near, both the House and the Senate are voting every day on bills that deplete the projected budget surplus at a rapid rate.

In the last few weeks, the House and Senate have already considered tax bills that spend roughly $700 billion of our surpluses over the next ten years, a price tag that will increase to $850 billion when we account for financing costs on the debt. Moreover, Republican leaders promise that these tax cuts are a mere a ''down-payment'' on massive, trillion-dollar tax breaks to come. At the same time, Congress has passed several spending bills that have exceeded the President's request.

It is time to answer some simple questions about this tax and spending frenzy: what does it all cost, and can we afford it? The President's budget team cannot, in good conscience, advise the President to sign various spending or tax bills until we have a fuller accounting of Congress's overall spending plans for the year. Let me be clear: Congress has embarked on a course to obliterate a surplus that is the hard-won product of nearly eight years of fiscal discipline. We cannot and will not let that happen.

Fiscal discipline has been critical to the prosperity we enjoy today, and prosperity in turn has created a brighter outlook for tomorrow's budget surpluses. But projections are simply that—projections. Now is not the time to abandon responsible budgeting by spending money before it even comes in the door. Congress should provide the American people with a more complete accounting of just how much it intends to spend this year.

We can cut taxes for the middle class, while maintaining fiscal discipline and making critical investments in our future. The President's budget does just that—strengthening Social Security and modernizing Medicare with a prescription drug benefit, while cutting taxes for education, retirement, and health care and paying off the debt by 2012. The right way to get things done is to work together within a balanced framework so that we honor our commitment to fiscal discipline.

Sincerely,

JOHN PODESTA,
Chief of Staff to the President.

Mr. ASHCROFT. Mr. President, today, the Senate passed the Conference Report reflecting the agreement between the House and Senate to provide needed relief to American families from the onerous marriage tax penalty. I am pleased to support this agreement.

For too long, the current tax code has been at war with our values, penalizing the basic social institution: marriage. The American people know that this is unfair—they know it is not right that the code penalizes marriage.

25 million American couples pay an average of approximately $1,400 in marriage penalty annually as a result of the marriage penalty. Ending this penalty will give couples the freedom to make their own choices with their money.

The conference agreement between the House and the Senate will make the standard deduction for married couples double that of singles. This is especially important to families that do not itemize their tax returns. It will also make the 15 percent tax bracket double the size of that for single people and fix the marriage penalties associated with the Alternative Minimum Tax and the Earned Income Credit. Doubling the 15 percent tax bracket for married couples will benefit all married couples. It is just and fair that all couples benefit from this bill, whether one spouse works outside the home, or both do so. Most importantly, it will begin to provide this much-needed relief this year, so that the American people will see that their government recognizes and values the institution of marriage.

The President has indicated that he will veto this bill. That is unfortunate. If the President is truly for ending the marriage penalty, as he has said, he will sign this bipartisan bill, which passed with the support of 60 percent of the House of Representatives. The Senate has also voted on this bill in a bipartisan manner, approving the Conference Report by a vote of 60–34. I hope the President will change his mind and join us in bringing this historic tax relief to American families.

This bill will help 830,000 couples in Missouri, couples like Bruce and Kay Morton, from Camdenton, MO, who have written to me and asked for me to help bring an end to this unfair penalty. With this conference agreement, the House and Senate stand united in trying to help couples like the Mortons. I respectfully ask the President to join us.

This conference agreement demonstrates our support for an important principle: that families should not be taxed extra because they are married. Couples choosing marriage are making the right choice for society. It is in our interest to encourage them to make this choice.

Unfortunately, the marriage penalty discourages this choice. I believe that the government, in its policies, should uphold the basic values that give strength and vitality to our culture. Marriage is one of those values, and it

is time for the government to stop punishing this value.

The marriage penalty has endured for too long and harmed too many couples. It is time to abolish the prejudice that charges higher taxes for being married. It is time to take the tax out of saying ''I do.''

The PRESIDING OFFICER. All time having expired, the question is on agreeing to the conference report.

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second. The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from California (Mrs. BOXER), the Senator from Hawaii (Mr. INOUYE), the Senator from Massachusetts (Mr. KERRY), the Senator from Nebraska (Mr. KERREY), and the Senator from Washington (Mrs. MURRAY) are necessarily absent.

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

The result was announced—yeas 60, nays 34, as follows:

[Rollcall Vote No. 226 Leg.]

YEAS—60

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

NAYS—34

Akaka	Feingold	Moynihan
Baucus	Graham	Reed
Bayh	Harkin	Reid
Bingaman	Hollings	Robb
Breaux	Johnson	Rockefeller
Bryan	Kennedy	Sarbanes
Conrad	Lautenberg	Schumer
Daschle	Leahy	Voinovich
Dodd	Levin	Wellstone
Dorgan	Lieberman	Wyden
Durbin	Lincoln	
Edwards	Mikulski	

NOT VOTING—5

Boxer	Kerrey	Murray
Inouye	Kerry	

The conference report was agreed to.

Mr. MOYNIHAN. Mr. President, I move to reconsider the vote.

Mr. ROTH. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. ROTH. Mr. President, first of all, let me say this vote on the marriage penalty represents a great victory for working Americans. I think we can all take great satisfaction that, for the typical American, it will mean something like $1,300 to $1,500 in a tax cut.

I thank my friends and colleagues who supported this legislation. I think it is only fair, it is only right. I believe this has, indeed, been a great week for the working people of America.

Mr. President, it has been a busy two weeks for the Members of the Senate Finance Committee and our staff. I would like to take a moment to thank the staff who worked on this conference report and also H.R. 8, the Death Tax Elimination Act of 2000.

With respect to both bills, I thank John Duncan, my Administrative Assistant. On the Majority Staff, I thank Frank Polk, our Staff Director and Chief Counsel, J.T. Young, our Deputy Staff Director, and members of the tax staff, including Mark Prater, Brig Pari, Bill Sweetnam, Jeff Kupfer, Ed McClellan, and our newest tax counsel, Elizabeth Paris. I thank our Finance Committee press team of Ginny Flynn and Tara Bradshaw. I note that Connie Foster, Amber Williams, and Myrtle Agent also provided valuable assistance to the tax team.

I thank my friend and colleague, the distinguished ranking Democratic member of the Finance Committee, Senator PAT MOYNIHAN and his able staff. I refer to David Podoff, Russ Sullivan, Stan Fendley, Cary Pugh, Jerry Pannullo, Mitchell Kent, John Sparrow, and Lee Holtzman.

Republican Leadership staff also deserve thanks for helping to bring these bills together. I refer to Dave Hoppe, Sharon Soderstrom, Keith Hennessey, and Ginger Gregory of Senator LOTT's office and Hazen Marshall, Lee Morris, and Eric Ueland of Senator NICKLES' office.

Chuck Marr and Anita Horn of Senator DASCHLE's and Senator REID's staff also worked hard on this legislation.

The Budget Committee staff also deserve praise. I refer to Bill Hoagland, Beth Felder, and Cheri Reidy. I also thank Marty Morris and Bruce King of the minority staff.

None of this legislation would have been possible without the valuable work of the staff of the Joint Committee on Taxation, including Lindy Paull, Rick Grafmeyer, and the rest of the Joint Tax team.

A special thanks also is due to Jim Fransen, Mark Mathiesen, and Janell Bentz from Senate Legislative Counsel.

With respect to the marriage tax relief legislation, I also thank Senators KAY BAILEY HUTCHISON, SAM BROWNBACK, and JOHN ASHCROFT and their staffs, including Jim Hyland, Karen Knutson, and Brian Waidmann.

On the death tax repeal bill, a special note of thanks to Tim Glazewski of Senator JON KYL's staff.

The PRESIDING OFFICER. The Senator from New York.

Mr. MOYNIHAN. Mr. President, once again, I express my gratitude for the graciousness of our chairman and his generosity in these matters, I thank him for his diligence and his scrupulousness and his integrity, as always. I yield the floor.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to executive session. Under the previous order, Calendar No. 613 through Calendar No. 617 are confirmed en bloc, the motions to reconsider are agreed to en bloc, and the President will be immediately notified of the Senate's action.

The nominations considered and confirmed en bloc are as follows:

THE JUDICIARY

Johnnie B. Rawlinson, of Nevada, to be United States Circuit Judge for the Ninth Circuit.

Dennis M. Cavanaugh, of New Jersey, to be United States District Judge for the District of New Jersey.

John E. Steele, of Florida, to be United States District Judge for the Middle District of Florida.

Gregory A. Presnell, of Florida, to be United States District Judge for the Middle District of Florida.

James S. Moody, Jr., of Florida, to be United States District Judge for the Middle District of Florida.

NOMINATION OF DENNIS CAVANAUGH

Mr. LAUTENBERG. Mr. President, I rise in strong support of the nomination of Dennis Cavanaugh to the United States District Court for New Jersey, and I am pleased that the Senate has confirmed him.

Dennis Cavanaugh has compiled an impressive record in both the public and private sectors. He has consistently demonstrated the efficiency, fairness and compassion that we have come to expect from our federal jurists. And he will be a tremendous asset as a district judge.

Since 1993, he has served as a magistrate judge. In that position, he has handled a number of difficult and complex cases. His current duties include managing all the civil cases assigned to two active district judges and half of the civil cases assigned to a senior district judge. That brings his total workload to more than 600 cases.

In fulfilling these duties, Magistrate Cavanaugh has shown the strong work ethic that is essential for judges who are called on to handle literally hundreds of cases at a time.

Magistrate Cavanaugh's legal career also includes several years of service as a public defender—from 1973 until 1977. After that, he entered private practice as a trial attorney handling civil litigation and some criminal cases. And he has been a partner with several distinguished firms in New Jersey.

His clients have included small businesses, educational institutions, insurance companies, public entities and police benevolent associations. And his experience with such a broad range of interests is one of the reasons he has performed so effectively as a magistrate judge.

Magistrate Cavanaugh has also done his part to help ease the caseloads overwhelming other judges. He volunteered for pro bono assignments at the

Superior Court in Essex County, where there was a severe backlog of civil cases.

In addition to his judicial duties, Magistrate Cavanaugh also finds time to teach as an adjunct professor at his alma mater, Seton Hall University School of Law in Newark.

That is the kind of experience and energy that has made New Jersey's federal bench one of the most impressive in the country. Magistrate Cavanaugh's entire career reflects the integrity and dedication that we want to see in all our federal judges. And I know his service on the district court bench will be equally outstanding.

I am pleased that the Senate has confirmed Magistrate Cavanaugh's nomination. With his confirmation, there will be no vacancies on New Jersey's district court. I thank Chairman HATCH for moving this nomination so expeditiously, and I thank all of my colleagues for their support of Magistrate Cavanaugh.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will resume legislative session.

The Senator from Delaware.

MORNING BUSINESS

Mr. ROTH. Mr. President, I ask consent that the Senate now proceed to a period of morning business with Senators permitted to speak for up to 10 minutes each.

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

The Senator from Texas.

MARRIAGE TAX PENALTY RELIEF

Mrs. HUTCHISON. Mr. President, I commend the distinguished chairman of the Finance Committee for not giving up on marriage tax penalty relief for hard-working American families. He deserves praise because there is no doubt this has been a rugged road.

We passed marriage tax penalty relief last year and sent it to the President in a bill that had other tax relief measures. The President said: No, that is too much tax relief for the American people; send me smaller bills.

Under the leadership of Senator ROTH, and with the help of our distinguished assistant majority leader, DON NICKLES, SAM BROWNBACK, JOHN ASHCROFT, SPENCER ABRAHAM, ROD GRAMS, together as a team we said we were going to send the President a clean marriage tax penalty relief bill; we were going to make sure that hard-working American families who are paying a penalty for being married got relief this year. That is the result of what we have done today.

Sixty percent of the Senate today is sending this bill to the President. Over 60 percent of the House passed the same bill this week. We say to the President: You asked us to send you a smaller bill, and we are doing it.

Most of us wanted to give tax relief in a bigger way. We wanted to go all the way through the 28-percent bracket, but the President said no. We came back with 15 percent, doubling of the standard deduction through the 15-percent bracket. What that means is a couple earning between $43,000 and $52,000 combined will stay in the 15-percent bracket. If one person in a couple makes $25,000 a year and the other makes $35,000 a year, they will stay in the 15-percent bracket longer.

It means tax relief for every American couple. Every American couple who uses the standard deduction is going to get relief because that standard deduction is doubled. Fifty million people in our country will get tax relief if the President signs the bill.

We are increasing the amount of the earned-income tax credit because we believe married couples who have just come off welfare or who are the working poor deserve that earned-income tax credit so they know that working is better than being on welfare. We want them to have the incentive to do that. We want them to have the pride of going to work and contributing to their families every day because we know they think better of themselves when they do that.

I do not see how President Clinton can use an excuse to veto the bill we are sending him today. I do not see what excuse remains. We have taken all of the excuses off the table.

He said in his State of the Union Message to Congress and to the American people he favored marriage tax penalty relief. We sent him a bill last year; he vetoed it. He said there were too many other tax cuts in the bill. Today, we are sending him a plain, simple marriage tax penalty relief bill for hard-working Americans who earn in the $25,000 to $35,000 range of income. That is who will benefit.

I have heard people on the other side say that this is a tax cut for the rich. There is no way anyone who has visited in the home of a couple, each of whom make $25,000 a year, can say that those people are rich. We say they have earned this money and we want them to keep more of the money they earn. The fundamental difference is we believe the money that people earn belongs to them. We do not believe it belongs to the Federal Government.

We have a non-Social Security surplus. This is only letting them keep more of the money they earn rather than sending it to Washington because we are being good stewards of the taxpayers' dollars today. We are setting aside the Social Security surplus for Social Security only, we are paying down the debt, and we are giving back to the people part of the money they earned if the President will sign the bill.

This week has been a good week for hard-working Americans, for small business people, and for people who own farms and ranches because we have given relief from the death tax to small businesses and family-owned farms so their heirs will not have to sell that business and put people out of jobs, and we have given marriage tax penalty relief.

This is the right thing to do, and I urge the President of the United States to hear 60 percent of the Senate and 63 percent of the House of Representatives who said they believe in marriage tax penalty relief, and we urge the President of the United States to sign this bill and give relief to Americans today because this will take effect immediately.

I thank the Chair, and I yield the floor.

Mr. BROWNBACK. Mr. President, the Senate just passed the Marriage Penalty Tax Relief Reconciliation Act by 60 votes. Sixty percent of the Senate voted in favor of eliminating the marriage penalty tax. Now it is up to the President and the Vice President—President Clinton and AL GORE—whether or not we will continue to tax marriage in America. This relief is available now to more than 50 million Americans. The President and the Vice President decide whether this is going to become law. All that remains for this legislation to become law is the President's signature. He is the one who can decide. He is the one who will decide, along with the Vice President, whether or not the marriage penalty will be eliminated. It is on their desk. It is up to the President. He is the one who decides.

He said he is for it. He said it during the State of the Union message. Now he will have a chance to go ahead and act and sign the bill. I say to the President yet again: Sign this into law.

I congratulate the chairman of the Finance Committee, Senator ROTH, who has done wonderful work, yeoman work on getting this bill passed. I congratulate the Senator from Texas, Mrs. HUTCHISON, who has waged a crusade for several years, seeing this was wrong in the Tax Code, and has fought diligently to get this done. I thank the Senator from Missouri, Mr. ASHCROFT, for his work in pushing this over a period of time. Now we are close to getting it done. We are almost there. It is time to be able to do it. We have the wherewithal. It is time. The President and the Vice President will decide whether or not this becomes law.

I want to cite what is in the bill so that people know what is there. I know we have been through this a number of times, but just to make sure people are clear what we are doing, we are doubling the standard deduction; we eliminate the penalty there. The current standard deduction is $4,400 for singles. For couples it is $7,350. We just double it. We make it $8,800 for married couples. It seems only fair that for two people you should have a standard deduction that would be double what it is for one person.

In the 15-percent tax bracket, for a married couple filing, we double the income amount. Currently, a single taxpayer, hits the top of the 15-percent bracket when they make over $26,250. If it is a couple, they hit the top when they earn $43,850. We say that is not fair. If it is two people, it should be double what it is for one, so we move it up to $52,500.

Those are the two main features of this bill. That is the big end of the bill. It is taking a standard deduction from $4,400 for a single and that is now $7,350 for a married couple and saying we will make it $8,800. We are saying on the 15-percent bracket, which is the one we hit here, we are saying right now that if you are a couple, that you hit the top of that bracket at $43,850, even though it is $26,250 for a single person. We are saying if you are a married couple, we will move it up to $52,500. That is the guts of the bill.

Then on the earned-income tax credit, we increase the phaseout by $2,000 for a married couple so that low-income individuals don't hit that same marriage penalty.

Those are the three main features. That is what was passed. That is what 60 Senators and 63 percent of the House voted for. That is now what is in front of the President.

Some people say it costs too much—$89 billion. This is a 5-year tax bill. It sunsets after 5 years—$89 billion. It is 5 percent of the on-budget surplus. Setting the Social Security surplus aside, just leaving what is still the on-budget surplus, it is only 5 percent. That is all it is. Some people say we should be using it for debt reduction. This year, we will pay down the national debt—the debt, not the deficit—we will pay down the national debt about $200 billion. We will buy down the national debt this year by $200 billion, probably the most in the history of the United States. I haven't looked up the actual number, but it is probably the most in real terms, $200 billion of debt buydown.

The simple point here is there are no excuses remaining for the President not to sign this into law. There is no excuse on debt reduction. There is no excuse that it is too expensive. There is no excuse that it is just for the wealthy. All of those are false statements. There is just no substance to them. There is no excuse for him to deny 25 million American families this tax cut. I wouldn't even call it a tax cut. I think the Senator from Texas has it right. It is a tax correction.

Should we tax marriage more than we are taxing single people, when we are having so much trouble with the family in the country? We ought to give them a bonus to encourage family values.

This is a big day for this body. This is a major piece of legislation. It has cleared Congress. It has cleared through the House; it has cleared through the Senate. It now sits on the desk of the President; for the President and Vice President of the United States to decide. They can be heroes. They can sign this bill into law or they can say, no, we are going to veto this piece of legislation.

I hope they will say, no, we don't want to send a signal to the married people of America that we think they ought to be taxed.

Democrats offered an alternative. It was a fine alternative, but it created a homemaker penalty that if you had one wage earner, but a second spouse who decided to stay home to take care of older parents and children, it actually taxed them more. So you had a homemaker penalty that was put into the Democratic alternative. It had a number of positive things about it, but the last thing we want to do is to say to people: Well, we really don't value somebody who stays at home to take care of family members, young or old, or other friends.

I think we ought to say this is a critical thing. We don't want to send the signal that we are going to tax in that situation. That is why we have worked out over the years all the problems in this bill.

I don't know what the President will come up with in vetoing it, but it has been a great bipartisan majority that has passed this bill; sixty votes, a number of our Democratic colleagues joining us on this bill that has now passed. It just awaits the signature of the person who sits in the Presidency of the United States. I hope he and Vice President AL GORE will decide: They have met most of the charges in the concerns we had and we are going to sign it into law.

The PRESIDING OFFICER. The Senator from Hawaii.

REMEMBERING SENATOR PAUL COVERDELL

Mr. AKAKA. Mr. President, I rise to join my colleagues in honoring the memory of our dear friend and colleague, Senator Paul Coverdell. My deepest condolences and prayers go out to Nancy, his family, staff, and the people of Georgia.

Paul Coverdell's career in public service as a state senator in Georgia, as Director of the United States Peace Corps, and as a U.S. Senator stand as an enduring tribute to his fine character, many talents, and boundless energy and commitment for his work. They also serve to remind us how one individual, working quietly and resourcefully, can accomplish so much in an all too brief period of time.

In his public life, Paul Coverdell was a vigorous and congenial advocate for initiatives and issues he cared deeply about and an effective leader in the Senate and for his party. While I did not have many opportunities to work closely with Senator Coverdell, we share a commitment to quality education for our Nation's young people and appreciation for the importance of agriculture to our respective States' economies. Peanut farmers and sugar growers are frequent allies when commodity issues came before the Senate, and Senator Coverdell was a strong voice for Georgia farmers and his State's agricultural interests. On educational initiatives, Paul Coverdell and I rarely agreed; but he was never disagreeable. I admired his passion and tenacity on education issues, and appreciated the courtesy and humanity that characterized his work here in the Senate.

Paul Coverdell has left a mark for the better in the lives of millions of people, in America and around the world. He served his country and constituents conscientiously, earning our respect, admiration, and affection. We grieve for his passing from this life. I am reassured that we will find comfort in his splendid legacy of public service and the knowledge that death is a transition to life eternal and he is now with God. As we bid our dear friend and colleague one last fond farewell, I am reminded of the passage from Scriptures, from Matthew, 25:23:

> His Master said unto him, ''Well done, good and faithful servant; you have been good and faithful over a few things, I will make you ruler over many things. Now enter into the joy of your Master.''

May God bless Nancy, the Coverdell family and staff.

Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator from Nevada.

PRIVILEGE OF THE FLOOR

Mr. REID. Mr. President, I ask unanimous consent that during the consideration of H.R. 4733, the energy and water development appropriations bill, Mr. Roger Cockrell, a detailee from the U.S. Corps of Engineers, serving with the Energy and Water Development Subcommittee, be granted floor privileges.

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

The Senator from Missouri.

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS

Mr. BOND. Mr. President, I am delighted the acting minority leader has brought up the energy and water measure because I have just received some very disturbing news, that the minority leader has indicated we can't bring up the energy and water bill unless a provision that was in the bill signed last year, that was in the bill signed the year before, that was in the bill signed the year before that and the year before that—he now finds it objectionable, and he will not let this bill be brought up unless we strike it out.

This provision deals with the spring rise on the Missouri River that Fish and Wildlife thinks is a good idea. But all of the people downstream know it would cause flooding, hardship, damage, property loss, and loss of lives from floods.

This is a serious matter. It also threatens commerce and transportation, not just on the Missouri River but on the Mississippi River, because in dry years, 65 percent of the flow of the Mississippi at St. Louis comes from the Missouri River. If they have a spring rise, there isn't water to maintain river transportation during the summer and the fall.

I had understood, from the minority leader's staff, that he wanted a time agreement so he could move to strike it. I think this matter needs to be aired. We are willing to enter into a time agreement, so on Monday or Tuesday—whenever he wants—we can talk about the reason that this was included in the bill last year, the year before, the year before, and the year before that, because it is of vital importance to our State and to other States on both the Missouri and the Mississippi Rivers.

We have a way of doing business around here and that is, the committee acts and they report out a bill; the bill comes to the floor. If somebody does not like a provision in the bill, they have a right to move to strike it. That right is totally protected. We are trying to get appropriations bills passed.

Frankly, I do not want to be held hostage by an idea that the minority leader has, that all of a sudden we can't put a provision in this year's bill that was in last year's bill and the bill the year before that.

I call on the minority leader to follow through with the commitment to have a time agreement. If he wants to move to strike it, fine. We have a lot of good reasons, and we want to let our colleagues know why that provision needs to be kept.

I do not want to be held hostage by the minority leader saying, we are going to stop the appropriations process unless you take it out of the bill—a measure that is vitally important to the State of Missouri, to the States of Kansas, Nebraska, Iowa, Illinois, Arkansas, Tennessee, Kentucky, Mississippi, and Louisiana. I am ready to talk about and argue against the minority leader's motion to strike. But to say that we can't even bring up the bill with that provision in it is, I think, inappropriate, unwise, and unprecedented.

So I am here. I will be back here on Monday or Tuesday to do business. I just ask that the minority leader let us bring up the bill. This is an unbelievable effort to hold a bill hostage because of a particular interest he may have in that bill. He can deal with it by an amendment to strike, a motion to strike—whatever he wants. But let us bring the bill up because there is too much that is important in it to have it be held hostage by an effort to say what can be in the bill, approved by the committee, where somebody does not like something in the bill.

There is a remedy: A motion to strike or a motion to amend. We will be here to do business Monday, Tuesday—whenever the minority leader wants.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Kansas is recognized.

Mr. REID. Mr. President, I say to the Senator from Kansas, if I could just have 2 minutes to respond to my friend, because I have a dual role as not only whip but also I am ranking member on the subcommittee, I say to my friend, I think the proposal the minority leader has made is eminently fair: This provision should be taken out, that there will not be an amendment offered on the floor, and whatever took place in conference he would be willing to live with.

I am not going to go through the merits of the case. I think there is significant merit on the side of the minority leader. Basically, sure, this provision has been in the appropriations bill before, but it has had no impact on the upper basin States. Now it does, because the Corps of Engineers is at a point where they want to change the manual to determine how the river is going to operate.

What this bill says is there can be no funds spent to change the manual. That is how the flow of the river is going to be impacted. We should leave this to bureaucrats. It should not be done, preventing money from going to change how the river is operated.

This is something that, as indicated by my friend from Missouri, we can debate at a subsequent time. But the bill will not be brought up until this provision is out of the bill.

We can, during the process of the bill, and before it gets to conference, decide what to do with it. This provision is unfair to the upper basin States. There should not be a provision preventing administrative agencies of this Government from spending money as to how that river system should be operated.

Mr. BOND. Mr. President, I ask my friend from Nevada, if we pass a bill out of committee, what is the precedent for saying, oh, we have to change it before you even bring the bill to the floor, the measure that is reported out of the committee?

We have a process around here. There are many things that come out of committees that we disagree with. We have the option to change it on the floor. We need to move forward. Energy and water is vitally important.

I appreciate the excellent work my colleague from Nevada does on this and other measures. But why, for Heaven's sake, are we supposed to hold an entire bill hostage because a single Senator wants to strike something out of a measure that has been adopted at the subcommittee and full committee level? I just do not understand why we can't do this in the normal course of business.

Mr. REID. I made my remarks very short because my friend from Kansas yielded to me. So I will make this response very short.

We are following what takes place in the Senate every week. A person has the right to stop a bill from going forward. The rules of this Senate have been in effect for many years. I will insert in the RECORD today why the provision in the bill is so unfair to the upper basin States.

I won't take the time of my friend from Kansas. There are many reasons this provision is unfair that will be inserted in the RECORD today.

I say to my friend from Missouri that the procedure that is being exercised by the minority in this instance—the minority leader and others who are affected; the minority leader is not the only one who is exercising his rights—are rights that are exercised every day in the Senate. The procedures of the Senate may seem burdensome and cumbersome, but they have always been here to make sure the minority's interests are protected.

The PRESIDING OFFICER (Mr. ASHCROFT). The Senator from Minnesota is recognized.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that I be allowed to speak for 10 minutes as in morning business.

The PRESIDING OFFICER. That is the order of business.

CHECHNYA

Mr. WELLSTONE. Mr. President, I rise today to once again draw attention to the continuing war in Chechnya. This war has raged for too long. The war in Chechnya from 1994–1996 left over 80,000 civilians dead, and the Foreign Relations Committee has received credible evidence that the current war has again resulted in the death of thousands of innocent civilians and the displacement of well over 250,000 others. The committee also received credible evidence of widespread looting, summary executions, detentions, denial of safe passage to fleeing civilians, torture and rape, committed by Russian soldiers. Colleagues, regardless of the politics of this war, this kind of behavior is unacceptable. War has rules, and the evidence and testimony the Foreign Relations Committee received raises serious doubts as to whether or not the Russian Federation is playing by those rules. Much of the evidence we received showed clear violations of international humanitarian law, including the well-established Geneva Convention.

The President must use this opportunity to relay our serious concerns with the actions of the Russian Government in Chechnya. Let's remember, what was the Group of Seven and became the G–8 with the inclusion of the Russian Federation, is an association of democratic societies with advanced economies. Although Russia is not yet a liberal democracy or an advanced economy, it was invited to take part in this group to encourage its democratic evolution. Today as I watch Russia refuse to initiate a political dialogue

with the Chechen people, and continue to deny international humanitarian aid organizations and international human rights monitors access to Chechnya, I must question that evolution.

I am disappointed that the Group of Eight will not include the situation in Chechnya on its formal agenda, but I am hopeful that the President will voice our serious concerns about Russia's conduct in Chechnya and take concrete action to demonstrate our concern, during bilateral talks with President Putin.

The United States should demand that the Russian Federation push for a negotiated, just settlement to this conflict. The conflict will not be resolved by military means and the Russian Federation should initiate immediately a political dialogue with a cross-section of representatives of the Chechen people, including representatives of the democratically elected Chechen authorities. The United States should remind the Russian Federation of the requests the Council of Europe for an immediate cease-fire and initiation of political dialogue, and of Russia's obligation to that institution and the Organization for Security and Cooperation in Europe.

The President must also remind the Russian Federation government of its accountability to the international community and take steps to demonstrate that its conduct will effect its standing in the world community. This body and the U.N. Human Rights Commission has spoken out demanding the Russian government allow into Chechnya humanitarian agencies and international human rights monitors, including U.N. Special Rapporteur, yet the Russian government has not done so. This body and the international community has also demanded that the Russian Federation undertake systematic, credible, transparent and exhaustive investigations into allegations of violations of human rights and international humanitarian law in Chechnya, and to initiate, where appropriate, prosecutions against those accused. But again, the Russian Federation has not done so.

During his meeting with President Putin, the President is expected to discuss economic reform in Russia and regional stability issues. President Clinton must relay to the Russian President that Russia's conduct in Chechnya is not only a violation of international humanitarian law, but that it threatens Russia's ability for economic reform and creates instability in the region. And President Clinton must make clear to President Putin that while the United States fully supports the territorial integrity of the Russian Federation, and is fully aware of the evidence of grave human rights violations committed by soldiers on both sides of the conflict, we strongly condemn Russia's conduct of the war in Chechnya and will continue to publicly voice our opposition to it. President Clinton should tell President Putin that the United States will take into consideration Russian conduct in Chechnya in any request for further rescheduling of Russia's international debt and U.S. assistance, until it allows full and unimpeded access into Chechnya humanitarian agencies and international human rights monitors, in accordance with international law.

The war in Chechnya has caused enormous suffering for both the Chechen and Russian people, and the reports of the grave human rights violations committed there, on both sides of the conflict, continue daily. We must raise our concerns about the war in Chechnya at every chance and in every forum possible, including the G–8 Summit.

That is why I speak on the floor of the Senate today.

I fear we have already given human rights a back seat to economic issues by not placing Russia's conduct in Chechnya on the formal agenda of the G–8 summit, which is meeting right now. I hope that will not be the outcome of our bilateral talks with Russia in Japan.

I hope the President will be firm. I hope the President will be strong. I hope the U.S. Government is on the side of human rights. As a Senator from Minnesota, I want to communicate in the strongest possible language that I hope Russia will do well. My father fled persecution in Russia. My hope is that Russia will be able to build a democratic economy. That is my hope for the Russian people. But I also want to make it clear to the Russian Federation that the conduct in Chechnya is unacceptable, in violation of basic international law, and that we should be talking about and moving toward some kind of peaceful settlement; and, for certain, international humanitarian agencies and human rights agencies should have unimpeded access to Chechnya now. Otherwise, the murder, the rape, the torture, and the killing of innocent people will continue. We in the Senate should speak out on this matter.

I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

JOHN O. PASTORE

Mr. BYRD. Mr. President, on Wednesday, the day before yesterday, I went with a delegation to the State of Rhode Island for the funeral of our former colleague, John O. Pastore. I was accompanied by Senators JACK REED and LINCOLN CHAFEE of Rhode Island, TED KENNEDY and JOHN KERRY of Massachusetts, PATRICK LEAHY of Vermont, and JOSEPH BIDEN of Delaware. Former Senators Claiborne Pell and Harris Wofford were also present.

The Catholic Mass at the Church of the Immaculate Conception was uplifting. John Pastore, Jr., and grandson, Gregory, spoke warmly of our former colleague. Senator TED KENNEDY was especially eloquent in his remembrance of Senator Pastore. It was obvious that this man was much beloved by his family and community.

Mr. President, I can recollect John Pastore's departing speech from the Senate. There he remarked that he had wanted to be a physician, but that his father had died when he was nine, and he had to help raise his four brothers and sisters and support his mother, who worked as a seamstress. How proud he must have been of his son, John, Jr., a Notre Dame graduate, a physician and cardiologist. So the son became what the father—John O. Pastore, the Senator—had wanted to be.

Instead of being a physician, Senator Pastore studied law at night at Boston's Northeastern University, eventually graduating with a Bachelor of Laws degree. This is an effort I can especially appreciate. At age 36, he became Governor of the State of Rhode Island, and was reelected twice before winning a Senate seat in 1950, where he served for 26 years.

Senator Pastore was a strong supporter of the National Defense establishment, with a great appreciation for the U.S. Navy—and especially the nuclear Navy. As the Chairman of the Joint Committee on Atomic Energy, he was equally mindful of the power, and the terror, of all matters nuclear, and worked hard for passage of the first nuclear test ban treaty, which barred nuclear tests in the atmosphere.

John Pastore and I served for some 18 years together in the Senate. John was an effective and fiery orator. My recollection is that not many members were willing to take him on in a debate, because of his quick mind and fierce demeanor. Sometimes he would finish his debating points, leaving his opponent's arguments in shreds, and stride off the floor. But, even then he maintained his self-deprecating sense of humor—sometimes remarking under his breath, ''If I had been a foot taller, I would have been president.''

Mr. President, I wonder why he would have wanted to be President. He was an extraordinary Senator. But he may well have become President had he wanted to do so.

He was the keynote speaker at the 1964 Democratic Convention. According to news reports, his 36-minute speech was interrupted by applause 36 times, and he enjoyed a brief consideration for the Vice-Presidential nomination that eventually went to Senator Hubert Humphrey.

John Pastore's priorities were love of, and dedicated service to, God, Country, and family—especially family. I am told that John had the desk in his office equipped with a special buzzer that rang out to alert him whenever Elena, his wife since 1941, would call. I am told that no matter how important a visitor he might have in his office even if it had been Admiral Rickover, if the buzzer went off John Pastore would interrupt his meeting to take the call from ''Mama''—as he affectionately referred to his wife—for a list of

groceries, perhaps, to pick up on the way home or some other domestic chore. After carefully writing down her instructions, he would turn to his visitor and resume the meeting.

John Pastore was the Chairman of the Communications Subcommittee of the Senate Commerce Committee. He was instrumental in the formation of legislation that created the Corporation for Public Broadcasting and the Public Broadcasting Service. John Pastore was opposed to violence on television and, especially, in children's programming. The deterioration of TV programming to what it is today must have been upsetting to him.

John Pastore's commitment to God, to competence, and to compassion, set a high standard. He used these commitments, I believe, to promote justice and peace. He was so very proud that his son John, Jr., who served as secretary of the Boston-based International Physicians for the Prevention of Nuclear War, was awarded the Nobel Peace Prize in 1985.

So on Wednesday, I took the opportunity along with my illustrious colleagues whom I have named, to extend, on behalf of the Senate, my sympathy and prayers to John's wife, Elena, his son, John, Jr., and his daughters, Francesca and Louise.

What a great outpouring that was on Wednesday—a huge church auditorium, and a great crowd. What a wonderful family.

I was so very impressed with Mrs. Pastore, by her grace and poise, and with the two daughters and with that son, John Jr., the physician, which John himself had wanted to be.

I close with words by John Donne:

DEATH BE NOT PROUD

Death, be not proud, though some have called thee
Mighty and dreadful, for thou art not so;
For those whom thou think'st thou dost overthrow,
Die not, poor Death; nor yet canst thou kill me,
From Rest and Sleep, which but they picture be,
Much pleasure, then from thee much more must flow;
And soonest our best men with thee do go—
Rest of their bones and souls' delivery!
Thou'rt slave to fate, chance, kings, and desperate men,
And dost with poison, war, and sickness dwell;
And poppy or charms can make us sleep as well
And better than thy stroke. Why swell'st thou then?
One short sleep past, we wake eternally,
And Death shall be no more: Death, thou shalt die!

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent to speak in morning business for about 10 minutes.

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

Mrs. FEINSTEIN. I thank the Chair.

SENATOR ROBERT C. BYRD

Mrs. FEINSTEIN. Mr. President, I wanted to thank the distinguished senior Senator from West Virginia for those very inspirational remarks.

He always amazes me, not only with his knowledge of history, but his knowledge of verse, his knowledge of literature, and, of course, his knowledge for the rules of the Senate.

I want to personally thank him for those very stirring words.

BOEHRINGER INGELHEIM OFFER OF FREE NEVIRAPINE

Mrs. FEINSTEIN. Mr. President, in May I stood on this floor and castigated the pharmaceutical industry for going behind the scenes and killing an amendment that Senator FEINGOLD and I had introduced, and which was part of the African trade bill. They killed this amendment in conference.

This amendment essentially would have allowed countries in the midst of a national HIV/AIDS emergency to use the cheapest possible drugs to fight that national health emergency by allowing the country to distribute the drugs through ''parallel importing'' and ''compulsory licensing.''

Fortunately, the President put forward an Executive order to carry out the intent of our amendment.

Since that time, some substantial things have happened.

Because I was so critical of the industry I feel it is only fitting that I always come to the floor and acknowledge those that have responded to the crisis.

When Senator FEINGOLD and I began this fight last fall, 6 months after the World Health Organization declared HIV/AIDS the most deadly infectious disease in the world, very few people were aware at the time of the scope of the devastation as a result of HIV/AIDS in sub-Saharan Africa.

Today, things have changed. Virtually not a day goes by without the media running a story about the HIV/AIDS crisis in sub-Saharan Africa. I will not recapitulate today all of the horrifying numbers behind this AIDS crisis. It suffices to say that more than 22 million people are infected with HIV/AIDS in sub-Saharan Africa, including over 30 percent of the adult population in many of the countries in the region. AIDS kills more than 2 million people a year in sub-Saharan Africa.

The media, the public, and governments from around the world are now increasingly aware of the catastrophe that is unfolding on this continent. Of course, the pharmaceutical community is also aware.

Today, I will discuss some of the positive steps the pharmaceutical industry is now taking to address this issue. I am very pleased and very grateful to see that the industry now recognizes its moral obligation and appears to be stepping up to the plate and taking the initiative to fight the HIV/AIDS pandemic in sub-Saharan Africa and other flashpoints throughout the developing world.

On July 7, Boehringer Ingelheim announced that Nevirapine will be offered free of charge for a period of 5 years for the prevention of mother-to-child transmission of HIV in developing countries. They actually said that any country that asks for the drug will obtain it for free. That is a huge step forward. Reducing mother-to-child transmission can literally save millions of lives and reduce the rate of increase of HIV/AIDS in the developing world. In South Africa alone, according to a study published in the Lancet on June 17, as many as 110,000 cases of HIV in infants could be prevented over the next 5 years if all pregnant women in South Africa take a short course of antiretroviral medication such as Nevirapine during labor.

Today, I believe there are literally millions of orphans in Africa, orphans whose mothers, fathers, and families have died of AIDS, orphans who are living without food, without water. It is a devastating situation. The initiative by Boehringer Ingelheim is part of the collaborative effort between the United Nations, the World Bank, and five pharmaceutical companies. I salute them today. Boehringer Ingelheim, Bristol-Myers Squibb, Glaxo-Wellcome, Merck, and Hoffman-La Roche are now trying, together, to expand access to HIV/AIDS treatment in the developing world. They deserve to be saluted by this body.

If efforts by the international community to address the HIV/AIDS crisis in sub-Saharan Africa and other regions of the developing world are to be successful, they must be part of a coordinated effort, and that effort has to include education, prevention, and adequate health care infrastructure. They must also include access to affordable medication. This is where participation by the pharmaceutical industry is so essential.

I am pleased to see that at long last pharmaceutical companies have recognized they have a profound social responsibility and moral obligation to meet the HIV/AIDS crisis, and that the lifesaving drugs they can provide are essential. We all know that AIDS drugs are extraordinarily costly. Therefore, access to low cost or generic drugs becomes critical.

It is important, however, to sound a note of caution and place the initiatives of these pharmaceutical companies in perspective. According to Doctors' Without Borders, for example, past experience with the proposed Pfizer fluconazole donation shows that these programs sometimes come with conditions for national health ministries that make them unsustainable over the long term. Many of these conditions are worthy. For example, it is worthy that the drug companies actually try to prevent the distribution of these drugs on the black market, and I understand the requirement that these drugs only be dispensed by a physician.

If a country doesn't have an adequate physician corps, it makes the dispensation of these drugs extraordinarily difficult, if not impossible.

Because of these experiences, I believe it is critical that the United Nations and the national governments concerned work with the pharmaceutical companies to make sure that any future efforts, including Boehringer Ingelheim's offer on Nevirapine, do not include hidden conditions which may serve to undermine these important initiatives.

Nevirapine, given in tablet form, as I understand it, does not have a lot of side effects and can be given in a way that encourages pregnant women throughout the continent to use it, and thereby in 90 percent of the cases prevent the transmission of the HIV virus to the unborn child.

In addition, I believe alongside initiatives by the pharmaceutical industry, access to low cost and/or generic drugs embodied in the President's May 11 Executive Order is still very important. The few developing countries that have significant access to medicines for people with HIV/AIDS gained access by aggressively pursuing generic strategies. In Brazil, 80,000 people have been treated with generic drugs that have brought the cost of triple drug therapy down to approximately $1,000 a year. While in Uganda, where the Government was working with brand name drugs through a U.N. AIDS initiative, fewer than 1,000 people have been treated, due to cost constraints.

Bringing the HIV/AIDS pandemic under control in sub-Saharan Africa and preventing HIV/AIDS from becoming a pandemic in other regions of the developing world is one of the great moral tests of our time. If governments, nonprofits, and the pharmaceutical industry work together, I believe we can control what will otherwise be the greatest preventable humanitarian catastrophe in history.

Government and nonprofits are now beginning to take this crisis seriously. So are the pharmaceutical companies that produce drugs to treat HIV/AIDS. The offer by Boehringer Ingelheim to provide free Nevirapine to developing countries for 5 years to prevent mother-to-child transmission of HIV, and the creation of a coalition of five major manufacturers of HIV/AIDS drugs to work with the United Nations to deliver drugs to victims of this crisis, are major steps in the effort to control the HIV/AIDS pandemic.

I just want to say I am very grateful. I believe this Senate should also salute this action. I would like to encourage other pharmaceutical companies to follow the example these five companies are setting.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. FRIST). The Senator from New Mexico is recognized.

Mr. BINGAMAN. I thank the Chair.

(The remarks of Mr. BINGAMAN pertaining to the introduction of S. 2905 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

The PRESIDING OFFICER. The Senator from Wyoming.

TRIBUTE TO SENATOR PAUL COVERDELL

Mr. ENZI. Mr. President, it has been a difficult week working in the Senate. All of us have had a heavy heart, missing Paul Coverdell. My office is in the immediate vicinity of his, and I keep thinking he will pop out the door on my way to a vote or back.

In the Bible, there is a famous story about a man named Paul. God had a special mission for him. Though Paul was not aware of it, God made His presence known when He needed him and called him into service. That Paul had no choice. He answered the call and did as he was asked. God calls us all like that, though some of us never hear it. God called Paul Coverdell like that, too. When Paul heard the call, he listened and he answered.

First, He called him to work in the Peace Corps, as there was a need and someone had to fill it. During his service there, he made a difference in a lot of lives. God must have been very pleased with him because then He decided to put him in charge of greater things.

Those greater things led him to serve in the Senate. Again, there was a need and, again, Paul was there to answer the call. He was a remarkable force here, an incredible powerhouse of principles and ideas, and they were all in motion whenever he would speak. He had an infectious enthusiasm that seemed to emanate from every fiber of his being as he made his points. His gestures and his facial expressions always drew the listener in and caught their attention as he spoke with passion about his philosophy and his politics.

He was a great strategist because he could put himself in someone else's shoes and understand how someone else thought and felt about the issues that came up for debate and discussion. He could see many perspectives, and all at once he had an innate sense of how they would all interplay, how they would connect and collide. That was why he always seemed to have the answers. He knew what his opponents were thinking before they were even thinking it.

But the biggest reason for his successes in the Senate was his great devotion to the principles of common sense. He knew that the best answer was the one that made the most sense. All of his hard work and determined effort was aimed at one target: finding common ground, working with his colleagues, and creating a consensus that led to a solution to the problem.

When I arrived in the Senate, I found myself on the last rung of the seniority ladder, No. 100. I did not know how lucky I was. After the room selections were made, I got the office that was left, and it turned out to be a great office in disguise. My staff and I moved in, added a few touches to make it more like home, and then greeted our neighbors. Paul Coverdell was the neighbor, along with his staff. He was right next door, so we got to see him often. He and his staff were always walking by or on their way out, and I would see Paul as he left to go home. He was a regular and a welcome sight to all of us.

When the bells would ring for us to vote, we seemed to answer that call at the same time. We often came out of our doors at the same time and walked over together. We had a lot of interesting discussions about politics and legislative strategy. I lapped it all up. I was an eager and ready student, and he was a tremendous mentor.

Our staffs seemed to bond, too. We were all in this together, and the camaraderie that developed among us helped us take on some issues that needed to be addressed. It is a tradition I have adopted from him that I hope to continue through my years of service in the Senate.

Through the years, I remember the times we spent in difficult meetings with emotions running high and pressure coming down from all sides to get something done. That is when TRENT LOTT would say: ''Let's let Mikey do it.'' I was always relieved to see that he was talking about Paul. I never knew Trent was making a reference to an old-time television commercial, but I knew he meant Paul and not me, which was a relief because Paul always got the job done.

Paul Coverdell had a lot of jobs to do in the Senate, and he took them all on eagerly and with enthusiasm because he loved legislating; he loved serving the people of Georgia, the people of this Nation, and his neighbors around the world because he cared so very deeply about each and every person.

I heard it said that there is no higher calling than public service. It must be true because it caught Paul Coverdell's attention. In all he did in his life, there is no question that he was a remarkable public servant by any standard.

Unfortunately, he will not get to a lot of the landmarks we cherish around here, like casting 10,000 votes, but every vote he did cast was with the greatest thought, consideration, and reflection, and that is the true mark of a legislator.

He lived every day with great enthusiasm, energy, focus, concern, and imagination. In fact, I think of him as an ''imagineer.'' That is someone who can see a problem as a challenge and then use a great reservoir of talent, skill, and a little luck to solve it. That is the true mark of a great human being and great friend. Someday when we leave the Senate and return home to begin another adventure in each of our lives, I have no doubt we will take with us at least one or two special memories of Paul that we will cherish for a lifetime.

As mortals we cannot see the great plan of the Master's hand for the universe, so we cannot understand why He works the way He does. The word ''why'' does not even appear in the Bible, and there is good reason for that. It is not for us to know the why; it is for us to hear the word of our Lord and to answer the call when it comes.

At 6:10 p.m. on Tuesday, July 18, Paul Coverdell heard that call for the last time, and once again he answered it. The only understanding I have is that God must have needed somebody with special talents and abilities, and so He sent for Paul. Now heaven is richer for his having gone home, and we are all richer for having known him and been able to share his life. He will be deeply missed and fondly remembered by us all.

I yield the floor.

Mr. LAUTENBERG. Mr. President, I rise to pay tribute to the Senior Senator from Georgia, Paul Coverdell, who passed away Tuesday in Atlanta.

Mr. President, while Senator Coverdell and I came from different political parties and ideologies, we shared several things in common. We both served our country in the U.S. Army, and after our service we both returned home to run successful businesses.

With our military and business background we decided to turn our attention to serving the public, and Senator Coverdell had a impressive record of public service.

Senator Coverdell served in the George State Senate—rising to the position of Minority Leader. He then served as Director of the Peace Corps under President Bush, focusing on the critical task of serving the emerging democracies of post-Soviet Eastern Europe. In 1992, he was elected to serve in the United States Senate.

Although we failed to agree on many issues before this body, Senator Coverdell always demonstrated honor and dignity in this chamber. He argued seriously for the positions he believed in. When he pushed legislation to fight illegal drugs or promote volunteerism, it was obvious that his heart was always in it. And his motivation was sincere and simple—to help the people of Georgia and the nation.

I send my deepest sympathies to his wife Nancy, his parents, and the entire Coverdell family. I also extend my sympathy to the people of Georgia.

We will all miss Senator Paul Coverdell of Georgia.

I yield the floor.

Mr. FEINGOLD. Mr. President, I was deeply saddened to hear of Paul Coverdell's untimely passing. Paul was a man of such energy and determination, it is difficult to imagine this body without him. Paul was a skilled legislator and one of the hardest working legislators among us. I had the highest admiration for the way he conducted himself here—how committed he was to the people of his state, and to his many duties here in the Senate.

We did not agree on a lot of policy matters, but that couldn't be less important as I stand here today, Mr. President. We've all lost a colleague and a friend, who was taken from this earth far too soon. At 61, Paul had served his country in more ways than most Americans can hope to in a lifetime. From his service in the Armed Forces to the Peace Corps to the Foreign Relations Committee, where we served together, Paul had a keen understanding of foreign affairs. He was also a natural leader, despite his soft-spoken personality and his habit of avoiding the limelight. He served as the minority leader in the Georgia State Senate from 1974 to 1989, attaining that post just four years after he was elected to the State Senate in 1970.

Paul and I were both first elected to the Senate in 1992, Mr. President. We arrived here at the same time, both former State Senators who had the honor of coming here and learning the ways of this Senate. And learn them Paul did. He quickly rose through the ranks to a top leadership post. And along the way he won the respect and admiration of all who knew him. The nation has lost a skilled leader, and all of us have lost an honorable colleague and friend. I join my colleagues in mourning his passing, and in paying tribute to his memory. To his wife Nancy, his family, his staff and his many friends, I offer my condolences and my deepest sympathies. Mr. President, I yield the floor.

Mr. GRASSLEY. Mr. President, I rise to share in the memory of one of this body's most esteemed colleagues, Senator Paul Coverdell. His untimely death Tuesday was a shock to us all. My prayers and condolences go out to his family at their time of mourning.

It so happens that Senator Coverdell was born in my home state of Iowa—in Des Moines. That made him an honorary constituent of mine. For that reason, he was always a special colleague to me.

We in this body knew of his background in the Peace Corps just before he was elected to the Senate. He very quickly began to show his outstanding leadership skills. He built a respect among his colleagues because of his hard work and his dedication to those issues most dear to him—especially education and the war on drugs.

Senator Coverdell did almost all of his work behind-the-scenes, work that the public never knew about. But we knew, because we worked with him. His interest was not the limelight. You rarely saw his name in the papers. Instead, it was rolling up his sleeves and working one-on-one with his colleagues in an effective way. No one among us had such energy, enthusiasm for public service, and organizing ability.

I worked closest with him on international narcotics issues, as chairman of the Senate Caucus on International Narcotics Control. He was chairman of the Foreign Relations Subcommittee on Western Hemisphere, Peace Corps, Narcotics and Terrorism. We worked very closely together on narcotics matters. We would hold joint hearings on fighting drug cartels in Colombia and other countries. No one felt stronger about stopping the scourge of drugs in this country than he did. He cared deeply about the debilitating effect drugs have had on the future of our country and our youth.

It was a real privilege to work with Paul Coverdell in the United States Senate. He was a statesman, a public servant in the true sense of the word. And he was a good friend, I join my colleagues in expressing how much we will miss his energy, enthusiasm and friendship. His presence will be greatly missed in the Senate. I wish all the best to his family, knowing of their profound grief at their loss.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, I rise to express my thoughts and views about our good friend and colleague, Paul Coverdell. I commend my colleague from Wyoming for his very thoughtful and appropriate remarks about Paul Coverdell.

I do not have a long set of prepared remarks about my colleague, but I wanted to take a couple of minutes and express some feelings about this fine man from Georgia whom I got to know back in the Bush administration.

I was chairman of the Subcommittee on the Western Hemisphere. President Bush nominated Paul Coverdell to be the Director of the Peace Corps. Because I chaired the committee with jurisdiction over the Peace Corps and the fact I was a former Peace Corps volunteer—I think the only one in this body to have served in the Peace Corps—Paul and I developed a very quick and close relationship. I helped him through the confirmation process, and over the next number of years, as he served as Director and traveled the world expanding and enriching the Peace Corps as an institution, I developed a deep fondness for Paul Coverdell. I did not know in those days that I would be only a few years away from calling him a colleague.

In January of 1993, Paul arrived in the Senate, and quickly joined the Foreign Relations Committee, and quickly became, in those days, the ranking Republican on the Western Hemisphere Subcommittee with jurisdiction over the Peace Corps. What more appropriate place for Paul Coverdell, in that he had been the Director of the Peace Corps. He provided tremendous assistance, information, and support for this wonderful institution that was begun by President Kennedy back in the 1960s. It enjoyed remarkable support over the years. Every single administration backed and supported the Peace Corps. Even during difficult economic times in this country, there was a sense that this was a valuable institution. Paul Coverdell made it even more so because of his tenure as Director and then during his stewardship on the Senate Foreign Relations Committee with particular jurisdiction over this area.

I then became his ranking member, as my friends on the Republican side ended up in the majority, and Paul and I worked together. In fact, just recently, we were able to actually increase the funding for the Peace Corps. I do not think we would have won the decision here about whether or not to provide additional support to the Peace Corps and those additional funds would not have been forthcoming, had it not been for Paul Coverdell.

We also worked together on the narcotics issue. We had a passionate interest in trying to do something to stem the tide of narcotics, the use of drugs in this country, and worked tirelessly on that effort internationally, through the Western Hemisphere Subcommittee, to fashion a formula that would reduce the consumption of drugs in this country and reduce the production and the transmission of drugs and the money laundering that went on all over the world.

In fact, he came up with a very creative idea of trying to involve all of the countries that were involved in this issue, either as sources of production, transition, money laundering, or consumption—as is the case in the United States. I used to tease him a bit because I think I was a more public advocate of the Coverdell idea on narcotics than he was.

Paul Coverdell was one of the most self-effacing Members I have known in this body. George Marshall used to have a saying: There was no limit to what you could accomplish in Washington, DC, as long as you were willing to give someone else credit for it.

Paul Coverdell understood that, I think, as well as any Member who has served in this body. He came up with ideas, such as he did, in the area of drugs and narcotics, and then was more interested in the idea being advanced than he was having his name associated with it.

I wanted to mention those two particular areas: The Peace Corps and the drugs and narcotics effort. There were others he was involved in substantively: Education and the like. These were two areas where we worked most closely together.

Paul Coverdell was a partisan, a strong Republican, with strong views, strong convictions. But he also was a gentleman, thoroughly a Senate person. I say that because I do not think this institution functions terribly well without both of those elements.

People who come here with convictions and beliefs, who try to advance the causes that they think will strengthen our country, are in the position to make a contribution to this body and to the United States; but you also have to be a person who understands that you do not win every battle. This is a legislative body, a body where you must convince at least 50 other people of your ideas, and in some cases more than 60. If you just have strong convictions and strong beliefs, and are unable to work with this small body, then those ideas are nothing more than that—ideas.

Paul Coverdell had a wonderful ability to reach across this aisle—that is only a seat away from me—and build relationships on ideas he cared about. That, in my view, is the essence of what makes this institution work.

Usually it takes someone a longer period of time to get the rhythms, if you will, the sensibilities of this institution, that are not written in any rule book, that you are not going to find in any procedural volume. You need to know the rules—which he did—and understand the procedures. But the unwritten rules of how this institution functions are something that people take a time to acquire. What somewhat amazed me was that Paul Coverdell, in very short order, understood the rhythms of this room, understood the rhythms of this institution, and was able to build relationships and coalitions.

He could be your adversary one day—and a tough adversary he was; a tough, tough adversary—and, without any exaggeration, on the very next day he could be your strongest ally on an issue. Those are qualities that inherently and historically have made some moments in the Senate their greatest—when leaders have been able to achieve that ability of being strong in their convictions but also have the ability to reach across the aisle and develop those relationships that are essential if you are going to advance the ideas that improve the quality of life in this country.

I suspect he acquired some of those skills in his years with the Georgia Legislature. It has been said—and I can understand it—when he was the Republican leader in Georgia, there were not a lot of Republicans in Georgia. And even though we have our disagreements, there is a respect for those who help build something. It is not an exaggeration to say that Paul Coverdell, in no small way, was responsible for building the Republican Party in Georgia. I do not say that with any great glee, but it is a mark of his tenacity, his convictions, his ability to be responsible for building a strong two-party system in that State.

So from the perspective of this Connecticut Yankee, to the people of Georgia, we thank you for helping this man find a space in the political life of Georgia and for sending him here to the Senate on two occasions.

I send my deepest sympathies to his wife Nancy, to his friends, to his staff in Georgia and those here in Washington. Paul Coverdell will be missed. He was a fine Member of this institution. He was a good and decent human being. He will be missed deeply by all of us here. So my sympathies are extended to all whose lives he touched so deeply.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The majority leader.

UNANIMOUS CONSENT REQUEST—H.R. 4733

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of H.R. 4733, the energy and water appropriations bill. I further ask that the committee substitute be agreed to and the substitute be considered original text for the purpose of further amendment, with no points of order waived.

I further ask consent that if a motion to strike section 103 is offered, the motion to strike be limited to 3 hours to be equally divided in the usual form, and a vote occur on the motion to strike following the use or yielding back of time, without any intervening action, motion, or debate.

I further ask consent that any votes ordered with respect to this bill, either on amendments or final passage, be stacked to occur at 6 p.m. on Monday, July 24.

I observe that both managers of the appropriations bill for energy and water are present and ready to proceed, and therefore I submit that unanimous consent request.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Reserving the right to object, as has been stated here—and there has been a conversation between Senator BOND from Missouri and the Senator from Nevada—we are willing to move forward on this legislation. There is one provision in it that is offensive to a significant number of Senators. If that were taken out, and there were no amendment offered on the floor, we would be ready to move forward with that. I have spoken to Senator DOMENICI on many occasions. I think we could finish this bill quite rapidly.

Based on that, Mr. President, unless my friend from New Mexico has a statement, I object.

Mr. DOMENICI. Could I make a statement?

Mr. REID. I extend my reservation for the Senator from New Mexico to speak.

Mr. DOMENICI. Mr. President and fellow Senators, first, I thank the distinguished majority leader for the effort he has just made. This is a very good bill and very important to America. It contains all of the nuclear weapons funding, some very important money for the enhanced security apparatus for the National Laboratories that we have all been concerned about. It contains about $100 million to build some of our old, decrepit nuclear manufacturing facilities which are still being used for parts in other things and are held in abeyance in case they are needed.

We have a report saying they are in desperate shape. We have a report that some of the facilities we are trying to maintain in the State of Nevada—that are still there from the underground testing—need to be fixed up because they will not be in a position of readiness.

We have hundreds of water projects in this bill for Senators. And we wait

to go to conference to even fill in some more.

Oh, let me talk about the Missouri conflict. I am not aware of the substance of it, but when the distinguished Senator from Nevada says there are quite a few Senators who are concerned on your side, let me suggest that there are more than quite a few Senators who are worried on the other side—and they are here, and they are there—as to who is being impacted.

I hope at some point they would let us fight that issue out. We would be willing to have a full debate on it, if the minority leader will let us. He is a wonderful and hard-working minority leader who tries to put things together. We all agree with that. But in this instance, these provisions have been in three previous bills that I have brought to the floor with my good friend, Senator REID. They have been in there and signed by the President of the United States.

To take a bill we worked on diligently, that contains all of these important issues I have just discussed, and say we can't get it done—I see the minority leader. I just said I have great respect for everything he does in the Senate. I just want to make sure that everybody understands, this is a very important bill. We ought to get it done and go to conference. We need some additional resources to get the job done on the water side and other aspects, but we will get a good bill completed. I hope we are not in a position where we will never get this bill.

If the Senator insists that it go his way, I think we won't get a bill. I hope at some point he will let us vote, I say to the minority leader. I have told him before and I confirm, I put the language in three times that is in this bill. The President signed it. I would very much like to move ahead. I am not trying to put any untoward pressure on anyone, just to state the problem that I see in not moving ahead.

Mr. LOTT. Mr. President, if the distinguished assistant minority leader will yield to me under his reservation, I will be brief. Then under his reservation or on his own, Senator DASCHLE may want to comment.

What I have asked is consent that we go to the energy and water bill, and I asked consent that if a motion to strike section 103 is offered, the motion to strike be limited to 3 hours to be equally divided in the usual form, and we would go to a vote.

Under Senator REID's reservation, if I could respond to two points: One, in addition to the very important energy aspects of this legislation that have been mentioned, I will focus on the water side. So much of America benefits from our water and our water projects, whether it is navigation or recreation, flood control. These are not just projects that individual Members want to get for their particular district for political benefit. They have a lot to do with the economy of this country, the creation of jobs and the lifestyle in America.

This is an important bill both on the energy and water side. I know both sides want to get it done. I have absolutely no doubt about that. I know the managers of this legislation, Senator DOMENICI and Senator REID, are probably two of the best we have in the Senate. It would probably look as though magic had been performed, how quickly this bill could be completed.

The issue we are talking about is a very difficult one with which to cope. It has been in the mill a long time. I know there are very strong beliefs on both sides of the issue, probably on both sides of the aisle. I hope we will continue to work to see if we can't find a way to deal with this issue in a way that is fair. My thinking is under an agreement to try to take it out with a time limit; that is fine, or an agreement to try to take it out and then put it back in with a time agreement; that is fine. We are looking for any possible solution. I hope we will find a solution in the next few minutes or next couple hours today.

If we can't, then I am already looking, I say to Senator DASCHLE, to see if we can get managers available and try to proceed to the Treasury-Postal Service appropriations bill Monday afternoon, see if we can make progress on that. I don't know of any big controversy on that one. Of course, it funds the Treasury. It also funds the Postal Service, and it funds White House operations. Hopefully, we could look to that as an alternative. I would rather do energy and water. I would like to do them both so we can get them into conference and so progress can be made next week and they will be hopefully ready to go to the President soon after that.

I thank Senator REID for allowing me to speak under his reservation. I will withhold if Senator DASCHLE wants to respond or comment under reservation, too.

Mr. DASCHLE. Mr. President, who has the floor?

The PRESIDING OFFICER. The majority leader has the floor. There has not been an objection filed yet.

Mr. LOTT. I have the floor and I propounded a unanimous consent request, if the Senator would like to respond under a reservation.

Mr. DASCHLE. Mr. President, reserving the right to object, let me respond to the distinguished majority leader. I thank my colleague, as I always must, the assistant Democratic leader, for being on the floor. I was not aware that a unanimous consent request was going to be propounded. I was downstairs. I am disappointed I was not able to be here at the time.

Let me very succinctly explain the circumstances. In the past, there has not been any real concern about revising the master manual. The master manual was written by the Corps of Engineers in 1960. It has been the law of the land with regard to the operation of the river since that time, now 40 years. There has been an effort underway in earnest over the course of this last year to look for ways that more accurately reflect how the Missouri River ought to be managed, taking into account, now, the extraordinary relevance of fish and wildlife issues.

Economically, the fish, wildlife and recreational benefits of the river now constitute over $80 million. Navigation constitutes $7 million. In economic wherewithal, that is what the reality is today: $7 million for navigation, over $80 million for fish, wildlife and recreation. Yet the master manual is written in a way that only recognizes the navigational issues because that is all there was in 1960 when this was written.

The Corps is now looking for a way to provide better balance. I think there is a compromise that more and more States are becoming more comfortable with. But what this provision in this bill says is they can't even consider it. Now that all this work and effort has gone into considering ways in which to accommodate all the States, the provision says we won't even consider it.

I have to use my prerogatives as a Senator to say that we must find a compromise on that language. We are not going to be able to do it with one vote on a Friday or a Monday afternoon, so I would like to work with the leader. I told him I would like to find a way to resolve this matter. He said, we are looking at, we will take any option. I suggested one to the leader: Let's go to conference on this provision. I am willing to live with whatever the conference decides. Of course, the administration is going to weigh in. They said it will be vetoed if this provision is in there. So if we are going to get this bill done, let's be realistic.

I want to get this bill done. I have as many things in this bill as I have in any appropriations bill. I want to get it done. I would like to get it done this afternoon, and I am willing to let the conference make its decision. But to say that the bill must have that provision or there is no bill, is just not fair to this side, to this Senator.

That is my reservation. If the Senator from Nevada has not objected, I will. I think it is important to resolve this matter. I am prepared to offer a compromise. Let's resolve this in conference. I say that in full recognition that I have no idea what would happen in conference. But if they want to finish this bill and move it to the next phase, I am ready to do it. I will do it this morning. I will do it this afternoon. I will do it on Monday. But we have to deal with that provision.

Having objected, I thank the majority leader for yielding.

The PRESIDING OFFICER. Objection is heard.

The majority leader.

Mr. LOTT. Mr. President, let me say to the distinguished minority leader and to Senator DOMENICI and Senator REID, we will continue to work. I have learned from experience working on both sides of the aisle, if everybody

just hunkers down and says no, this way or no way, you don't ever get anything. I will continue to probe and work with Senator DASCHLE, Senator REID, and Senator DOMENICI, to see if we can find a way to resolve this problem. I think perhaps we can. We will be talking further. I want to make sure we have on record that we are trying to get it done, and we will hopefully come back here in another hour or two and try again.

UNANIMOUS-CONSENT REQUEST

Mr. LOTT. Mr. President, I ask unanimous consent that after conclusion of the 6:00 p.m. vote or votes, if any, on Monday, the Senate proceed to the intelligence authorization bill, S. 2507, and following the reporting by the clerk, Senator THOMPSON be recognized to offer an amendment.

Mr. DASCHLE. Mr. President, reserving the right to object, can the majority leader give me his latest report with regard to the hearing in the Judiciary Committee on Tuesday?

Mr. LOTT. I have been in contact through senior staff, the top staff of Senator HATCH, with a suggestion of how we could proceed on that and get that information back to Senator DASCHLE. I did that, I guess, about an hour ago. I have not gotten a response back from them yet. But if I don't get one pretty quick, I will pursue another call to see if we can work that out.

Mr. DASCHLE. Mr. President, I will be constrained to object at this time, with the hope and expectation that we can get a much larger and more comprehensive unanimous consent agreement later in the afternoon. So I object.

The PRESIDING OFFICER. Objection is heard.

Mr. LOTT. Mr. President, let me say again, of course, judicial nominations are important to the country on both sides of the aisle. I guess in the Senate everything is related to everything else. But who the hearings are on in Judiciary doesn't directly affect this bill. We need to get the intelligence authorization bill done.

Once again, this is important to the national security of our country. There had been some objections to it, but we have worked through those, and it took a lot of give and take and cooperation on both sides because there were objections on both sides of the aisle. We have cleared that.

Regarding the amendment I pointed out of Senator THOMPSON, I have been looking for any number of ways to have this very important matter of nuclear weapon proliferation by China reviewed. Senator THOMPSON has been very helpful and willing to withhold, or to consider any number of options as to how that would be considered. It seems to me that if we can get the intelligence authorization bill up, that would be an appropriate place for this issue to be considered, so that we can move to the PNTR for China issue on Wednesday. We are going to do that anyway. But I would like to have been able to deal with Senator THOMPSON's very meritorious amendment, either freestanding or as an amendment before we go to the China PNTR issue because I think he is going to be constrained to offer it as an amendment to the bill. That would be difficult because if it should be approved, of course, it would have to go on the bill and it would go back to conference and the House would have to consider it again. Perhaps, there will be enough votes to defeat it, but I, for one, do not feel constrained to vote against an issue of this significance. I think it is a legitimate argument that this is a national security and nuclear proliferation issue that should maybe be considered separate from the trade issue, but it is related to how we are going to deal with China in the future.

So, again, Senator DASCHLE objected with the recognition that we are working on another angle or issue. We will try to get that worked out, and then we will try again later this afternoon on this issue. Rather than me controlling the floor for the debate, I think it would be best at this point if perhaps I would yield the floor, and perhaps Senator THOMPSON and Senator HOLLINGS, who are very interested in this issue, could speak on their own time.

I yield the floor.

The PRESIDING OFFICER (Mr. HAGEL). The Democratic leader is recognized.

Mr. DASCHLE. Mr. President, let me say this to the majority leader before he leaves the floor. He and I have spent more time than we probably care to calculate over the last couple of days trying to work through what is obviously a very complicated and difficult period. I have appreciated his good nature as we have done this, his patience, his tolerance. He is smiling now, which is encouraging to me. I am going to keep smiling, too. I hope we can accommodate this unanimous consent request for the intelligence authorization. As Senator LOTT, I recognize that it is important, and I hope we can address it.

I also hope we can address the additional appropriations bills. There is no reason we can't. We can find a compromise if there is a will, and I am sure there is. But we also want to see the list of what we expect will probably be the final list of judicial nominees to be considered for hearings in the Judiciary Committee this year. I am anxious to talk with him and work with him on that issue. All of this is interrelated, as he said, and because of that, we take it slowly. So far, we have been able to take it successfully.

I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

INTELLIGENCE AUTHORIZATION

Mr. THOMPSON. Mr. President, I thank the majority leader and the minority leader for trying to work out these complicated matters. There is, understandably, some interrelationship. I think it is well known that we are looking for a way to get a vote on the important issue of proliferation. It should not be considered to be a trade issue. It is an issue separate and apart. Many of us believe it is extremely timely because of the trade issue, and that while we need to extend our trade relationship with China, at the same time, we need to demonstrate to them and to the world that they must do something to improve their habits in terms of proliferation of weapons of mass destruction. Every day, we see in some media outlet a further indication that the Chinese are intent upon continuing their proliferation habits, as long as we support Taiwan and as long as we perceive a national defense system.

I hope the objection is not based upon the desire by the Democratic leader to prevent a vote from happening on the issue of China's proliferation. Just as the majority leader and the Democratic leader have been working together, so have the staffs been working together across the aisle to try to bridge some of the differences on this bill. We have made changes to the bill to accommodate some of the concerns. This bill will not affect agriculture; this bill will not affect business, except in those narrow circumstances when a business may be dealing directly with a known and determined foreign proliferator. At that point, it is not too high a price to ask our American businesses not to deal with those kinds of companies. That is what this is about.

So now that the majority leader has set a date for a vote on PNTR, I certainly hope we will be able to rapidly reach a date prior to that when we can vote on the important issue of proliferation of weapons of mass destruction. Although trade, being as important as it is, it pales in comparison with the national security of this Nation.

I yield the floor.

The PRESIDING OFFICER. The Senator from South Carolina.

CHINA PROLIFERATION

Mr. HOLLINGS. Mr. President, I speak to the amendment of the Senator from Tennessee. There is no question that China proliferates. The very interesting feature to the entire picture here is that they object, of course, to us defending ourselves. As I see it, in essence, they are saying: Wait a minute. If you get a strategic defense initiative, if you get an antiballistic missile defense, that is going to deter or retard our proliferation, our sales to Pakistan, our sales to Iran.

A nation's defense should never be negotiable. It is totally out of the question. We should not be running around talking to the Europeans or those in the Pacific rim when it comes to what

is necessary and fundamentally needed for the defense of the United States.

I support the Senator from Tennessee.

DEUTSCHE TELEKOM

Mr. HOLLINGS. Mr. President, two Saturdays ago, Mr. Peter S. Goodman reported in the Washington Post on the design of Deutsche Telekom, a German government company, which is designed to take over any and all U.S. telecommunications. In the final paragraph of that particular story, the head of Deutsche Telekom said, no, they were not interested in joint ventures. They were interested in total control.

This Senator from South Carolina participated in the 1996 Telecommunications Act, deregulating and decontrolling the American telecommunications industry. We certainly didn't take it out from under American control to put it under German government control.

I placed a call to the head of the Federal Communications Commission. We had a conversation.

I ask unanimous consent that my letter of June 28 denoting that conversation be printed in the RECORD.

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

U.S. SENATE,
Washington, DC, June 28, 2000.

Hon. WILLIAM KENNARD,
Chairman, Federal Communications Commission, Washington, DC.

DEAR MR. CHAIRMAN: When I called, I knew what your answer would be. Section 310 of the Communication Act of 1934 forbids a foreign government or any entity with 25% or more foreign government ownership or control from being granted a license by the FCC. I knew of the public interest waiver, but in the 66 years of the Act the FCC has never waived, in any significant fashion, the law for foreign government ownership. I knew, also, that the Global Telecommunication Agreement permitted the FCC to consider the public interest satisfied if the entity or government was a member of the WTO. However, this was permissive and not mandated. And other countries, members of the WTO—Italy, Spain, and Hong Kong—have prohibited foreign government ownership. I knew, also, that the Congress and the Commission have been all out for competition and that competition has cost domestic companies their profits and values, making our companies vulnerable to foreign takeover. And to my amazement, when I asked the FCC position on foreign government ownership you hedged. First, you said it ''was complicated''. You did mention the 310 statute, but then talked about the WTO requirement. I countered it was not a required and certainly not in the public interest. You continued telling me you wanted to come up to discuss it with me to learn my position. I kept telling you I was giving you my position by calling. I'm opposed to foreign government ownership. Yesterday, I introduced a bill tightening legal prohibitions against foreign government ownership. Thereupon, you said well, if US West was taken over by a foreign government the Western states would be in an uproar. I countered I was already in an uproar. Again, you wanted to come up and discuss to learn my position. I stated that no further discussion was necessary and I asked that when responding to any downtown lawyers inquiring to learn the position of the Commission, that you refer them to the law. You then said you weren't getting any calls, that your phone ''wasn't ringing off the hook''. I said I knew that the downtown lawyers were smart enough not to call directly, but to find out indirectly the position of the Commission. The call was then terminated without you stating your position, leaving me totally frustrated.

A treaty confirmed by a ⅔ vote in the Senate amends the law—not an agreement. And the global telecommunications agreement was never submitted to Congress. I can't emphasize enough that the WTO provision isn't absolute, only permissive. I can't imagine you taking the extreme position of foreign government ownership and concluding this was in the public interest—particularly after all the effort we have made with the 1996 Telecommunications Act to deregulate and afford competition. Now, to allow a foreign government, protected from competition, to pick up a domestic telecommunications company, bloodied by the competition, and control telecommunications in the United States is unthinkable.

With kindest regards, I am

Sincerely,

ERNEST F. HOLLINGS.

Mr. HOLLINGS. Mr. President, since the distinguished Chairman of the Federal Communications Commission was rather elusive in that conversation, I then prevailed on 29 other colleagues in the Senate in a letter of June 29—the next day—and again on July 12, since I had not received a response.

I ask unanimous consent to have printed in the RECORD those particular letters dated June 29 and July 12 to the Chairman of the Federal Communications Commission.

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

U.S. SENATE,
Washington, DC, June 29, 2000.

Hon. WILLIAM KENNARD,
Chairman, Federal Communications Commission, Washington, DC.

DEAR MR. CHAIRMAN: Recently, a foreign government owned telecommunications monopoly announced that it planned to purchase a controlling interest in a major U.S. telecommunications firm. This is contrary to U.S. law and is inconsistent with our policy to promote competition and maintain a secure communications system for our national security.

We would not be alone among WTO member countries in adopting this point of view. Italy, Spain and Hong Kong have prohibited similar transactions when the acquiring company was owned by a foreign government. U.S. regulators should be similarly skeptical of such acquisitions in this country.

Congress and the FCC have made tremendous progress with the passage of the 1996 Telecommunications Act in deregulating and forcing competition in our domestic communications market. This has promoted investment and the fruits of this competition have been a dramatic reduction in cost and more choice for American consumers. This competition and the strict enforcement of our anti-trust laws have also rendered these same domestic companies vulnerable to takeover by foreign firms which are still owned substantially by their governments.

To allow a foreign government owned corporation to purchase a U.S. telecommunications company would be putting domestic competitors at the mercy of a foreign government. No country should allow this.

We are not opposed to foreign investment in U.S. communications firms. Rather, as the U.S. law provides, we oppose the transfer of licenses to companies who are more than 25 percent foreign government owned. For example, there was no objection to vodaphone's purchase of Airtouch or France Telecom's holding a non-controlling (10 percent) interest in Sprint.

For these reasons, we would urge that you highly scrutinize any merger involving foreign government owned providers.

Sincerely, Ernest F. Hollings and 29 other Senators.

U.S. SENATE,
Washington, DC, July 12, 2000.

Hon. WILLIAM KENNARD,
Chairman, Federal Communications Commission, Washington, DC.

DEAR MR. CHAIRMAN: Recent press reports indicate that foreign government owned telecommunications monopolies are interested in purchasing a variety of U.S. telecommunications assets. Such an action would be contrary to U.S. law, which is clear on this issue. I urge that you publicly address this issue and put to an end the speculation that such a transaction might be approved.

The World Trade Organization Global Basic Telecommunications Agreement does not address government owned providers. Moreover, U.S. statutory law is quite specific. Under 47 U.S.C. 310(a) governments or their representatives are barred outright from purchasing U.S. telecommunications entities. Deutsche Telekom or France Telecom, for example, fit this mold. Indeed, Business Week specifically notes this week that one third of Deutsche Telekom's employees are government workers who cannot be terminated. In 1995, Scott Blake Harris, then head of the FCC's International Bureau, testified before the Senate Commerce Committee that Section 310(a)'s outright ban on foreign government ownership of radio licenses should be retained. Subsequent to the 1996 Telecommunications Act, he wrote in the National Law Journal: ''More problematic, however, are the restrictions placed by the Communications Act on ownership of wireless licenses by a foreign government or it's 'representative.' Section 310(a) flatly prohibits a foreign government or its representative from holding any wireless license, directly or indirectly. This limitation is not subject to being waived by the FCC.'' In that article, he specifically mentioned Deutsche Telekom and France Telecom relative to that ban.

Others argue that these transactions may come under Section 310(b) of the Communications Act. In 1995, U.S. Trade Representative Mickey Kantor wrote Senator Robert Byrd that Section 310(b) ''is regarded by foreign companies as a major barrier to market access in the United States.'' He went on to indicate that legislative authority was needed to ''remove this restraint through international negotiations.'' As you well know, after extensive debate and consideration of this issue in both the House and Senate, the 1996 Telecommunications Act did not provide such authority. Thus, it is not surprising that the European Union, in a 1999 trade report, identifies Section 310 as retaining force and effect, notwithstanding the Global Basic Telecommunications Agreement in 1997. As the European Union correctly recognizes, an executive agreement cannot override U.S. statutory text. As George Washington stated in his farewell address, ''If the distribution or modification of the powers under the Constitution be in any particular wrong, let it

be changed in the way the Constitution designates, for while usurpation in the one instance may be the instrument of good, it is the customary weapon by which free governments are destroyed.''

The law is clear. Moreover, public policy dictates that we not permit the anticompetitive acquisition of our domestic telecommunications companies by foreign government owned entities. It's unthinkable, for example, under present law that Bell South is forbidden from buying AT&T, but Deutsche Telekom, a monopoly owned by the German government with one third of their employees enjoying permanent employ, can buy AT&T. Bottom line: We did not deregulate U.S. telecommunications to permit the regulated foreign government owned telecommunications companies to take over the U.S. market.

Sincerely,

ERNEST F. HOLLINGS.

Mr. HOLLINGS. Mr. President, finally, on July 20, I received a letter from the Honorable William E. Kennard, Chairman of the Federal Communications Commission, which I ask unanimous consent to have printed in the RECORD.

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

FEDERAL COMMUNICATIONS COMMISSION,
Washington, DC, July 20, 2000.

Hon. ERNEST F. HOLLINGS,
U.S. Senate, Russell Senate Office Building, Washington, DC.

DEAR SENATOR HOLLINGS: Thank you for your letter regarding the reported plans of foreign government-controlled companies to purchase a majority interest in U.S. telecommunications firms. As you know, there is presently no application of the type you describe before the Federal Communications Commission, and thus I can only address your concerns as a hypothetical matter. Nevertheless, I share your concern that purchase of a U.S. carrier by a foreign government-controlled company does present unique competition issues. Please be assured that I will carefully scrutinize any transaction in which a foreign government-controlled telecommunications carrier seeks to control a U.S. carrier.

Any such proposed transaction would come before the Commission as an application to exceed 25 percent foreign indirect ownership of a common carrier radio license. In that case, the applicant would have to meet both the statutory and regulatory requirements established by Congress and the Commission.

I wholeheartedly agree that we have made tremendous progress since the passage of the Telecommunications Act of 1996 in deregulating and prying open our domestic communications market and that we must remain vigilant in ensuring that our market stays open and robust. Moreover, I believe, as you do, that the Commission's approach must promote competition and maintain a secure telecommunications system for our national security. Thus, while it would be inappropriate for me to prejudge the outcome of a hypothetical transaction, I assure you that I would give close scrutiny to any merger involving foreign government-controlled providers to determine whether it would pose a very high risk to competition in the United States, compromise national security, and be consistent with the Communications Act, the FCC's rules and U.S. international obligations.

As always, I welcome the opportunity to work with you to further address any questions or concerns related to our scrutiny of such transactions.

Sincerely,

WILLIAM E. KENNARD,
Chairman.

Mr. HOLLINGS. Mr. President, sections 310(a) and 310(b) are very clear.

It could be noted historically—because there has been an ongoing intramural debate with respect to the turning over of our telecommunications to foreign governments by the White House, by this administration, by the U.S. Trade Representative, Ambassador Barshefsky, and its minions—that we have had to struggle with, and I included those documents.

I reference also that particular letter of July 12 because in there I cited the ongoing concern of then former Ambassador Mickey Kantor with respect to German government participation in America's telecommunications.

I also cited in there that the head of the international bureau, Mr. Scott Blake Harris, in 1995, testified before the Senate Commerce Committee that section 310(a)'s outright ban on foreign government ownership should be retained.

Of course, we had the act in February of 1996. Subsequent to that, later in 1996, the head of the FCC's former international bureau, just retired, included a very instructive article in the National Law Journal:

More problematic, however, are the restrictions placed by the Communications Act on ownership of wireless licenses by a foreign government or its representative. Section 310(a) flatly prohibits a foreign government or its representative from holding any wireless license, directly or indirectly. This limitation is not subject to an FCC waiver.

Mr. President, there is no question that law has not been changed.

I know about the attempts made by Ambassador Barshefsky and the global telecommunications agreement in 1997—that if you are a Member of the WTO, then you automatically qualify under the public interest requirement of the telecommunications law to own U.S. telecommunications assets. They say it's in the public interest, that it promotes competition.

That has been the wag, or argument, that I have heard from time immemorial. But that is not the case at all. You take Deutsche Telekom, which recently had a bond issue. It was very successful—$14 billion. Mind you me, they wouldn't have collected some $14 billion if it were a private company. But this is ''a government cannot fail'' with one-third of the employees having permanent employment. You cannot fire them. That is Deutsche Telekom, and by the Chairman's own acknowledgment, with 58-percent German government ownership.

We are not talking about German entities. We are talking about the German government. You can't let foreign governmental ownership enter the free market here, a market that has been deregulated by the 1996 Telecommunications Act, and say: Oh, yes, we are ready to compete.

We have a strange situation whereby Deutsche Telekom under Ambassador Barshefsky and some in the White House—and perhaps some at the FCC—say: Yes. It is already in the public interest. They are competitive; we are promoting competition. But Deutsche Telekom can take over, let's say, AT&T, but under the law, categorically, Bell South cannot.

Let me mention why I emphasize the German government—because there was a letter by the distinguished chairman of our committee, the Senator from Arizona, Mr. MCCAIN, in which he referred to ''entities.'' He didn't refer to the government. Let's get right to entities and globalization.

There was a recent article that said, after all, Senator HOLLINGS was a veteran of World War II where he fought against the Germans. It suggested that Sen. HOLLINGS was anti-German and that he thought maybe the German government wouldn't be friendly. You know, coming from South Carolina, we are supposed to be dumb, and Senator HOLLINGS just didn't understand that we have moved into globalization, the world economy, and world competition.

I don't want to sound like Vice President Gore, but I am constrained to acknowledge that maybe I helped start globalization. As the Governor of South Carolina in 1960, I went to Europe in order to attract German industry investment in South Carolina. As I stand on the floor, I have 116 German industries in the State of South Carolina. I have the headquarters of British Bowater. I have the North American headquarters of Michelin. They have 11,600 employees. I have Hoffman-LaRoche from Switzerland.

You ought to come down there and join the smorgasbord of global competition.

That is not the case that concerns the Senator from South Carolina. What concerns me is ''governmental.'' We certainly didn't deregulate American control to put it under German control. It is that clear. It does not require any careful review. The law is the law. We refuse to change it. The White House acts like it has been changed. Some on the FCC act like it has been changed. The law and the policy have not been changed.

Several things have occurred. We have a bill in with 15 cosponsors, with the distinguished majority and minority leaders as cosponsors. We have over on the House side Congressmen Dingell and Markey who introduced a similar bill. We put a rider on the Commerce-Justice-State appropriations bill, which is an appropriations bill that lasts for only one year, and no money is to be expended to give licenses to foreign governments under Section 310.

You would think that they would get it. The Dutch got it. It is very interesting that KPN tried to take over Telefonica d'Espana. They were rejected. Incidentally, Deutsche Telekom tried to take over Telecom Italia. Italy voted them out. Singapore Tel tried to

take over Hong Kong Telephone. Hong Kong voted them out.

I ask unanimous consent to have this article dated July 19 printed in the RECORD.

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

DUTCH STATE TO SLASH KPN STAKE

(By Kirstin Ridley and Matt Daily)

LONDON/THE HAGUE, July 19 (Reuters)—The Dutch government may slash its 43.5 percent stake in Dutch carrier KPN Telecom to just over 20 percent as part of a global share issue slated for the fourth quarter, an industry source said on Wednesday.

KPN is hoping to raise around 15 billion euros ($14 billion) from the issue, with about four billion slated for third generation mobile investments in Germany, the Netherlands and Belgium and 10 billion for the government, the source said.

The Dutch state had hoped to raise around nine billion euros from its current auction of UMTS licenses. But with only five major contenders for five licenses, analysts say earlier estimates look for too high, and some now believe the licenses might only fetch around three billion euros.

That shortfall for government coffers could now be made up with the KPN share issue.

The Dutch Finance Ministry, whose large KPN stake was blamed for prompting Madrid to help derail Dutch merger talks with Spanish carrier Telefonica in May, said only it would take part in the stock issue ''in a big way''.

''We can't say the percentage (of our stake that will be sold in the issue) * * * but we are going to participate in the offering because we have said in the long-term we would get rid of our stake,'' said Finance Ministry spokesman Stephan Schrover.

The Dutch government has said it will have sold its entire KPN stake by 2004. But it has so far given no timing details, and news of the share issue sent KPN's stock plunging.

It ended 7.3 percent lower at 42.87 euros, valuing the company at around 44.2 billion euros.

The industry source also noted that a listing of KPN Mobile, KPN's cellphone business which is 15 percent-owned by Japanese mobile phone giant NTT DoCoMo, was ''pencilled in'' for next February or March. It was delayed from an earlier proposed date of September, 2000, due to the planned KPN share issue.

KPN EYES BELGIUM BUY-OUT

Meanwhile KPN, which is seeking to buy the 50 percent it does not own in Belgian mobile phone group KPN Orange, is likely to offer its current joint venture partner France Telecom around one billion euros for its stake.

France Telecom has to resolve questions surrounding its 50 percent stake in KPN Orange, which it inherited from its takeover of British mobile phone company Orange, for regulatory reasons because it holds a competing Belgian cellphone operator.

KPN will raise the 15 billion initially through a short-term bridging loan, which it will pay back swiftly from the issue.

For bankers say KPN would risk compromising an implied mid investment grade credit rating if it sought to raise a long-term loan of that size. Any credit is strictly conditional on prompt pay-back through the share issue, they say.

The issue will be aimed at institutional investors around the world and at private investors in the Netherlands, Germany and the United States. ABN AMRO Rothschild, Goldman Sachs International and Schroder Salomon Smith Barney will act as joint global coordinators.

FRESH SPANISH TALKS?

News that the state is cutting its stake could pave the way for fresh merger talks with Spain's Telefonica.

KPN has said it remains open to any possible deal with Spain's former state-owned telecoms giant. But it has also noted that time is moving on.

Since May, it has signed up two new allies—Japanese cellphone giant NTT DoCoMo and Hong Kong conglomerate Hutchison Whampoa, making the accommodation of a Spanish deal increasingly complex.

Nevertheless the aborted Spanish merger talks were partly blamed on the fact that Telefonica's Chairman Juan Villalonga had fallen out with his former schoolmate, Spanish Prime Minister Jose Maria Aznar, as well as with key shareholders.

But Villalonga is now under mounting pressure from core investors to resign amid a stock market probe into allegations that he violated insider trading rules.

It remains uncertain whether any successor can be found with the ambition and experience to run a Spanish/Dutch venture.

(Additional reporting by Tessa Walsh.)

Mr. HOLLINGS. Mr. President:

The Dutch Government may slash its 43.5 percent stake in Dutch carrier KPN Telecom to just over 20 percent as part of a global share issue slated for the fourth quarter, an industry source said on Wednesday.

If a foreign government owns more than 25 percent of the telephone company, they are not welcome. If they own less than 25 percent, they are welcome. We love the Germans. Tell them to come to America.

One addendum. This won't take but a couple of minutes because the distinguished chairman of the Budget Committee is on the floor. I hold the earlier announcement from a newspaper this week that the surplus forecast has doubled. We heard the distinguished Senator, Mr. ROTH of Delaware, the chairman of the Senate Finance Committee, putting through his budget. We had a vote this morning on the marriage penalty. Tax cut, tax cut, tax cut. To this Senator who lives in the real world, that is an increase in the debt.

When they announced this, I went to what they call the Budget and Economic Outlook of the Congressional Budget Office. That is what the article quoted that said the surplus doubled. On page 17, we can see the debt, as reported by the CBO, goes from $5.617 trillion to $6.370 trillion, an increase of $753 billion.

It wasn't there that they found the surplus. I said, the President is always good at finding surpluses, so I went to his Mid-session Review, table 23 on page 49 in the back, and I see instead that the debt increased $1 trillion.

Then I called Treasury and I asked them. I have now the most recent report from this morning. It shows the public debt to the penny. It has increased $22 billion according to the U.S. Treasury.

I reiterate the Budget Committee's wonderful offer: If you want to become a millionaire—and I am sure the distinguished chairman can find that million in the surplus; I have heard him mention it, also—we will give $1 million to anyone who can find a real surplus that Congress and all the media are talking about.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. I wonder if I might ask Senator HOLLINGS a question. I was listening to the remarks about telecommunications, and I was very impressed.

Am I to understand that we have a regulated, governmentally-owned company that wants to buy into a deregulated market which we have created?

Mr. HOLLINGS. The Senator's question concludes—as astute as our distinguished chairman is—the answer. It is that Deutsche Telekom is government regulated and controlled. That is the best answer. We were trying to continue the competition, but we cannot compete with the government coming in. If they are going to allow that, I vote under your budget and mine that we go over there and take over China's communications. If we can take over China's communications, we can cut the defense budget in half. They wouldn't know where to go or how to do it. We would be in charge over there in Beijing.

I thank the distinguished chairman.

Mr. DOMENICI. Senator, I don't agree on whether we have a surplus or not, and I listened attentively to that discussion, too, but I actually think you are raising a very good point in telecommunications. I voted for the telecommunications reform, but one of the big strengths, we were deregulating the industry.

Mr. HOLLINGS. That has caused part of the economic boom we are enjoying at this particular time. All this stirring of investment and expansion and services and competition is a wonderful dynamic that we all enjoy. Let's keep it going.

Mr. DOMENICI. It seems to me the question we have to ask is, Do we want a deregulated market that is working very, very well?

Mr. HOLLINGS. In this particular company, Deutsche Telekom, one-third of the employees have permanent employment. Wouldn't you and I love that—permanent employment?

Mr. DOMENICI. I have been here 28 years. It is almost that.

Mr. HOLLINGS. I have been here 34 years just about, and I am still the junior Senator. And Senator THURMOND said, ''Get used to it.''

Mr. DOMENICI. On this one subject, I have great respect for you and consider you a friend. I hope you are my friend.

Mr. HOLLINGS. You are my best friend.

TAXES

Mr. DOMENICI. Mr. President, I want to lay before the Senate two propositions. One, using a normal conventional budget approach, I want to

share with the Senate the incredible amount of money we are taking from our taxpayers each year, and for the foreseeable future, that the current Government doesn't need. The question is, How much of that extra money we are getting from our taxpayers should we give back to them, and how much should we spend, and how much should we put on the debt?

That is a very important threesome, with everybody knowing one of the most significant things to do is to get the debt down. Pervasive in everybody's plan, whether it is a 10-year plan or whatever, is don't give it all back; put some on the debt.

Those who know they want to spend a portion of it have to answer the question, Do you not want to give some back to the taxpayer? And a further question: Don't you want to try to fix the Tax Code where it is unfair and where it unfairly taxes Americans?

I think the answer would be, if you have a very large surplus, that essentially belongs to the taxpayer—not the Government; it just happens we are putting in more taxes than we need. The question should be, Do you want to fix the marriage tax penalty?

I believe almost anyone looking at the American Tax Code and taking into account our culture, what we live by, what we say is powerful about America, has to say that we honor and respect married life along with families. We are not saying it has to be every family structure, but I think nobody should disagree, we surely want to stay there and move in that direction and cherish that concept.

If we do, then you have to answer a question: If that is the case, why would we leave a tax on the books that makes it more difficult for married couples to survive economically? We tax the working couple and the married couple more than we would tax two individuals who are not married, earning the same income.

That is the essence of the problem. Most married husbands and wives are not quite aware, if they run into two people with whom they have been friends a long time and they have similar jobs to theirs, and the two who have a family are struggling, their friends are paying significantly less in taxes because they are not married. That is what we are asked: Do we have enough resources accumulated in surpluses to do that?

Second, there is a very onerous tax called the death tax. Anybody looking at the Tax Code would have to say that deserves looking at, because at a point in time it is no longer considered to be very wealthy; or on an estate that has a lot of assets, citizens can wake up and find out that the Federal Government is going to take 55 percent of the accumulated worth that might have come over 40 years of work.

Say you have parents, a mother and father living together, struggling, both working, and they now own two filling stations—I use that as an example—and a very nice house. Today, filling stations are not the little filling stations with two pumps that were on Highway 66 when I grew up. If you were in the business, it was a pretty good enterprise, but you owned two of them because you worked at it. Both of them are in an airplane crash and die. They have five kids, three kids—whatever. What a shock when those two filling stations and the house are worth, just hypothetically, probably in today's market, $1.5 million to $2 million.

They are going to get whacked by the Federal Government on everything over $650,000. That is not fair. The Democrats can deny this and talk about all the rich people who are not going to pay, but most Americans say it is not fair to take it away. Believe it; I may get there myself. Things are happening so vibrantly in the American economy, maybe this person is looking at this and says: I might be rich enough for them to take away 55 percent of what I had left and accumulated in my life. So what the Republicans have done is they have said: Let's, over time, get rid of that. Let's take the marriage tax penalty and really take the ax and chop a bunch of it away.

There can be two reasons the President will veto these bills, and two reasons that most of the Democrats who have voted against them would use as their excuses. No. 1, they say it is too big a tax cut and therefore it uses up too much of the surplus. They even use the word ''risky.'' What is risky, in essence, to fix the marriage tax penalty? There is nothing risky about that. What is risky about getting rid of the death tax? That cannot be risky per se.

So this is what happens. The answer is it is risky because it is giving too much back to the American taxpayer and we do not want to give that much because that is risky economics.

I want to make one simple point today and that is for anybody who is listening, wondering: Is there money left for Medicare if we want to do something, small or large, about it? Is there money left if we decide to move in a direction of more defense money each year? Is there money if we were to decide on a little more assistance for education? I will tell everyone you should understand we do not participate, out of the National Treasury, in helping with education to any significant degree. So we have our debates about education but we are talking about 8 percent of the funding for our public schools that comes out of Federal tax coffers. Maybe at one point it was 9, but it is now tottering between 7.5 and 8.5 percent. Maybe we want to change that and make it 2 percent higher.

I want to assure everyone, using conventional, acceptable budget analysis, if the President were to sign the Republican tax cuts which amount to $195 billion over 10 years—do you see this chart? You can hardly see the piece in red that the U.S. Government is giving back to the people. See the little sliver?

All of this is money set aside for the Social Security trust fund or, believe it or not, a huge amount of money over the decade that the taxpayer has sent us that does not belong to Social Security. Therefore we say: Is that too much? We are calling this the love and death tax cuts. I don't know who nicknamed it that on the floor, but I borrowed it here. Only 5 percent of the non-Social Security surplus will be used over the decade. Five percent will be used for those two taxes.

Frankly, I challenge anybody to say to the American people this is risky, giving back that much in tax cuts. All the rest of the money that we might need for anything—Social Security, Medicare—is all the rest of this surplus that is in white. Because that total is $3.15 trillion—trillion—of which we are giving back, under our cuts, $195 billion. You understand, the argument cannot be maintained that it is too big. The only argument that can be made is that we would like to use it for something else.

I would like somebody to come down and we can talk about President Clinton's marriage tax penalty relief. It is so small, in his tax package; it is 10 percent of what he would do in his various tax relief targeted measures—10 percent. I believe the marriage tax penalty has to be solved, and it cannot be 10 percent of the tax package that you put before the Congress. It has to take care of the marriage tax penalty significantly, substantially, almost all.

Then let's look at this. The Clinton-Gore budget that we got showed 10 years with new spending. Out of the $3.35 trillion, that plan would spend $1.35 trillion, leaving $1.99 trillion. I do not believe we are ever going to spend this much out of this surplus. But even if you gave them all that money, there is $1.99 trillion left, of which we are giving back $195 billion.

I truly believe when we really get down to this, in order to make sense to the American people, the President and those who oppose this are going to have to say we really don't believe that a significant portion of this money that is accumulating, that the taxpayer has paid to us, that is in excess of our Government needs—you have to be saying we are not going to give much of it back. I believe that is a terrible mistake. Unless you could say—and nobody could say this—we are not going to touch any of it; we are going to put it all against the national debt.

The next time I come to the floor I will tell you how much we are reducing the national debt already. It is the most significant reduction of the national debt, that will occur by the end of this year, for a 3-year period. And there is no comparable debt reduction period in American history; it is so big.

So the only answer could be: Wait around for our plan and we will not give the taxpayers back that much money; or they will come to the floor

and say they want to give it all back to the poor taxpayer, the taxpayer who is middle income and poor. Before we are finished, that debate is going to be talked about, too.

What we have to do when we have a tax cut, we have to give it back to people who are paying taxes. One would not think that tax relief would mean giving it back, in some way, so the people paying taxes do not get any relief, and those who are not paying, or paying very little, they get some relief—even a check from the Federal Government. To say we think you are paying too much taxes, even if you are not paying any, so we give you back more money—that may be one of the propositions. We ought to debate that for the American people. You can then say the tax relief is going to the working poor. Frankly, you are not giving it to anybody who earns money enough to pay a tax. I thought this all was about tax reduction. I thought the overage was giving back Americans who paid it a little more, a little bit more than what is being talked about by the other side.

I close by saying some people think it is a mystery about all this new revenue we have, this surplus, part of which goes to Social Security and part of it is left over. There is no mystery about it. Cumulatively, all the taxpayers who are paying taxes, the American people, the combined amount has increased. Some will come up and say, ''but the median income has not increased, this has not increased, and the tax on these people has not increased''—how does the tax take go up $3.35 trillion? Everybody out there combined is paying more taxes—and is it really more? Yes, it is. On average, America existed and existed beautifully with 18 percent of the gross domestic product coming into the Government as taxes.

We are now at 20.4 percent, 2.4 percent higher in terms of a tax take versus the gross domestic product of our Nation, a way to measure what we want to measure, and that is out of the total economy how much are we taking away and putting in our coffers. It is very high at 20.4 percent, and the economy is booming. The reason we have the surplus is because we are taking more from the taxpayers.

I believe if it can be understood and if we can get around ads that are confusing the issue and attack ads that have nothing to do with the real problems and issues, if we can boil it down to: Mr. and Mrs. America, if the surplus is this much, would it seem fair to you that we should give back 25 percent of it to the American people by way of tax relief? I think most people would probably end up saying: I guess that seems fair; maybe that is even a little low.

That would leave 75 percent of this surplus for the things everybody says we will take care of when we get a new Congress. I submit that we cannot forget the taxpayers as we think about new ways to spend this surplus. We ought to probably start with them, not stop with them at the end of the line. That is what we will be talking about, it seems to me, in the next few months, at least I hope so.

Then we can look at whose tax cuts are fair. We will see the other side stack up dollars and say the Republicans give it back to the rich people. The marriage tax penalty relief in this bill, in terms of to whom it goes—if the President of the United States would listen to us instead of listening to the technical advice of the Treasury Department—it is eminently fair; it is loaded at the bottom end of the earnings and yet gives people in the middle- and high-income categories something.

If you do not want that, what do you want? Stack up the dollar bills—rich versus the poor—all you want when it comes to the marriage tax penalty, which is a very big and fair tax cut and tax reform at the same time.

Obviously, I am on a subject on which I could talk for a long time, and I continue to have a lot of interest buildup in me. Sooner or later, people listening cannot pay attention, and I believe we are getting close to that.

I yield the floor and thank the Senate for giving me the privilege of speaking.

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.

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

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

CONSERVATION AND REINVESTMENT ACT OF 2000

Ms. LANDRIEU. Mr. President, I wanted to come to the floor and spend a few minutes this afternoon talking about a very important bill that is moving through this Congress—it is the Conservation and Reinvestment Act of 2000—and to talk about some of the more important aspects of this legislation as it passed the House by an overwhelming bipartisan majority a couple of weeks ago. This bill is being considered as I speak in the Energy and Natural Resources Committee, which is ably chaired by my good friend from Alaska and the leadership of our friend from New Mexico, Senator BINGAMAN.

It is appropriate I follow with my remarks on the heels of our other Senator from New Mexico, Mr. DOMENICI, because as I appreciate his remarks, he was speaking about the obligation we have to make good and wise decisions about the surplus. He, of course, was arguing for as much of that money as possible to go to tax cuts, supported by many members of his party. Along that same line, we will be judged in this Congress by the discipline, restraint, and good judgment we show on this issue. Truly, these are happy days in Washington because we are talking about an extraordinarily historic surplus. A lot of that should be credited to the current administration and the President's policies regarding discipline in budgets, spending restraint, as well as a strategic investment for America's working families.

Nonetheless, it is much better when we can all agree to talk about allocating these surpluses than trying to fairly distribute sacrifices or fairly distributing cuts. It is a good time to be here so we can make good judgments on behalf of all the people whom we represent—of course, coming from the State of Louisiana, that is 4.5 million people—in the country and, frankly, the world as to our obligations to our neighbors around the world.

In this great discussion about how much should go for tax cuts and then when we set aside money for tax cuts, how should it be allocated, what families should receive those tax cuts, how can we help to strengthen and widen the circle of economic opportunity, that clearly has a role and, hopefully, we will have more discussions about that in the days ahead.

There will be, as the Senator from New Mexico pointed out, an opportunity to make some strategic investments. We should pay down our debt, and we should give a significant portion of tax breaks to working families in America, helping them with the things that are most important to them—sustaining the strength of their family, providing educational opportunities and economic opportunities for children and grandchildren. That is what every parent in America wants, to see the opportunities for their children greatly expanded.

The third thing we are going to be discussing is how to take some of this money, hard earned by the American people—not necessarily the Government's money, but the people's money—how should we allocate the people's money on their behalf for the good of their future.

That is part of our job as Members of Congress. I am very proud to be leading a great bipartisan effort by many Senators in this Chamber and House Members who are arguing that a small portion of this surplus, a small portion of the $2.2 trillion surplus—let me say our portion represents about 1 percent of this surplus; less than 1 percent actually—should be invested in the environmental resources of this Nation, along our coasts, in our interior portions of the Nation, for wildlife conservation, preservation of our coastlines, and investments in other types of environmental programs that have been underfunded and undernourished for decades. There have been promises made by Congresses in the past but promises not kept. It is time that we make strategic investments to fund those programs and to hold and keep our promises to our children and grandchildren.

I wanted to come to the floor to show you the front page of USA Today. I am

going to include this entire, lengthy, and well-researched and well-written article in the RECORD. The headline is: ''Growth Reshapes Coasts: A Wave of Development Overwhelms Our Shores.''

I want to read a couple of the important highlights from this article for this debate and conversation this afternoon because the essence of the CARA bill is that now is the time to take a portion of offshore oil and gas revenues that are currently streaming right into the general fund, to intercept some of these funds and send them back to coastal counties and interior counties for investments, strategic investments in the environment, to help us have good growth, to make wise decisions, so that we can start this century by laying down some resources that will help us to grow and develop in the right ways in the years to come.

According to this article, again, the growth along the coasts is going to be explosive. Let me read a little bit from this article:

> A USA TODAY analysis has found that an estimated 41 million people—more than one in seven Americans—now reside in a county that abuts the eastern or southern seaboard. That number swells by several million when inland residents with second homes near the shore are included. . . .
>
> In making that choice, these coastal migrants are transforming seasonal resort towns that used to bustle for just a few summer months—

We are all used to communities such as this—

> into sprawling, year-round communities that are starting to look and feel like, well, everyplace else. Up and down the coast, development is spreading for miles inland. New residents attract new businesses to serve them, workers move in to fill the new jobs that are created, and new housing, schools, malls and hospitals spring up to serve the workers.

What are we doing today to prepare for this coming boom? It goes on to say:

> This shoreline strip is growing significantly faster than the rest of the country in population, employment and gross domestic product. In many cases, these counties have the fastest-growing economies in their states.

I think this is a very key point:

> Since 1993, the population of these hot 100 counties has grown nearly 50 percent faster than the entire USA. About 1,000 year-round settlers are arriving each day. Jobs have been created at a 30 percent greater clip, and GDP through 1997, the latest year for county breakdowns, grew 20 percent faster.

These counties are growing rapidly, as our more mobile, more affluent population seeks and chooses to live along the coasts.

In an interesting quote in the article by Cleveland State's Hill:

> It used to be that you moved to where the jobs are. Now, people are deciding where they want to live, and the jobs are following them.

Part of our goal in Congress is to be leaders, and part of the job of being a leader is to have enough vision to see past where you are today, to be able to see where we are going, so that we can lay down and make the strategic decisions that will benefit our children and our grandchildren.

I have a 3-year-old and an 8-year-old. Frank and I are doing our best to be good parents in raising them. I often think about the fact that what I do here I want to do so that when Mary Shannon is 40 or 50 or 60, and is finished raising her family and beginning to have grandchildren, that everyone in America will be better off. What will this country look like when she is that age or when Connor is in his 40s or 50s or 60s?

That is what this bill is actually about, because CARA mandates that we should take a small portion of our revenues to make important investments, which are shown by these projections that are listed here and in many articles and which are cited in many speeches, including those given by Governors and local officials. They are saying, look what is happening. Let's make plans now.

Quoting the article further:

> Urban planners say growth along the coast should be propelled for another 10 to 20 years by demographic, economic and social trends.

Additionally, it is clear—and the Senator from Florida was just speaking about this earlier in the week in committee—

> Until the 1990s, the destination of choice was Florida —

That one State has seen explosive and extraordinary growth in the last 20 years—

> with its perpetually balmy, one-season climate. But now the entire coast lures settlers. Up north, the shore in winter has higher temperatures and less snowfall. Farther south, [along the shores] the winters are moderate, and mild sea breezes offer relief from stifling heat.

People would flock to Florida in the 1980s and 1990s, but what these demographers are saying is that in the next 20 to 30 years, all the coast along the south and the eastern seaboard will experience similar growth.

My question to this Congress is, What are we doing today to prepare? One of the things we can do is to pass CARA and to reinvest at least $1 billion in our coastal resources to help our communities, our Governors, our county commissioners, and our mayors cope with this explosive growth, so we do have good development but that we preserve the precious beaches; that we allow for public spaces, so that all people, whether they are affluent enough to own a second home or whether they can just manage to get their kids in the car and spend a weekend on a beach at a moderately priced hotel, or whether they can just manage a day or two camping outside—we must preserve our coast and invest some of this money so that as this country grows over the next 20, 30, and 40 years, we can say we have done something.

I feel so passionately about these revenues. While they are general fund revenues, their source is from oil and gas, from the bounty that God has given to this country. Oil and gas in the Outer Continental Shelf is a depletable resource. One day, as those of us from Louisiana know, these wells will be dried up. There will be no more gas. There will be no more oil to be drawn. They will be depleted.

Hopefully, we will find other sources of fuel, some that are more environmentally friendly. I most certainly support that. Actually, natural gas is a very environmentally friendly fuel.

My question to my colleagues is: When these oil and gas wells are dried up, and we no longer receive the taxes that are currently being paid, what will we have to show for our money?

I would like to look up and say: We invested those revenues well; we have expanded through the interior of our Nation a great park system; we have expanded hunting and fishing areas to preserve them for our children and grandchildren, and, yes, we were smart enough to take taxes from resources from our coasts and invest them in coastlines all across the United States, so that we would have sand dunes and beaches, and our fisheries would be protected, as well as to provide for the proper development of our coastal areas.

It would be a great shame to leave this Congress without making a serious commitment to the environment of our Nation and to coastal communities everywhere, not just in the South, not just on the east coast, but in the Great Lakes region and along our precious western seaboard. This is the time to act.

I suggest to my colleague from New Mexico, in speaking about tax cuts, it is most appropriate to return some money from this great surplus to hard-working Americans and middle-class families throughout the Nation. There are many ways we can provide tax relief, and we should certainly do that. But it is also equally important that we make strategic investments, to lay down bills and initiatives and funding sources now that will help us, as our population in this Nation is expected to double from 260 million to over 500 million people in the next 100 years, much of that population moving to the coastal areas. As people will decide where they want to move, the jobs will follow. There is going to be a migration to our coasts.

Let us begin this new century by making a smart choice and a wise investment and invest in some of our coasts.

The Chair has been patient because, representing Nebraska, we have not figured out a way to get him a coastline yet, but we are working on it. He knows this bill takes care of interior States as well as coastal States by allowing all Governors and local officials to make some wise investments with these funds.

I came to the floor to share this article. I will submit it for the RECORD. I hope my colleagues will take an opportunity in the next couple of days to

read it. I again thank Senator MURKOWSKI from Alaska and Senator BINGAMAN from New Mexico for their leadership and also acknowledge the support of Senator LOTT and Senator DASCHLE, as we have moved this bill through the process, and the President of the United States, for their commitment and support to this effort.

I look forward to debating this even further next week.

Mr. President, I ask unanimous consent the article to which I referred be printed in the RECORD.

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

[From USA Today, July 20, 2000]

GROWTH RESHAPES COASTS

(By Owen Ullmann, Paul Overberg and Rick Hampson)

A new American migration, one that rivals the exodus from the Frostbelt to the Sunbelt a generation ago, is transforming the Atlantic and Gulf shorelines.

From the rock-strewn shoreline of Maine to the sandy barrier islands hugging Texas, an unprecedented influx of residents is converting laid-back, seasonal resort towns into year-round communities with burgeoning economies.

Sixtysomething retirees and aging baby boomers, aided by fattened stock portfolios and flexible work arrangements, are settling on the coast full-time or snapping up vacation homes for retirement later. Al are drawn by a simple, alluring premise: The weather, the recreation, the scenery—it's better at the beach.

A USA TODAY analysis has found that an estimated 41 million people—more than one in seven Americans—now reside in a county that abuts the eastern or southern seaboard. That number swells by several million when inland residents with second homes near the shore are included.

''We're in the midst of an amenities movement,'' observes Edward Hill, a professor of urban studies at Cleveland State University in Ohio. ''Improved technology, greater wealth and better transportation are giving people more choices about where to live. They're choosing the coast.''

In making that choice, these coastal migrants are transforming seasonal resort towns that used to bustle for just a few summer months into sprawling, year-round communities that are starting to look and feel like, well, everyplace else. Up and down the coast, development is spreading for miles inland. New residents attract new businesses to serve them, workers move in to fill the new jobs that are created, and new housing, schools, malls and hospitals spring up to serve the workers.

To a large extent, this migration is being fed by the booming metropolitan centers along the East Coast: Boston, New York, Washington, Charlotte, N.C., and Atlanta. Many urban residents start out buying or renting a weekend home along the coast and eventually move permanently.

To determine the extent of this boom at the beach, USA TODAY examined development in the 100 counties along the Atlantic and Gulf coasts that are magnets for new settlers. The findings: This shoreline strip is growing significantly faster than the rest of the country in population, employment and gross domestic product (GDP). In many cases, these counties have the fastest-growing economies in their states.

Since 1993, the population of these hot 100 counties has grown nearly 50% faster than the entire USA. About 1,000 year-round settlers are arriving each day. Jobs have been created at a 30% greater clip, and GDP through 1997, the latest year for country breakdowns, grew 20% faster. Gross domestic product is the total value of goods and services produced.

''There's no question the growth along coastal areas is a national phenomenon,'' says Dennis Gale, a professor or urban and regional planning at Florida Atlantic University in Fort Lauderdale. ''Harry and Jane Average are moving to the coast.''

At least to the eastern and southern shorelines. The West Coast has not experienced the same recent mass migration. Its beaches and bluffs enjoy far stronger protection from development. There are no barrier islands to tempt development. And unlike the north-flowing Gulf Stream, which tempers surf temperatures along the East Coast, the south-flowing California Current chills even summer bathers.

The Atlantic Ocean's allure is hardly new. Americans have been flocking there since at least 1802, when the Philadelphia Aurora advertised beachfront tourist accommodations along the beautiful Cape May, N.J., shore. Back then few Americans had time for recreation. Most of the population lived near the ocean because the great cities grew up around shipping ports, the primary mode of commerce.

Then, as the USA entered the industrial age in the 19th century, the population began stretching inland, where factories needed raw materials and agricultural products to process.

Now the emergence of the information economy, which has spurred telecommuting, and the growing popularity of a recreational lifestyle have sparked a mass yearning to return to the coast.

COASTAL COUNTIES EXPLODING

How much is the boom at the beach transforming the coastline?

In Maine, the top five counties in employment and GDP growth are all along the coast. Their growth rates are double the state average.

In Massachusetts, the four counties with the fastest job creation include those covering Cape Cod, Nantucket Island and Martha's Vineyard.

In South Carolina, five of the seven counties with the fastest employment growth lie along the coast. Beaufort County, which includes Hilton Head, tops the list with a 46% increase in jobs since 1993, more than three times the state average.

In Alabama, only two of the state's 67 counties touch the coast. One of them, Baldwin County, which borders the Gulf and Mobile Bay, led the state in GDP growth: 51% vs. a statewide average of 24%.

''It used to be that you moved to where the jobs are,'' says Cleveland State's Hill. ''Now, people are deciding where they want to live, and the jobs are following them.''

Just look at what's taking in Maine. ''Ten years ago, Knox County had one traffic light and the main industry was fishing,'' says Rutgers University political science professor Ross Baker, 62, who owns a vacation home near Rockland. ''Now you have a big bank-processing center here, and downtown Rockland is filled with cappuccino bars and bayberry candle stores.''

The same boom that is altering the rugged coast of Maine is taking place 1,200 miles south near the lush greens of Hilton Head, S.C. Along a 15-mile stretch of mainland, starting at the bridge from Hilton Head Island, unspoiled Low Country vistas have given way to mass development: golf-oriented retirement communities, shopping malls, banks, office buildings, new car showrooms, hospitals, even a new campus for the University of South Carolina.

''It just keeps growing and growing,'' says Carol Della Vecchia, 58, formerly of Massapequa, N.Y., who moved to the area in 1997 to escape the congestion of Long Island. ''But in another five to 10 years, you're going to see another Sunrise Highway all over again,'' she says, referring to the commercial thoroughfare that runs through Long Island.

Urban planners say growth along the coast should be propelled for another 10 to 20 years by demographic, economic and social trends.

Foremost is the aging of the USA's 78 million baby boomers. They are entering their pre-retirement years (the oldest are 54) and looking for more pleasant surroundings to spend their post-working years. Developers in Hilton Head cite surveys that show a majority of boomers want to retire within 50 miles of the East or West coasts.

Millions of boomers, as well as people in their late 50s and 60s, are expected to have the financial resources to fulfill their retirement dreams. Barring a collapse on Wall Street, the boomers' 401(k)s and individual retirement accounts will keep growing. Plus, they will be on the receiving end of an estimated $10 trillion to $20 trillion of inherited wealth, the largest transfer of assets in history.

SEEKING A BETTER LIFE

Thanks to the technological revolution, workers don't have to wait until retirement to move to the coast; computers and cell phones make it possible to do their jobs long-distance. And for those who need to check in regularly at the office, improved roads and the vast growth of regional airports and commuter airlines put coastal destinations within a few hours of most Eastern cities.

''We're riding the crest of a new boomer craze,'' says Michael Lawrence, president of Sea Pines, the largest private development on Hilton Head. ''First it was Nike sneakers, then oversized tennis rackets and BMWs. Now it's vacation and retirement homes.''

The driving force behind this migration to the coast is the quest for a better life: less congestion, crime and pollution; better weather and scenery.

Until the 1990s, the destination of choice was Florida, with its perpetually balmy, one-season climate. But now the entire coast lures settlers. Up north, the shore in winter has higher temperatures and less snowfall. Farther south, the winters are moderate, and mild sea breezes offer relief from stifling summer heat.

These migrants are coming predominantly from aging suburban counties in the Northeast and Midwest that were hot destinations 30 or 40 years ago.

Consider Horry County, S.C., which includes Myrtle Beach and nearby towns known as the ''Grand Strand.'' IRS data show that from 1997 to 1998, the county gained 2,000 households, most from more than 100 counties in the Northeast and mid-Atlantic.

Top feeder counties: suburban Washington's Fairfax, Va., and Montgomery and Prince George's, Md. (119 households); Long Island's Suffolk and Nassau (107); Allegheny, Pa., including Pittsburgh (42); and Franklin, Ohio, including Columbus (41). Other big sources: Syracuse, N.Y.; Philadelphia; Hartford, Conn.; northern New Jersey; and Hudson River valley; Cincinnati; Akron, Ohio; and Charleston, W.Va.

The housing industry has been a chief beneficiary of this coastal craze. The median household wealth of those living in counties that abut the Atlantic and Gulf coasts is 26% higher than the national median—$81,753 a year vs. $64,718. That means more money to buy houses. Developers along the coast say business is the best they have seen in over 30 years.

The fastest residential growth has been on barrier islands, those exposed bands of sand that lie just offshore. In 1998, more than 50,000 housing units were built on barrier islands from Maine to Texas, double the construction rate of 1992.

High-end homes seem most in demand. David Wilgus, a real estate agent in Bethany Beach, Del., says demand has never been higher for homes in the $1 million to $2 million price range, thanks to a tech boom in the nearby Washington area.

In Florida last year, during a six-hour ''sale'' of condo units averaging $1 million at a Naples project, 99 people plunked down $25,000 each for apartments that won't be built until at least 2002. ''Staggering,'' says Michael Curtin, vice president of WCI, the development company.

And in Folly Beach, S.C., where modest bungalows lined the shore for decades, quarter-acre lots that sold for $50,000 just 10 years ago now fetch as much as $500,000.

Less-expensive properties also are in great demand. Sam Greenough, a contractor in North Carolina for 16 years, says he's building $200,000 homes along the Outer Banks faster than ever.

While the rush to the shore has been great for developers, it has cost many coastal communities the quaint characteristics that first attracted tourists.

COPING WITH A NEW CAPE

For decades, permanent Cape Cod residents have gathered on highway overpasses to wave goodbye—and good riddance—to hordes of summer visitors heading home in bumper-to-bumper Labor Day traffic. But those ''bridge'' parties might have to be scrapped because the tourists aren't leaving.

What was once a sparsely populated coastal retreat for 10 months of the year has turned into a suburbanized extension of metropolitan Boston.

''It's like living anywhere else—but nicer,'' says Jacquie Newson, 48, a radio station sales manager who has lived on the Cape for 20 years.

In just the past five years, the year-round population has increased 12% to 225,000. The Cape and the islands also have eight of the state's 12 fastest-growing school districts. Mashpee's enrollment has tripled the past 20 years.

Cape Code Hospital has 50% more doctors than in 1990, and the Cape Cod Mall has just increased its retail space by 25%. The number of radio stations on the Cape has risen from four in 1985 to 13. There is a fledgling high-tech industry, with hopeful talk of a ''Silicon Sandbar.'' There are even the once unthinkable: wintertime traffic jams in Hyannis.

And with a third of the Cape's land still available for development, the boom is unlikely to slow anytime soon.

The Cape's development is the result of a self-perpetuating cycle: more people move to the area, so more businesses stay open year-round, so more tourists visit all year, so new businesses open, so more jobs are created, so more people live there.

Each day, on average, six new homes are built on the Cape. The number of residential building permits issued in 1998 was more than 40% higher than two years earlier. Cozy two-bedroom cottages by the water are being bought, torn down and replaced by 5,000-square-foot mansions. In Truro, a quaint outer-Cape town, the median sale price for an existing single-family home last year was $310,000.

To keep up with the affluent newcomers, the Cape Code Mall has brought in higher-end stores. Thirty years ago, almost all the non-anchor stores were locally owned. Today, there is only one, Holiday's Hallmark.

''Last year, we opened 27 new, national brand-name stores,'' says mall manager Leo Fein. ''The people who are moving here have been exposed to upscale shopping in Boston, and they want it here.'' Hence, Ann Taylor, J. Crew, Abercrombie & Fitch.

Cape Cod Hospital in Hyannis is changing its marketing strategy as well, expanding cardiology and cancer services so patients won't have to go back to Boston. Emergency angioplasty is offered seven days a week, and the hospital it trying to start an open-heart surgery program. ''In most of the country's mind, Cape Cod is still beaches,'' says hospital spokeswoman Deborah Doherty. ''But we've been named one of the top 100 community hospitals in the country for the last three years.''

Most people wouldn't think of the Cape as a tech hot spot, either. Yet several thousand high-tech jobs have been created in recent years, according to the Cape Cod Technology Council, which has 300 member businesses.

One result of the boom on the beach is what everyone described as the ''changing character'' of the Cape—the fading of a quaint, picturesque backwater that was virtually deserted most of the year. ''New people move in and want it like it was back home,'' says Marilyn Fifield, a researcher at the Cape Cod Commission. ''It's easy to wind up looking like everyplace else.''

Provincetown, once the third-biggest whaling port in America, has become ''one big condominium,'' grumbles George Bryant, 62, a longtime resident. ''There are mornings when I feel it's the worst thing ever.'' But Bryant also remembers when there was never enough work to keep local people employed all winter, and when men used to ''die like flies'' whaling and deep-sea fishing.

Today, the biggest problem for natives isn't finding a job, but finding affordable housing. Rents and home prices have soared, and property-tax rates in some communities have doubled because new residents have demanded schools and services.

''What good is prosperity if our kids can't afford to stay here?'' asks Marilyn Salisbury of Bourne. Her three adult children live and work on the mainland.

Clem Silva, 48, co-owner of Clem & Ursie's restaurant in Provincetown, says there is almost no affordable housing for restaurant workers. He and his sister/partner each have six seasonal workers from Eastern Europe living in their homes. They also have rented a third house for seasonal workers from Jamaica. ''It's an amazing burden,'' he says. ''It really takes the wind out of my sails.''

Another problem is water pollution. One cause is an increase in incidents of well-water pollution from septic tanks, which serve 86% of the Cape's homes. Higher levels of contaminated water also are blamed on runoff from roads and parking lots.

Some shellfishing areas have been restricted. The Mashpee River, a tidal river, has gotten murkier and smellier because of algae buildup caused by increased run-off from septic systems. Shellfishing in Sulphur Springs, a bay in Chatham off Nantucket Sound, has been restricted because of high coliform counts.

The downside of development didn't deter Tom and Barbara Joyce from moving to West Barnstable in June after raising four children (the youngest is now 23) in a Boston suburb. Tom, 65, is a recently retired vice president of a textbook publisher, but Barbara still freelances in publishing and wants to be able to go to the city if and when she needs to.

Their four-bedroom home is near a golf course and a conservation area, it's an easy one-hour drive to Boston. ''Cape Cod is a state of mind,'' Barbara says. ''When you're here, you feel like you're on vacation, even if you're living here.''

Nevertheless, the Joyces admit that life on the Cape has changed from 30 years ago, when they recall having had trouble finding a restaurant. This year, Barbara says, ''we tried to go to dinner in Hyannis one Saturday night in February and we couldn't even get in, it was so crowded.''

The truth is, Tom says, the Cape has become just another suburb. ''The Cape is no longer the place to go for isolation. There's no escape now. There's very little open space that hasn't been developed or bought for development. I guess we've added to that.''

BEAUFORT'S GROWING PAINS

Beaufort County, S.C., is another microcosm of the benefits and the detriments of explosive growth along the coast. Though it's a long distance from Cape Cod in geography and culture, the area has experienced many of the same problems as coastal New England.

''The growth has been astronomical,'' says Beaurfort County Magistrate Charles ''Bubba'' Smith, 55. He says the county's rapid expansion has meant higher wages and job opportunities but also traffic jams, overcrowded schools, higher crime and a shortage of affordable housing.

The county had been largely unaffected by the golf-oriented vacation development that began 30 years ago on Hilton Head, the county's southernmost tip. But the county hasn't been the same since 1994, when Del Webb, which developed the Sun City retirement communities in the Southwest, started its first upscale project on the East Coast, 10 miles inland from the Hilton Head Island bridge.

So far, Sun City has built 1,600 homes, and it is adding 500 more each year. When the mammoth, 5,600-acre project is finished, Sun City will have 16,000 year-round residents.

Sun City has spawned other retirement communities, a half-dozen shopping malls, a Super Wal-Mart, a Target, several supermarkets, Lexus and Mercedes car dealerships, and other retail establishments along U.S. Route 278. At the same time, lawyers, accountants, financial planners and health care providers are flocking to offer their services. Route 278, once lined with Spanish oaks and lowland shrubs, is now flanked by retail developments and professional office buildings interspersed with occasional empty lots with signs that read, ''Future home of . . .''

The area has attracted transplants from the East Coast, Midwest and Southeast, including New York, New Jersey, Pennsylvania, Ohio, Virginia, Georgia and Florida. And its residences appeal to people across the economic spectrum. Sun City homes start at $130,000, although the strongest demand has been for the top-of-the-line models, which sell for $750,000. As a result, the company is breaking ground on an upscale section eight years earlier than planned.

Del Webb officials say every house type, even the least expensive, includes a home office. Marketing studies have found that most buyers are still working or intend to work part-time during retirement.

Just down the road from Sun City, the exclusive Belfair development is quickly selling out its 770 lots for up to $2 million each. The corporate CEOs and other wealthy buyers also shell out $900,000, on average, to build custom homes on their lots.

Belfair's two championship-level golf courses are the ostensible draw, but developer John Reed says the real attraction is the sense of a small town that residents long for. ''They're in their mid-50s and they've lived in four different cities, on average,'' he says. ''They feel they have no roots and are searching for the close-knit community they remember from their youth. That's how they want to spend their final years.''

The mass migration to the area has been great for developers and other businesses, but it has put enormous strains on the local government.

Since 1900, Beaufort County's population has grown 31%. That's three times the national average. The county has had to keep expanding its roads, and in just the past three years, it has built 13 schools, making it one of the fastest-growing school districts in the USA.

The boom has been especially traumatic for the little town of Bluffton (population 800), which finds itself suddenly surrounded by explosive growth.

Last year, the town had to hire its first full-time city manager to deal with development issues. And the town has annexed 30,000 acres over the past three years to exert more control over land use. That has expanded the town's size from 1 square mile to 50.

This year, the town is asking residents for permission to double its budget so it can add a planning department, increase existing departments and augment its tiny police force.

Although construction is bringing in new property tax revenue, the town laments that it has lost revenue from speeding tickets. Bluffton used to be a well-known speed trap, but the traffic is so bad now, it's hard to exceed the 25 mph posted limit.

''Bluffton has become the biggest little town in South Carolina,'' says Town Councilman Hank Johnston, 58, who claims that Johnny Mercer wrote the lyrics to Moon River while sitting on Johnston's porch, which overlooks the May River.

The town's transformation is upsetting to the locals, even those who profit from all the tour buses that roar through the town's historic center, disturbing the tranquility Bluffton had known for 100 years.

''People used to come Memorial Day and leave Labor Day. Now they're here to stay,'' sighs Babby Guscio, owner of a general store. ''It's sad. It's the end of an era. Our small town is gone.''

As the economic transformation along the shore continues, that refrain is being echoed up and down the coast. But there's no indication that the mass exodus to the beach will slow anytime soon. ''People are seeking out a different lifestyle,'' says urban planner Hill of Cleveland State. ''Quality of life matters.''

''There's no stopping the trend,'' agrees Rutgers professor Baker. ''It's like the primordial urge of sea turtles (to lay their eggs in the exact same spot). The instinct to live near the water is that strong.''

Ms. LANDRIEU. I yield the floor and suggest the absence of a quorum.

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

The assistant legislative clerk proceeded to call the roll.

Mr. LEAHY. 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 BULLETPROOF VEST PARTNERSHIP GRANT ACT OF 2000

Mr. LEAHY. Mr. President, I will try not to delay my good friend from Kansas too long. I know he, like others, wishes to leave.

I speak only because I am disappointed the Senate has not yet passed the Bulletproof Vest Partnership Grant Act of 2000 that is S. 2413. The Senate Judiciary Committee passed this bill unanimously on June 29. All Members, Republicans and Democrats, voted for it. Since then, I have checked with the Democratic caucus. All 45 Democratic Senators support this bill. All 45 are perfectly agreeable to have it either come to an immediate vote or passed by unanimous consent.

But it still has not passed the full Senate. This is very disappointing to our nation's law enforcement officers who need life-saving bulletproof vests to protect themselves. Protecting and supporting our law enforcement community should not be a partisan issue.

Senator CAMPBELL and I worked together closely and successfully with the Chairman of the Judiciary Committee in the last Congress to pass the Bulletproof Vest Partnership Grant Act of 1998 into law. Senator HATCH is an original cosponsor this year's bill to reauthorize this grant program. Senators SCHUMER, KOHL, THURMOND, REED, JEFFORDS, ROBB, REID, SARBANES, our late colleague, Senator Coverdell, BINGAMAN, ASHCROFT, EDWARDS, BUNNING, CLELAND, HUTCHISON, and ABRAHAM also cosponsored our bipartisan bill.

I mention this because I have been receiving calls from a number of people in the law enforcement community asking why it has not passed. I did not know the answer. As I said, I checked and found the 45 Democratic Senators all said they had no objection to it being passed by voice vote today, yesterday, whenever—but we have been told a Republican Senator has stopped this bill from passing. He has a hold on the bill, a bill that is intended to provide protection to our Nation's law enforcement officers.

According to the Federal Bureau of Investigation, more than 40 percent of the 1,182 officers killed by a firearm in the line of duty since 1980 could have been saved if they had been wearing body armor. Indeed, the FBI estimates that the risk of fatality to officers while not wearing body armor is 14 times higher than for officers wearing it.

When we introduced the original Bulletproof Vest Partnership Grant Act of 1998, President Clinton invited Senator CAMPBELL and me down for the signing of it. Shortly after it was passed into law, we funded 92,000 new bulletproof vests for our Nation's police officers. You can now make application on web sites. The whole thing has worked extremely well.

To better protect our nation's law enforcement officers, Senator CAMPBELL and I introduced the Bulletproof Vest Partnership Grant Act of 1998. President Clinton signed our legislation into law on June 16, 1998 (Public Law 105–181).

The law created a $25 million, 50 percent matching grant program within the Department of Justice to help state and local law enforcement agencies purchase body armor for fiscal years 1999–2001.

In its first year of operation, the Bulletproof Vest Partnership Grant Program funded 92,000 new bulletproof vests for our nation's police officers, including 361 vests for Vermont police officers. Applications are now available at the program's web site at http://vests.ojp.gov/ for this year's funds.

The entire process of submitting applications and obtaining federal funds is completed through this web site.

The Bulletproof Vest Partnership Grant Act of 2000 builds on the success of this program by doubling its annual funding to $50 million for fiscal years 2002–2004. It also improves the program by guaranteeing jurisdictions with fewer than 100,000 residents receive the full 50–50 matching funds because of the tight budgets of these smaller communities and by making the purchase of stab-proof vests eligible for grant awards to protect corrections officers in close quarters in local and county jails.

More than ever before, police officers in Vermont and around the country face deadly threats that can strike at any time, even during routine traffic stops. Bulletproof vests save lives. It is essential the we update this law so that many more of our officers who are risking their lives everyday are able to protect themselves.

The Bulletproof Vest Partnership Grant Act of 2000 will provide state and local law enforcement agencies with more of the assistance they need to protect their officers.

Our bipartisan legislation enjoys the endorsement of many law enforcement organizations, including the Fraternal Order of Police and the National Sheriffs' Association.

We need to recognize the hard work of those who have sworn to serve and protect us. And we should do what we can to protect them, when a need like this one comes to our attention.

Our nation's law enforcement officers put their lives at risk in the line of duty every day. No one knows when danger will appear.

Unfortunately, in today's violent world, even a traffic stop may not necessarily be ''routine.'' Each and every law enforcement officer across the nation deserves the protection of a bulletproof vest.

I hope this mysterious ''hold'' on the other side of the aisle will soon disappear. The Senate should pass without delay the Bulletproof Vest Partnership Grant Act of 2000, S. 2413, to ensure that each and every law enforcement agency in Vermont and across the nation can afford basic protection for their officers.

I just want to speak a little bit personally about this. I spent the first 8 years of my public life in law enforcement. I have said many times on the floor of the Senate that it was in so many ways the most rewarding career I had. I got to know the men and women in law enforcement who are called upon to go out at 3 o'clock in

the afternoon or 3 o'clock in the morning and put their lives on the line for us.

I thought this legislation was something that would help. I have received hundreds of letters and e-mails from police officers across the country who use the Campbell-Leahy law to get themselves bulletproof vests. I know Senator CAMPBELL has, too. We joke about it, but we call it the Campbell-Leahy, Colorado-Leahy, Campbell–Vermont law—police officers know what it is. It is the bulletproof vest law.

I was so glad to tell the leaders of law enforcement, the sheriffs, the police officers, and others that we had put together, once again, a bipartisan coalition and were moving through the reauthorization in what has proven to be one of the most successful pieces of law enforcement legislation we have had.

That is why when they started calling me and asking, ''why hasn't it passed; if everybody supports it, why hasn't it passed,'' I had to tell them an anonymous Republican Senator has stopped it from passing. Whoever that Senator might be has a right to object to it going forward under our practices, if not under our rules.

I ask if that Senator might be willing to put first, and foremost, the needs of our law enforcement officers. If they do not like the bill, then let's bring it to a rollcall vote and they can vote against it. I suspect it will be a 98–1 vote on this. I know every Democrat is going to vote for it because they have told me they will. Every single Republican I have talked with said they will vote for it. I suspect the vast majority of the Senate will vote for it.

I call on that anonymous Senator to step forward and either allow us to pass it by a voice vote or let us bring it to a rollcall vote and vote it up or down. The President has assured me personally that he will sign this bill. He has no hesitation signing it. He wants to sign it.

Senator CAMPBELL and I will support it throughout the appropriations process to get the money. The most conservative, most liberal, and the moderate Senators in this body have all supported it. Let's do the right thing. Let's tell the same police officers we ask to go out at 3 o'clock in the morning to protect us that we will not do the closed-door withholding of the bulletproof vest legislation.

MINORITY JUDICIAL NOMINEES IN 106TH CONGRESS

Mr. LEAHY. Mr. President, I am glad to see the Senate confirming Judge Johnnie Rawlinson to the Ninth Circuit Court of Appeals today. She will be an outstanding member of that Circuit. I thank Senator REID for all of his hard work on this nomination. I also commend our Democratic Leader for getting Judge Rawlinson and the other nominations reported yesterday confirmed by unanimous consent today. No one has worked harder than Senator DASCHLE to try to get the Senate to act on President Clinton's judicial nominees and I thank him for his dedicated efforts.

On July 13, 2000, President Clinton spoke before the NAACP Convention in Baltimore and lamented the fact that the Senate has been slow to act on his judicial nominees who are women and minorities. He said: ''The quality of justice suffers when highly-qualified women and minority candidates, fully vetted, fully supported by the American Bar Association, are denied the opportunity to serve for partisan political reasons.'' He went on to say: ''The face of injustice is not compassion; it is indifference, or worse. For the integrity of the courts and the strength of our Constitution, I ask the Republicans to give these people a vote. Vote them down if you don't want them on.'' I wholeheartedly agree with the President.

I was encouraged to hear Senator LOTT recently and repeatedly say that he continues to urge the Judiciary Committee to make progress on judicial nominations. The Majority Leader said: ''There are a number of nominations that have had hearings, nominations that are ready for a vote and other nominations that have been pending for quite some time and that should be considered.'' He went on to note that the groups of judges he expects us to report to the Senate will include ''not only district judges but circuit judges.''

The United States Senate is the scene where some 50 years ago, in October 1949, the Senate confirmed President Truman's nomination of William Henry Hastie to the Court of Appeals for the Third Circuit, the first Senate confirmation of an African American to our federal district courts and courts of appeal. This Senate is also where some 30 years ago the Senate confirmed President Johnson's nomination of Thurgood Marshall to the United States Supreme Court.

And this is where last October, the Senate wrongfully rejected President Clinton's nomination of Justice Ronnie White. That vote made me doubt seriously whether this Senate, serving at the end of a half century of progress, would have voted to confirm Judge Hastie or Justice Marshall.

On October 5, 1999, the Senate Republicans voted in lockstep to reject the nomination of Justice Ronnie White to the federal court in Missouri—a nomination that had been waiting 27 months for a vote. For the first time in almost 50 years a nominee to a federal district court was defeated by the United States Senate. There was no Senate debate that day on the nomination. There was no open discussion—just that which took place behind the closed doors of the Republican caucus lunch that led to the party-line vote.

It is unfortunate that the Republican Senate has on a number of occasions delayed consideration of too many women and minority nominees. The treatment of Judge Richard Paez and Marsha Berzon are examples from earlier this year. Both of these nominees were eventually confirmed this past March by wide margins.

I have been calling for the Senate to work to ensure that all nominees are given fair treatment, including a fair vote for the many minority and women candidates who remain pending.

The bipartisan Task Force on Judicial Selection of Citizens for Independent Courts has recommended that the Senate complete its consideration of judicial nominations within 60 days.

Governor Bush of Texas recently also proposed that presidential nominations be acted upon by the Senate within 60 days.

Of the 34 judicial nominations currently pending, 26 have already been pending for more than 60 days without Senate action. Already this Congress 83 nominees, including 56 eventually confirmed, have had to wait longer than 60 days for Senate action. I urge the Senate to do better.

The Senate should be moving forward to consider the nominations of Judge James Wynn, Jr. and Roger Gregory to the Fourth Circuit. When confirmed, Judge Wynn and Mr. Gregory will be the first African-Americans to serve on the Fourth Circuit and will each fill a judicial emergency vacancy. Fifty years has passed since the confirmation of Judge Hastie to the Third Circuit and still there has never been an African-American on the Fourth Circuit. The nomination of Judge James A. Beaty, Jr., was previously sent to us by President Clinton in 1995. That nomination was never considered by the Senate Judiciary Committee or the Senate and was returned to President Clinton without action at the end of 1998. It is time for the Senate to act on a qualified African-American nominee to the Fourth Circuit. President Clinton spoke powerfully about these matters last week. We should respond not be misunderstanding or mischaracterizing what he said, but by taking action on this well-qualified nominees.

In addition, the Senate should act favorably on the nominations of Judge Helene White and Kathleen McCree Lewis to the Sixth Circuit, Bonnie Campbell to the Eighth Circuit, and Enrique Moreno to the Fifth Circuit. Mr. Moreno succeeded to the nomination of Jorge Rangel on which the Senate refused to act last Congress. These are well-qualified nominees who will add to the capabilities and diversity of those courts. In fact, the Chief Judge of the Fifth Circuit declared that a judicial emergency exists on that court, caused by the number of judicial vacancies, the lack of Senate action on pending nominations, and the overwhelming workload.

I am sorely disappointed that the Committee has not reported the nomination of Bonnie Campbell to the Eighth Circuit. She completed the

nomination and hearing process two months ago and is strongly supported by Senator GRASSLEY and Senator HARKIN from her home state. She will make an outstanding judge.

Filling these vacancies with qualified nominees is the concern of all Americans. The Senate should treat minority and women and all nominees fairly and proceed to consider them.

To reiterate, I commend and congratulate Judge Johnnie Rawlinson from Nevada who was confirmed to the Ninth Circuit Court of Appeals. She is going to do an outstanding job on that circuit. Senator Harry REID of Nevada, who worked so hard, deserves special mention as, of course, does Senator Dick BRYAN for joining in support of her nomination.

I hope this is a mark that maybe we will do better in the Senate and start moving judges, similar to what a Democratic-controlled Senate did in the last year of President George Bush's term in office when we moved judicial nominations right through to practically the last day we were in session.

There has been a lot of talk about what should be done or should not be done, what is being held up or should not be held up. Whether it is an accident or otherwise, it is a fact that women and minorities take a disproportionate amount of time to go through the system. That does not look well for the Senate.

If I could make a recommendation, I would join an unusual ally in that. Gov. George W. Bush of Texas Presidential nominations should be acted upon by the Senate within 60 days. He said:

> The Constitution empowers the President to nominate officers of the United States, with the advice and consent of the Senate. That is clear-cut, straightforward language. It does not empower anyone to turn the process into a protracted ordeal of unreasonable delay and unrelenting investigation. Yet somewhere along the way, that is what Senate confirmations became —lengthy, partisan, and unpleasant. It has done enough harm, injured too many good people, and it must not happen again.

Governor Bush is right. President Clinton has said virtually the same thing. I have said the same thing. The fact is, if you do not want somebody to be a judge, then vote them down, but do not do this limbo thing where sometimes they wait for years and years. Marsha Berzon waited 2½ years just to get a vote. They were not going to vote on this woman. When she finally came to a vote, she was confirmed overwhelmingly.

Richard Paez is a distinguished jurist, an outstanding Hispanic American. He waited not 1 year, not 2 years, not 3 years, but he waited 4 years for a vote, and then when his nomination was voted on, it was overwhelming.

Let us do better. Let's move on some of the names that are here, such as Kathleen McCree Lewis, Helene White, Bonnie Campbell, Enrique Moreno, and others who have been held up so long. Let's move on them. It can be done.

Mr. President, I thank my good friend from Kansas for his forbearance. He has now done enough penance for 1 day.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

AGRICULTURE, RURAL DEVELOPMENT, AND RELATED AGENCIES APPROPRIATIONS

Mr. BYRD. Mr. President, last evening, the Senate completed action on the Fiscal Year 2001 appropriations bill for Agriculture, Rural Development, and Related Agencies. The bill was passed by a vote of 79 to 13. I commend Senator COCHRAN, Chairman of the Subcommittee, and Senator KOHL, the Ranking Member, for crafting this very important legislation.

This bill includes many ongoing programs that are vital to the American people. It also includes a number of items to deal directly with problems that our farmers and rural residents are facing this year as they struggle to recover from natural disasters last year, and are now faced with the reality of continuing drought.

Overall, in Division A, the bill provides a total of $75.6 billion in non-emergency spending for fiscal year 2001. Of that amount, a little more than $60 billion is for mandatory programs, such as Food Stamps and reimbursements to the Commodity Credit Corporation which funds a wide array of commodity, conservation, and international trade programs. The balance of the non-emergency appropriations in this bill, $14.8 billion, is directed toward discretionary programs and represents an increase of nearly $900 million above last year's level. In addition to the $75.6 billion in Division A of the bill, Division B, as passed by the Senate, contains approximately $2.2 billion in emergency agricultural disaster assistance for the nation's farmers and rural communities. I will discuss these vital programs in more detail later in these remarks.

America's farmers have made this nation the breadbasket of the world. Our ability to produce plentiful safe, wholesome, and nutritious food is one of the basic foundations of economic and national security. The term ''food security'' may be little more than a vague concept to most, unfortunately not all, Americans; but in much of the world, it is an everyday reminder of the struggle to survive. The prosperity and the fate of nations throughout the history of the world are closely tied to their agricultural production capabilities. When the fields of Carthage were sown with salt by the legions of Rome, that once-great nation of northern Africa soon disappeared into the sands of the Sahara.

This appropriations bill includes many of the tools American farmers need to sustain their historically high levels of production. Research, conservation, credit, and many more items important to agriculture receive much-needed funding in this bill. Programs to promote exports of U.S. agricultural products throughout the world are included in this bill. American producers, and consumers alike, benefit from the work of the Agriculture Appropriations Subcommittee, and we should all join in supporting their efforts.

Agriculture exists in every part of the nation, and every Senator knows the important contributions farmers make to his or her state. When one thinks of farming, instant images of broad, flat fields of wheat or corn, spreading from horizon to horizon, easily come to mind. Visions of combines combing the Great Plains and of massive grain elevators reaching to Midwestern skies are a solid part of our national consciousness. But farming does not only exist in the flat plains of Kansas or the rolling hills of Iowa or in many of the other states most familiar to Americans as ''Farm Country.'' Agriculture exists in the tropics of Hawaii and the bogs of Maine. Agriculture exists in the orchards of the Pacific Northwest and in the groves of Florida. Agriculture even extends to the vegetable fields and reindeer herds of my Chairman's state, Alaska.

West Virginia is not famous as an agricultural state, but West Virginia agriculture is changing to meet the new demands of consumers. The future of agriculture includes diversification to meet the changing demands of consumers at home and abroad. Farmers in West Virginia, through the help of the Appalachian Farming Systems Research Center at Beaver, West Virginia, and the National Center for Cool and Cold Water Aquaculture at Leetown, West Virginia, are but two examples of the diversification of agriculture in my state and I am glad this bill provides increased funding for these two facilities.

In addition to the regular programs funded in this bill, I would also like to mention a few of the items included to address special problems farmers and rural residents have to face this year. Last year, Congress provided more than $8 billion in emergency funding to help farmers and rural areas respond to adverse weather and depressed commodity prices. This year, all indicators point to continuing drought conditions and prices for some commodities have fallen more than ever in history.

While it is important for Congress to respond to emergencies, it is equally, or perhaps more, important to prepare for them. Last year, many livestock producers in West Virginia suffered horrible losses from drought and, in many cases, had to liquidate their herds at depressed prices. Congress finally provided assistance to cover the

costs of feed, but in many cases the assistance was too little and, more tragically, too late.

Accordingly, I met with USDA Secretary Dan Glickman this spring and outlined for him my plan to put in place a program that will help prevent a repeat of some of the losses suffered by West Virginia farmers and farmers all across America last year. The Secretary agreed that action now is proper to provide him the tools necessary to mitigate losses that are likely to occur this summer. While it is beyond the power of the Congress to overcome the awesome powers of nature, it is within our power, and our responsibility, to provide assistance to the American people in the most effective manner possible. Where the likelihood of drought is certain, where acts of prevention are possible, there lies our responsibility and I want to thank my colleagues for supporting an amendment I offered to put these preventive tools in place.

Pursuant to my amendment, this bill provides $450 million for livestock assistance this year in the event drought conditions continue to worsen. These funds will only be available in counties which receive an emergency designation by the President or the Secretary. In the event no emergencies are designated, none of these funds will be spent. On the other hand, the ounce of prevention we provide in this bill may easily outweigh the costs producers, and possibly taxpayers, will later realize unless we act now to help mitigate losses that are likely to occur.

Drought conditions not only affect production agriculture, they drain water resources necessary for basic community services in rural areas. Currently, drought conditions in part of the nation are so severe that rural water systems are at risk from depleted supplies, wells will not function, and the increased demand for water have compounded this problem to the point of crisis. I am pleased that my amendment also provides $50 million for rural communities that are at-risk due to natural emergencies or due to threats to public health or the environment. Similar to the livestock provision mentioned above, a portion of these funds would be limited to counties which have received an emergency designation by the President or the Secretary and for applications responding to the specific emergency.

In addition to addressing problems related to drought, my amendment, as contained in this bill includes a number of other provisions. Included is $443 million to help dairy farmers recover from the current collapse in market prices. Also, $58 million is provided for compensation to producers from losses due to pests and disease such as Plum Pox, the Mexican Fruit Fly, Pierce's Disease, and Citrus Canker.

During floor consideration of the bill, a manager's package of some fifteen amendments was adopted to provide additional emergency agricultural assistance to farmers across the nation. That package of manager's amendments total approximately $1 billion, the largest portion of which, $450 million, will provide emergency assistance to producers who have suffered losses from recent natural disasters. This assistance will help offset losses from the heavy rains that recently affected more than one million acres of farmland in North Dakota, as well as losses in other parts of the country affected by drought. Additionally, $175 million was included to assist apple producers who have suffered from a combination of both market and quality losses; $40 million was provided to help compensate for losses due to citrus canker; $70 million was provided to fund emergency watershed operations in a number of states; an additional $50 million was included for community facility needs associated with losses from Hurricane Floyd and related storms; and the balance of items in this package will assist producers and rural communities across the nation in a variety of ways.

Overall, this bill strikes a good balance for providing funds to meet regular, ongoing needs and to prepare for problems that we are likely to experience later this year. I especially thank Senator STEVENS and Senator COCHRAN, Chairmen of the Appropriations Committee and the Agriculture Appropriations Subcommittee, respectively, and all members of the Appropriations Committee for their support of provisions which I authored that will provide the Secretary of Agriculture the ability to meet the developing drought conditions this summer. By meeting this challenge head on, we will be helping producers avoid a repeat of some of the terrible losses incurred last year. I support this bill, and I urge all Senators to support this bill.

Mr. President, I yield the floor.

OYSTER INDUSTRY IN CONNECTICUT

Mr. LIEBERMAN. Mr. President, I rise today to describe a distressing situation that 23 Connecticut oyster farmers found themselves in earlier this summer, and to offer my thanks to Mr. COCHRAN and Mr. KOHL for helping Mr. DODD and myself correct an injustice to these hardworking individuals. In early June, the United States Department of Agriculture (USDA) informed twenty-three Connecticut oyster farmers by letter that they must repay approximately $1.5 million total in federal disaster aid payments that were granted due to a federal error. I am pleased to say that Mr. DODD's and my amendment to forgive that repayment was included in the Agriculture Appropriations bill.

The oyster industry is important to Connecticut's economy—prior to 1997, Connecticut's annual oyster crop was second only to Louisiana's. However, between 1997 and 1999, our oyster industry was devastated by a disease known as MSX, resulting in massive losses. The market value plummeted from a 1995 high of $60 million to just $10 million.

In the face of this severe loss to the oyster industry, the Connecticut Farm Service Agency (FSA) approved and distributed modest disaster payments to the oyster farmers in 1999. The payments were made pursuant to the 1998 Crop Loss Disaster Assistance Program (CLDAP), which is administered by the Noninsured Crop Disaster Assistance Program (NAP). With this critically needed assistance, the oyster farmers began to rebuild their livelihoods.

Earlier this year, long after the funds had been invested and for purely technical reasons, USDA determined that the payments were made in error because most Connecticut oyster farmers grow their oysters in open beds rather than controlled environments. On June 2, 2000, USDA sent each of the 23 farmers a letter stating that they must repay the disaster assistance that they received the previous year. The oyster farmers were understandably frustrated and distressed by the message. I note, Mr. President, that only a small portion of oyster farming nationwide is done within controlled environments, and that production in a controlled environment was not a prerequisite for disaster assistance following damage to Florida and Louisiana oyster farms by Hurricane Andrew.

USDA has acknowledged that it bears responsibility for the error in disaster aid payments. However, USDA strongly believes that it would have ''no legislative authority to waive ineligible disaster aid payments'' without specific Congressional direction. Consequently, the Connecticut delegation has worked closely with USDA legal counsel to draft legislation exempting the oyster farmers from repaying the ineligible disaster aid. Earlier this month, the House of Representatives included such an amendment in the House Agriculture Appropriations bill; the Congressional Budget Office scored the amendment as neutral.

Today, I am pleased that the Senate has also recognized the injustice of holding hardworking oyster farmers responsible for federal error by including an amendment to forgive these payments in the Senate Agriculture Appropriations bill. Again, I thank Mr. COCHRAN and Mr. KOHL and their staffs for assisting Mr. DODD, myself, and especially the Connecticut oyster farmers in correcting an unfortunate situation.

DISASTER ASSISTANCE

Mr. GRAMS. Mr. President, I want to today offer my support and cosponsorship of the Dorgan amendment providing additional disaster assistance to producers hit hard by floods, drought, and other severe storms that have resulted in crop destruction and disease. In Minnesota, floods in the northwest and southern portions of the state have devastated many farmers causing some crops to rot in the field.

This is yet another hit for the struggling Minnesota farm economy. Portions of my state have faced heavy

rains and flooding for several years now, and things aren't getting any easier for these hardworking farmers also hit with low prices. In northwest Minnesota, FSA estimates that nearly 50 percent of the acreage has been affected by floods. In nine counties in Minnesota, there have been nearly 1.2 million acres affected. In Mahnomen county, 100 percent of the acreage has been impacted by floods.

FEMA funding and disaster assistance under the Small Business Administration and other programs do not provide these farmers the help they need. If we are willing to help farmers who are suffering from falling prices, as we have already done this year through supplemental spending, we should also come to the aid of those suffering from natural disaster, as we do on a routine basis each year as we experience such disasters.

I urge my colleagues to join me in supporting this important amendment.

EMERGENCY METH LAB CLEANUP FUNDS AMENDMENT

Mr. HARKIN. Mr. President, I wanted to thank the managers of the FY 2001 Agriculture Appropriations bill for their cooperation in including the amendment for emergency methamphetamine lab cleanup funds that Senator HUTCHINSON and I had offered as part of the bill's FY 2000 supplemental package.

This amendment, also cosponsored by Senator BINGAMAN, Senator BROWNBACK, Senator NICKLES and Senator THOMAS—provides $5 million in emergency lab cleanup funds for state and local law enforcement.

A similar provision I had offered was included in the emergency package from June but it was dropped before it was attached to the Military Construction Appropriations conference, which gained final passage with a voice vote. There was strong support for this provision from both Democrats and Republicans. And it was included in both the House and Senate supplemental packages.

So, it didn't make sense why it was suddenly dropped—especially when we're talking about dangerous chemical sites that are left exposed in our local communities.

Senator HUTCHINSON from Arkansas and I last week sent a letter to the Appropriations leadership that was signed by 30 Senators, calling for this emergency funding. Our states desperately need this money or they will be forced to take money out of their own tight law enforcement budgets to cover the high cost of meth lab cleanup.

Over the years, Iowa and many states in the Midwest, West and Southwest have been working hard to reduce the supply and demand of the methamphetamine epidemic. But meth has brought another unique problem to our states—highly toxic labs that are often abandoned and exposed to our communities.

The Drug Enforcement Agency has provided in recent years critical financial assistance to help clean up these dangerous sites, which can cost thousands of dollars each.

Unfortunately and to everyone's surprise, the DEA in March ran out of funds to provide methamphetamine lab cleanup assistance to state and local law enforcement. That's because last year, this funding was cut in half while the number of meth labs found and confiscated has been growing.

Last month, the Administration shifted $5 million in funds from other Department of Justice Accounts to pay for emergency meth lab cleanup. And I believe that will help reimburse these states for the costs they have incurred since the DEA ran out of money. My state of Iowa has already paid some $400,000 out of its own pocket in cleanup costs since March.

But, this is not enough to get our states through the rest of the fiscal year.

This $5 million provision will ensure that there will be enough money to pay for costly meth lab clean-up without forcing states to take money out of their other tight law enforcement budgets to cover these unexpected costs.

If we can find the money to fight drugs in Colombia, we should be able to find the money to fight drugs in our own backyard. We cannot risk exposing these dangerous meth labs to our communities.

Again, I appreciate the managers of this bill, Senator COCHRAN and Senator KOHL for their cooperation on this important provision and I look forward to working with them to making sure it is maintained in conference.

EMERGENCY SUGARCANE RELIEF

Mr. AKAKA. Mr. President, I rise today to express my gratitude to Chairman THAD COCHRAN, Ranking Member HERB KOHL, and Minority Whip HARRY REID for their efforts yesterday in passing Amendment 3976 to H.R. 4461, the Agriculture, Rural Development, Food and Drug Administration and Related Agencies Appropriations Bill for Fiscal Year 2001. This amendment, which was offered by my colleague, the Senior Senator from Hawaii, Mr. INOUYE, and myself will provide emergency relief to the Hawaii sugarcane industry.

Since 1990, the Hawaii sugarcane industry has experienced a dramatic decline in its sugar production, from 55 sugarcane farms operating on approximately 162,000 acres to three sugarcane farms operating on 60,000 acres.

Compared to other sugarcane growers in the United States, Hawaii growers are at a disadvantage due to higher transportation costs incurred in shipping raw sugar to California for refining. In addition, Hawaii growers are precluded from participating in certain relief provisions of the 1996 Farm bill, such as the United States Department of Agriculture's sugar loan program, which are available to other U.S. sugar growers. Hawaii sugar growers have demonstrated a strong commitment to remain in sugar production.

They continue to be on the forefront of sugarcane production and are working to diversify its capabilities by venturing into other agricultural commodities such as fiberboard products, energy products, seed corn, and low caloric sweeteners. Without emergency funds to help Hawaii's sugar industry compensate for extraordinary low prices and high transportation costs, this distressed sector of Hawaii's agricultural industry will cease to exist.

This amendment will designate $7.2 million as emergency funding for a grant from the Commodity Credit Corporation to the State of Hawaii. It will provide the necessary relief to this distressed sector of Hawaii's agriculture industry. This provision will provide compensation for extraordinary low prices and high transportation costs incurred by this industry.

Again, I wish to thank my colleagues for their support of this important amendment.

BISON MEAT AND MORE NUTRITIOUS INDIAN RESERVATION FOOD SUPPLIES

Mr. CAMPBELL. Mr. President, last night the Senate passed the Fiscal Year 2001 appropriations bill for the U.S. Department of Agriculture and Related Agencies with my support. Today I would like to take this opportunity to thank the Manager of the bill, Senator COCHRAN, for his willingness to accept my amendment to require that funds available in the Food Stamp Program be used for the purchase of bison meat for use in the Food Distribution Program on Indian Reservations (FDPIR). This amendment was cosponsored by Senators DORGAN, CONRAD and DOMENICI.

The buffalo has always played an important role in Native American culture, religion and history, providing Indian people with clothing, tools, and food. Bison meat is extremely healthy, low fat, and high protein meat source that in the past was a staple of nutrition for Indian people. However, when our own government decided it was best for tribes to be placed on reservations, often far away from their traditional lands, tribes lost this nutritious food source and from this, we are seeing some severe and devastating effects on the health of our Native communities.

Today, Native Americans suffer from diabetes and heart disease at five times the rate of any other group in the United States. Diabetes is a killer and the cure for it is elusive. One of the things we can do is to encourage a better diet for Native people. This is awfully hard to do when the Food Distribution Program on Indian Reservations is the main source of food for nearly 125,000 Native Americans and most of the meat that they do receive is canned and high in fat and sodium.

Two years ago USDA purchase $2 million in bison, and then another $6 million in 1999 through a bonus buy purchase and had enormous success

with it. My office has received numerous requests from Tribal Food Distribution Program Directors, tribal recipients and buffalo producers to help secure additional of bison. I sent a letter to Secretary Glickman requesting such purchases and his response is not encouraging.

Mr. President, the amendment I offered will direct USDA to use $7.3 million of the Food Stamp Program to purchase bison meat.

The Food Stamp Program, funded at around $21 billion, is expected to have a substantial surplus from lower participation given our healthy economy and low unemployment rate. It only seems reasonable that we could use a very small portion of those funds to help provide a healthier and culturally preferred choice of food for Native Americans.

I yield the floor.

EXPLANATION ON VOTES

Mr. BUNNING. Mr. President, I regret that I was ill and unable to vote on the Senate floor yesterday during consideration of H.R. 4461, the FY01 Agriculture Appropriations Act.

Had I been here yesterday, I would have voted in the following manner.

On Rollcall Vote Number 218, the Harkin Amendment, I would have vote ''Aye'' on the motion to table.

On Rollcall Vote Number 219, the McCain Amendment, I would have vote ''Aye'' on the motion to table.

On Rollcall Vote Number 220, the Wellstone Amendment, I would have vote ''Aye'' on the motion to table.

On Rollcall Vote Number 221, the Harkin Amendment, I would have vote ''No'' on the amendment.

On Rollcall Vote Number 222, the Wellstone Amendment, I would have vote ''Aye'' on the amendment.

On Rollcall Vote Number 223, the Specter Amendment, I would have vote ''No'' on the amendment.

On Rollcall Vote Number 224, on the question of germaneness of the Amendment, Number 3980, I would have voted ''no''.

On Rollcall Vote Number 225, final passage of the H.R. 4461, the FY01 Agriculture Appropriations Act, I would have voted ''Aye''.

I yield the floor.

TELEWORK

Mr. WELLSTONE. Mr. President, I rise today to offer an amendment that is designed to make information technology—IT—jobs a part of diverse, sustainable rural economies while helping IT employers find skilled workers. The goal of this bill is to link unemployed and underemployed individuals in rural areas and on Indian reservations with jobs in the IT industry through telework.

We are in the midst of an information revolution which has the potential to be every bit as significant to our society and economy as the industrial revolution two hundred years ago. But in recent months there has been much discussion of the ''digital divide,'' the idea that one America is not able to take advantage of the promise of new technologies to change the way we learn, live, and work while the other America speeds forward into the 21st Century. As advanced telecommunications and information technology become the new engines of our economy, it is critical that no communities are left behind.

Many rural communities and Indian reservations are already facing severe unemployment, underemployment, and population loss due to a lack of economic opportunities. A study last year by the Center for Rural Affairs reports that widespread poverty exists in agriculturally based counties in a six-state region including Minnesota. Over one-third of households in farm counties have annual income less than $15,000 and, in every year from 1988 to 1997, earnings in farm counties significantly trailed other counties. Unemployment on many Indian reservations exceeds 50 percent and remote locations make traditional industries uncertain agents for economic development.

There are troubles ahead for the new economy as well: the information technology industry reports that it faces a dramatic shortage of skilled workers. The Minnesota Department of Economic Security projects that over the next decade, almost 8,800 workers will be needed each year to fill position openings in specific IT occupations. Approximately 1,000 students graduate each year from IT-related post-secondary programs in Minnesota, not anywhere near enough to fill the demand, according to this same state agency. This shortage is reflected nation wide, with industry projecting shortfalls of several hundred of thousand IT workers per year in coming years.

Rural workers need jobs. High tech employers need workers. This legislation would create models of how to bring these communities together to find a common solution to these separate challenges.

My amendment is very straightforward. It would simply add $3 million to the very popular and successful Distance Learning and Telemedicine Program operated by USDA's Rural Utility Service for the purpose of promoting employment of rural residents through telework.

Mr. President, telework is a new term that may be unfamiliar to colleagues so I want to take a moment to explain what it is. According to the International Telework Association and Council, telework is defined as using information and communications technologies to perform work away from the traditional work site typically used by the employer. For example, a person who works at home and transmits his or her work product back to the office via a modem is a teleworker, also known as a telecommuter; as is someone who works from a telework center, which is a place where many teleworkers work from—often for different companies.

The nature of IT jobs allow them to be performed away from a traditional work site. As long as workers have the required training, and a means of performing work activities over a distance—through the use of advanced telecommunications—there is no reason that skilled IT jobs cannot be filled from rural communities.

Because it essentially allows distance to be erased, telework is a promising tool for rural development and for making rural and reservation economies sustainable. Very soon, a firm located in another city, another state or even another country need not be viewed as a distant opportunity for rural residents, but as a potential employer only as far away as a home computer or telework center. Likewise, telework arrangements allow employers to draw from a national labor pool without the hassles and cost associated with relocation.

Many businesses and organizations are already using telework or telecommuting as a tool to reduce travel and commuting times and to accommodate the needs and schedules of employees. Many metropolitan communities with high concentrations of IT industries are already looking to telework as a means of addressing urban and suburban ills such as housing shortages, traffic congestion, and pollution.

However, the IT industry does not currently view rural America as a potential source of skilled employees. Nor do many rural communities know how to turn IT industries into a viable source of good jobs to revitalize local economies. Moreover, many rural community leaders fear that providing IT job skills to rural residents—when there are no opportunities for using those skills in the community—will lead to further population losses as retrained workers seek opportunities in metropolitan areas. At the same time, management of off-site employees requires new practices to be developed by employers and in some cases, dramatic paradigm shifts. Rural areas and Indian reservations are in danger of being left behind by a revolution which actually holds the most promise for those communities which are the most distant. IT employers risk missing a pool of potential employees with a strong work ethic.

Receiving one of the teleworking grants provided for by my amendment will give rural communities access to federal resources to implement a locally designed proposal to employ rural residents in IT jobs through telework relationships, linking prospective employers with rural residents. This amendment will allow these communities to create locally developed and implemented national models for how telework can be used as a tool for rural development.

The necessary vision to of how to make telework a reality already exists in some employers and in some rural communities. In Sebeka, Minnesota—a town with a population of little more

than 600 people—a small firm called Cross Consulting was founded. That company employs over 20 people through a contract with Northwest Airlines to provide programming on Northwest's mainframe computers. These people are rural teleworkers. The new economy is not leaving Sebeka behind and we need to incubate that kind of innovation in rural areas and Indian reservations across this country.

On April 13 along with Senators BAUCUS and DASCHLE I introduced the Rural Telework Act of 2000. That legislation is a more comprehensive means to the same ends as this amendment I am offering today. I mention this legislation because it is broadly supported by private industry, rural communities, educational institutions and tribal governments.

For many jobs, in many industries, telework may be the future of work. It may also be the future of diverse, sustainable rural economies. This amendment offers an early opportunity to invest in local innovation to harness this potential and I urge its adoption.

RESALE OF ARMOR PIERCING BULLETS TO CIVILIANS

Mr. LEVIN. Mr. President, last week the Senate passed the Department of Defense Authorization Act for Fiscal Year 2001 which included an amendment I sponsored to outlaw the resale of military surplus armor piercing ammunition, including .50 caliber ammunition, to civilians.

This amendment requires the Department of Defense to ensure that military surplus armor-piercing ammunition is not sold or transferred to anyone except foreign militaries or law enforcement or other government agencies. Armor piercing ammunition is extremely lethal and is powerful enough to pierce an armored limousine or helicopter. It has no legitimate civilian use.

Last year, Congress approved legislation which instituted a one-year restriction on the civilian sale of military surplus armor piercing ammunition; the amendment approved by the Senate last week would put that temporary restriction into permanent law. Before the one-year restriction was enacted, under the Conventional Demilitarization Program, a contractor working with the Department of Defense was paid $1 per ton to take possession of its excess armor-piercing ammunition, which it was free to refurbish and resell to the general public.

The Department of Defense should not be a party to making this extraordinarily destructive ammunition available to the general public. Once available on the market, this powerful ammunition is subject to virtually no restriction, making it easier for someone to purchase armor piercing ammunition capable of piercing an armored car, than it is to buy a handgun. These loose restrictions make armor piercing ammunition highly popular among terrorists, drug traffickers and violent criminals.

An investigation by the General Accounting Office (GAO) found that armor piercing .50 caliber ammunition is ''among the most destructive and powerful ammunition available in the United States'' and the ''widespread availability'' of the bullets ''poses a threat to public safety.'' In the year ending in March, 1999, more than 113,000 rounds of military surplus armor piercing .50 caliber ammunition were sold in the United States.

The amendment to prohibit the resale of military surplus armor piercing ammunition is a small but important step in keeping our streets safe.

COUNTERING THE THREAT TO MONTENEGRO

Mr. BIDEN. Mr. President, I rise today to discuss the threat to Montenegro, the sole remaining free part of the Yugoslav federation.

In the decade of the 1990s, there were four mornings on which my colleagues and I awoke to a recurring headline: new war in the former Yugoslavia, started by Slobodan Milosevic.

First, in Slovenia. Next, in Croatia. Then, in Bosnia and Herzegovina. Finally, in Kosovo.

I do not want to ever read that headline again. I never want to read the headline that says: Milosevic starts new war in Montenegro.

So let's say it loud and clear: hands off Montenegro, Mr. Milosevic!

What is going on today in the so-called Federal Republic of Yugoslavia, specifically, in the relationship between Serbia and Montenegro?

Why is it important for us to pay attention?

And what should be our stance toward developments there?

These are the questions I aim to answer in my remarks today.

Most of my colleagues are aware that ''Yugoslavia'' is an invented term. It was not the name with which that nation was born after the First World War. Rather, the Kingdom of the Serbs, Croats and Slovenes officially changed its name in 1929 to the ''Kingdom of Yugoslavia,'' meaning the kingdom of the South Slavs.

That was the first Yugoslavia, the one which perished in the course of the Second World War. Out of the ashes of World War II, the second Yugoslavia arose. That was Tito's Yugoslavia. Tito had been dead for a less than a decade when his Yugoslavia began to unravel at the start of the 1990s. And now, today, all that remains of Yugoslavia is an increasingly quarrelsome couple: Serbia and Montenegro.

Once Yugoslavia was a state of 20 million inhabitants, with five constituent republics plus two semi-autonomous provinces. And today? Slovenia, gone. Croatia, gone. Bosnia and Herzegovina, gone. Macedonia, gone. Kosovo, for all intents and purposes, gone.

The two republics of Serbia and Montenegro are what is left of Yugoslavia, Mr. President. And the undeniable fact is that many people in Montenegro want no more to do with that Yugoslav federation with Serbia as it is today.

Will Montenegro someday split off to become an independent nation-state, like Slovenia, Croatia, Macedonia, and Bosnia and Herzegovina? Maybe.

Will Montenegro someday become a partner with Serbia in a revitalized and restructured Yugoslavia? Maybe.

Will Montenegro wind up as a Serbian puppet-state, ruled from Belgrade by the likes of Slobodan Milosevic or some other Serbian authoritarian jingoist? Not if I have anything to say about it, and I hope my colleagues and the U.S. Government agree with me.

We simply must not take our eye off the ball, Mr. President. There is still a very serious risk that Milosevic will undermine and then overthrow the elected government of the Republic of Montenegro.

What would be the result of such a development? At a minimum—Montenegrins executed or thrown in jail, others forced to flee abroad as refugees, Milosevic in charge of new borders with Croatia, Bosnia and Herzegovina, Albania, and Kosovo. At a maximum—war with a capital ''W'', in the Balkans, once again.

What is the seriousness of the threat today to Montenegro?

Earlier this month Milosevic made his latest move from Belgrade. He got the obedient legislature to approve changes to Yugoslavia's constitution.

The first major change was that henceforth the President of Yugoslavia will be directly elected. Guess who gets to run? Yes, Milosevic himself—who otherwise would have been obliged by the constitution to step down next year at his term's end. This means that Mr. Milosevic has, in effect, extended his legal ''shelf-life'' by as many as eight years.

The second major constitutional change was that the upper house of Yugoslavia's parliament henceforth will be elected proportionally. Mr. President, that's easy for us to understand. It means that, by comparison, in this Chamber, there would be a heck of a lot more Senators from California than from Delaware. In the case of Yugoslavia, it isn't hard to figure out the significance: Montenegro has 650,000 inhabitants; Serbia has 10 million.

This constitutional re-jiggering has fooled absolutely no one.

That it was immediately condemned, on July 8, both by Montenegrin President Milo Djukanovic and by the legislature of the Republic of Montenegro. The vote in the Montenegrin legislature was 36 to 18 in favor of a vigorous condemnation of the constitutional changes as ''illegal and illegitimate.''

The changes have also been condemned by the political opposition within Serbia.

The changes have even been condemned by the Russians, who joined in

the recent G–8 communique statement condemning Milosevic's constitutional fiddling.

Milosevic and his cronies are clearly trying to topple the democratically elected government of President Djukanovic. These constitutional changes are but the latest gambit.

In contrast with Milosevic's hopelessly inept long-term strategies, most of his tactics are clever. If these constitutional changes were ultimately to be accepted by, or forced upon, the Montenegrins, they would facilitate his control of Montenegro through peaceful means. Given, however, that the Montenegrins have rejected the changes, Mr. Milosevic now can claim, spuriously, that the Montenegrins are acting ''unconstitutionally'' or ''illegally'' and that, therefore, Belgrade has some right to ''intervene.''

Mr. Milosevic also is trying to provoke the Montenegrin authorities into reacting out of anger and national pride, and going ahead with a referendum on independence.

Thankfully, the Montenegrin Government, including both President Djukanovic and the legislature, have not fallen for Milosevic's trap. On July 8, the same day that it so roundly condemned Milosevic's constitutional shenanigans, the Montenegrin legislature specifically rejected a proposal calling for an immediate referendum on independence.

The support for independence in Montenegro is not—at least not yet—sufficiently strong to justify holding a referendum. Look again at that vote—36 to 18. There clearly are pro-Milosevic politicians in Montenegro. Many Montenegrins, especially from the northern part of the country, either consider themselves Serbs or at least profess greater allegiance to Serbia and/or a Yugoslavia which Serbia dominates than to Montenegro.

Aside from ethnic self-identification, there are many Montenegrins who are not convinced that independence is a better outcome for such a small country than a democratically reformed federation with Serbia would be. For example, in recent municipal elections in Montenegro, the capital, Podgorica, went for Djukanovic, while another city, Herceg Novi, went for the pro-Serbian party.

The risk of holding a referendum on Montenegro's independence, in such a context, would be that the balloting might easily be followed by civil unrest and skirmishes—provoked by Milosevic's henchmen or spontaneous—which would be all the provocation that Milosevic would need in order to seize power in the name of preserving law and order through some combination of paramilitaries and Yugoslav Army units already stationed in Montenegro.

In fact, Reuters reported that the Yugoslav Army was poised to implement just such a plan if the Montenegrin legislature had reacted more radically to the changes in the Yugoslav constitution. Our State Department does not discount these reports as idle speculation.

What is our policy in response to Milosevic's constant provocations and threats against Montenegro? What have we been doing, what are we doing, what more can we do?

First of all, we are providing economic assistance to the Government of Montenegro.

In Fiscal Year 2000, we have already allocated $60.56 million. Secretary of State Albright announced on July 13 that the Administration plans to notify the Congress of its intention to reprogram an additional $16.5 million for democratization and economic reform in Montenegro.

Why does Montenegro need this money?

Much of it is for budget-support. As a key part of Milosevic's effort at destabilization, he has squeezed Montenegro's economy very hard through a series of measures.

He has had Yugoslavia's central bank print extra money, against the wishes of the Montenegrin representatives to the bank, and then spent it in Montenegro to cause inflation there.

Yugoslavia has refused to grant import and export licenses to Montenegrin companies.

Serbia has taken virtually all of the revenue from Yugoslavia's customs collections, leaving none of it for Montenegro.

Yugoslavia has stopped payment to Montenegrin pensioners from the federal pension fund.

Yugoslavia has denied overflight clearances for aircraft that would transport foreign tourists to Montenegro.

And, most significant, Belgrade has cut off Montenegrin purchasers from food and medicine produced in Serbia, the market which previously had provided 75 percent of Montenegro's purchases of such commodities. Think about this—the Milosevic regime, which complains about sanctions targeted at specific individuals and enterprises in Serbia, has placed sanctions on its ''brother'' republic of Montenegro. These are sanctions that hurt all Montenegrins.

It is in large part to combat this kind of economic sabotage that we are providing so much assistance to Montenegro.

That is merely the economic kind of sabotage.

As I just mentioned, the Milosevic regime has been preparing the Yugoslav Army to be able to move against the Djukanovic government. For several years, Milosevic has been sending special troops to join Yugoslav Army units in Montenegro, as well as commanders who would not hesitate to obey orders to attack their Montenegrin ''brethren.''

Ready to defend the legally elected government are the relatively well-armed police force and Interior Ministry troops of the Republic of Montenegro.

There have been stand-offs and provocations at border crossings, at Podgorica airport, and elsewhere.

So far cooler heads have prevailed, but no one should doubt that Milosevic has a plan to depose Djukanovic, the most prominent remaining democrat in Yugoslavia. Milosevic will undoubtedly wait for another target of opportunity. I have no inside line to Belgrade, but my guess is that he may act when we are preoccupied with the U.S. election campaign this fall and when he hopes that partisan political interest may make reaction to foreign aggression more difficult. More about that later.

In any event, it is abundantly clear that Montenegro urgently needs our assistance because it is threatened by the Serbia of Milosevic, through economic pressure and military intimidation.

Why, however, does Montenegro deserve our assistance?

The answer is simple. Because Montenegro, and President Djukanovic's government, want to do the right thing.

President Djukanovic, though still a young man, has traveled a long road. He has gone from being a Yugoslav Communist committed to the preservation of the status quo to being a Western-oriented democrat.

I have met with President Djukanovic on several occasions.

He is a realist. He knows that the only option for Montenegro is the Western model. That means market economy. That means fair elections and multi-ethnic inclusive politics. That means engagement with the outside world rather than sullen, sulking self-pity.

From the beginning, his government has been a coalition of Montenegrins, Slavic Muslims, and ethnic Albanians,

During the air campaign in Kosovo, President Djukanovic permitted refugees to enter Montenegro from Kosovo, and from Serbia as well. In fact, some members of the Serbian opposition were safer during that war in Montenegro than in Serbia.

Even while Yugoslav Army targets were being bombed in Montenegro, President Djukanovic kept his cool. He understood that what NATO was doing had to be done.

Recently, President Djukanovic did something that I think is extraordinary, and ought to be better known.

Earlier this summer, he offered an apology. Specifically, on behalf of Montenegro, he said to the Croatian people: I'm sorry for the role that some Montenegrins played in the infamous shelling of Dubrovnik back in 1991.

What is going on here? A Balkan leader actually apologizing for ethnic-cleansing and war-crimes?

The fact that President Djukanovic made that statement, and that it was accepted as an apology by President Mesic and the Government of Croatia, is highly significant.

That kind of statement and reaction represent the only way out of the morass of ethnic hatred that caused, and

could still cause, death and destruction in the former Yugoslavia.

In terms of economic reform, the government of President Djukanovic has said that it would like to begin a major privatization of state assets sometime later this year. The United States, our allies, and the international financial institutions not only should support this, but should be involved in it. We have learned from hard experience throughout the former communist world, that if outside powers do not get involved, it is just too tempting for well-placed individuals to cream off the best for themselves, to the disadvantage of the populace as a whole.

Montenegro deserves our support, because its government wants to follow good models of governance, economics, and politics, despite the risk that its democratic and free-market policies could bring civil war, military coup, sudden exile, or even worse, assassination. Let us not forget that it was in Montenegro that Milosevic's hit-men shot and wounded Vuk Draskovic, the Serbian opposition leader. Standing up to Milosevic, when you live inside Yugoslavia, takes courage. Standing up to Milosevic in the name of a majority of your 650,000 countrymen, as President Djukanovic is doing, takes quite a bit of courage.

It seems clear to me that what we have on our hands in Montenegro is a case where we have American strategic interest combined with a moral imperative.

Let us not be caught flat-footed in Montenegro. Let us be vigilant and on guard.

First, I call upon our government to make clear to President Milosevic that the United States will not tolerate the overthrow of the legally elected government of Montenegro.

Second, I urge in the strongest terms that the United States immediately take the lead within NATO in drawing up detailed contingency plans for responding affirmatively to any request by the Djukanovic government for assistance in repelling aggression by the Yugoslav Army against Montenegro.

Third, in order that this not become a partisan issue in the fall election campaign, I urge the Administration to include representatives of both Vice President GORE and Governor Bush in all deliberations on the situation in Montenegro.

I hope that all members of Congress, and indeed all Americans, will agree that we owe it to ourselves, to our allies, and to our friends in Montenegro and in the Balkans, to be prepared. As somebody once observed, ''summoning the will to win is one thing; the more important thing is summoning the will to prepare.'' Deterrence is much cheaper than war-fighting. Milosevic must be made to understand that he will not be allowed to get away with his fifth war of aggression in 10 years.

ADDITIONAL STATEMENTS

TRIBUTE TO WILLIAM GRANT SMITH NEAL ON THE 56TH ANNIVERSARY OF THE AMERICAN LANDING ON GUAM

• Mr. KOHL. Mr. President, 56 years ago today, the United States Marine Corps landed on the island of Guam to liberate its people from Japanese occupation. One of the marines involved in that action was William Grant Smith Neal who subsequently received the Purple Heart for wounds sustained during action on that island the following day. William Neal died on July 9, 2000 and one more American veteran of World War II has been taken from us. To honor Mr. Neal, and all veterans who served during that war, I believe it is fitting to outline the life of this man as a tribute to his generation which offered every full measure to keep this country safe.

On January 22, 1923, in Utica, Kansas, was born the first child to Glenn and Bessie Neal. As evidence of close attachment with family (which has become a Neal trademark) Glenn and Bessie wanted to name their son William Grant Neal after his grandparents, William Neal and Grant Smith. In the excitement, the doctor became confused and the name affixed to the baby's birth certificate was William Grant Smith Neal. However, to family and friends, he became known simply as Bill.

In fact, it was not until Bill entered the Marine Corps 18 years later that a document search revealed the complete scope of Bill Neal's full name.

Bill's father was employed by the Missouri Pacific Railroad and his job relocated him and the entire Neal family in the late 1920's to Horace, Kansas, a community located nearly on the Colorado border and right in the middle of the coming Dust Bowl. As a child, Bill soon became familiar with athletics and was a member of the Horace Elementary Basketball Team during the 5th and 6th grade. While playing in a double elimination tournament, Bill's team won the final game, but with only three players remaining; all others had fouled out. Just like life in the West Kansas plains during the 1920's and 30's, playing basketball there was tough stuff, and Bill proved he had what it took: he was one of the final three.

By the mid-1930's, the Neal family was moving again, this time to Hoisington, Kansas, where firm roots were put down. At Hoisington High School, Bill again excelled in sports as the football quarterback and in basketball and track. Naturally, his little sisters were very proud of him and anytime they would see Bill in downtown Hoisington, they would rush to his side and try to engage him in conversation. Being the big brother, however, Bill's response to such attention was normally the command, ''Go Home!''

Other girls were more successful. On one occasion, a girl in Bill's class appeared at the Neal home, knocked on the door, and asked for Bill. When Bill stepped outside, she quickly kissed him and ran away.

She wasn't taking the chance of being told to go home.

After High School, Bill pursued higher education at Wichita University, known today as Wichita State University, on a football scholarship. But world events were soon to disrupt Bill Neal's formal education for 4 years and, instead, provide him a role in one of the most important events of the 20th Century.

The December 7th attack on Pearl Harbor stirred the hearts of many young Americans intent on protecting our nation's shores and interests from evil forces then afoot in the world. Bill Neal was no exception.

Although not yet of age to enlist without parental consent, Bill immediately sought to join the U.S. Marine Corps and asked his father for approval. However, his father, himself a veteran of the First World War, was not eager to watch his young son march off to what he knew awaited on distant battlefields and, instead, sent him back to school in Wichita until such time that Bill would otherwise have to sign up for the draft. That time soon came and on July 11, 1942, Bill Neal entered the United States Marine Corps and set off from Kansas by rail to Marine boot camp in San Diego, California. Bill had never before stepped foot outside the state of Kansas, but now he was about to enter a far and dangerous world.

After boot camp, Bill was sent to New Zealand, which was then a staging area for hostile activities in the South Pacific. On his first Sunday there, Bill attended service at a local Methodist Church where he met the Craig family: Bob, his sons Bruce, Wallace, and Russell and Auntie Maggie. Following service, the Craigs invited Bill home for dinner and in a short time, he had become their ''adopted son''. Auntie Maggie taught him to drink tea in her kitchen and Wallace took him to rugby games.

The friendship which developed between Bill and the Craigs continued through the years and Bill and his wife Natalie recently made a trip to New Zealand to renew that friendship. Just last year, Russell Craig and his wife Iris made a trip to America where Bill and Natalie served as their guide from one coast all the way to the other.

But, the South Pacific in the 1940's was no vacation spot. Before long, Bill embarked from New Zealand for less hospitable receptions on Bouganville and Guadalcanal. The taste of Auntie Maggie's tea was soon replaced with the stench of hot, wet jungles.

On July 21, 1944, Bill Neal came ashore at Guam in the second wave landing on Asan Red Beach. One day later, July 22nd, Bill was in a foxhole with four other marines when the direct hit of a Japanese shell fell right on their location. Three of Bill's companions were killed instantly. Bill would

oftentimes say that every day of his life after that foxhole was a gift. It was a gift, to him and to all of us.

The wounds Bill suffered on Guam placed him in a Honolulu hospital, and after recovering he went home to Hoisington for what was to be an extended leave. But meanwhile, the storming of Iwo Jima and its resulting high number of casualties forced the military to call available servicemen back into the theater of operations. So ended Bill's home leave and once again, he was kissing his mother goodby and boarding a train for the Pacific and a ship back to Guam where he was made pack-ready to invade Japan.

Bill was under no allusion. Everyone knew that an American invasion of the Japanese home islands would be very grim work and the chances of survival not promising. But that was exactly the breach into where Bill Neal was about to step when word came of the flight of the Enola Gay, the dropping of two Atomic Bombs, and the surrender of Japan. Bill often acknowledged that Harry Truman, in making the momentous decision to use atomic weapons, not only ended the war, but also saved his life.

With the war's end, Bill returned to the beloved homeland for which he had risked his life, and nearly paid the ultimate sacrifice. He readjusted to civilian life and was by 1946 enrolled at Manhattan, Kansas, in the Kansas State College, now Kansas State University, with a major in Agriculture Education and a membership in the Acacia Fraternity. He was heard to claim that he had returned to his native soil to ''marry a little Kansas farm girl''. He was soon to get his wish.

One September night in 1946, Bill and a group of his friends drove out into the Riley County countryside with the less-than-noble intention of appropriating some watermelons from a nearby farm. The car in which they were riding was not properly large enough for the task and Bill found that someone was going to have to sit on his lap. Not to his dismay, that someone was a little Kansas farm girl from near Elbing, who, though an accomplice in the affair, was probably far more innocent than anyone else involved. But watermelons aside, Bill Neal had met his ''little Kansas farm girl'' and it is doubtful if any other raid has been ever so successful.

Two days before Christmas of the following year, Natalie Baker's mother put her daughter on a bus in nearby Newton, Kansas, and within a number of hours, Natalie had arrived in Bill's hometown of Hoisington to meet the entire Neal family for the first time, visit the minister's house, and get married, all in one day. At the wedding there was only one guest, uninvited at that, by the name of Rex Archer who was one of Bill's fraternity brothers in Manhattan. After the ceremony, Bill's mother prepared a feast and sitting at the table, Rex demanded Natalie's attention and told her to take a good look at the man she had just married. ''Just look at that,'' he told her, ''just see what your kids are going to look like!'' Bill's father thought that was pretty funny. To Natalie it may have been a little sobering, but it was too late to back out, not that she would have anyway.

Less than a year later, it was time to test the prediction. On September 29, 1948, Bill and Natalie Neal had their first child, Candi, born in Manhattan, Kansas. The following night, Bill's fraternity brothers gathered outside Natalie's room in the hospital to serenade her and her infant daughter with the Acacia Sweetheart Song.

By January of 1950, Bill had graduated from college, but jobs were hard to find and his first post-graduation employment was in the form of temporary jobs in eastern Colorado and Salina, Kansas. It was in Salina on August 19, 1950, that Bill and Natalie's second child, a son named Bill, Junior, was born, known to all of us now as Billy. The Neal family was now complete.

Not long afterward, Bill was offered a position as an instructor in Ellsworth, Kansas, teaching veterans skills related to agriculture. To Bill, this was a very rewarding experience and one which gave him many long lasting friendships with his students. However, another vocation was calling. In 1953, Bill was offered a job as claims adjuster with the Farm Bureau Insurance Company, which began a career that lasted more than 30 years. After a short training session in Great Bend, Bill was assigned to the Farm Bureau office in Garden City.

The early 1950's were particularly brutal in western Kansas where dry, hot, windy days would kick up dust storms from which it was nearly impossible to escape. One Spring day in 1955, Bill was on the phone to a Farm Bureau office in eastern Kansas talking about the possibility of him taking a position in that part of the state. Bill asked if the wind was blowing in eastern Kansas that day and was told no, the sun was shining, the sky was blue, and the birds were singing.

Bill looked out his window in Garden City, couldn't see across the street for all the dust, and at that moment the decision was made to move the Neal family across the state to settle in Altamont, which has remained the Neal home ever since.

Always quick to adopt the local community spirit, Bill for a time taught Sunday School at the Altamont Presbyterian Church to high school-age and young adults. He even held briefly the position there as Assistant Sunday School Superintendent. One Sunday both the Superintendent and the pianist were gone leaving Bill fully in charge.

He arranged for a substitute pianist and all seemed to be going well. When someone in the class suggested a particular hymn, Bill joined in with enthusiasm, but didn't notice that his hymnal was missing a page and he was singing a different song. Not long after that, Bill decided to pass on the role of Assistant Superintendent to another.

All of us, in our own way, have our own cherished memories and stories of Bill Neal. Some of the remembrances of his former coworkers and friends include those of Jim Cerne, who described Bill as simply, ''his mentor''. Also, Paul Schmidt, former Cherokee County Farm Bureau Agent, recalls the time his wife was concerned about his health and was pressing him to get a check-up at a clinic in Ft. Scott. Bill thought the best way to get Paul to see a doctor was to agree to see one as well. He told Paul, if you go, I will go along with you for the same treatment, and it worked. Although they were tempted to sidetrack their trip from Ft. Scott to a Missouri golf course, they did get the check-up. However, the results were a little unexpected.

Paul got a clear bill of health and Bill ended up getting gall bladder surgery.

Slick Norris, while the Altamont Grade School Principal, learned of Bill's former achievements in field and track and one day asked him to give a demonstration to the students on pole vaulting. Young Billy Neal was quite proud when his ''old dad'' was able to top 8 feet in prime form at the age of 39.

Bill's love of history was well known. Billy and others often noted how Bill always managed to land on ''yellow'' in Trivial Pursuit. But beyond that, Bill was a serious student of history and served well as the family genealogist. In fact, on a recent trip to Illinois and Indiana, he uncovered some interesting and long-forgotten tales of his mother's ancestors.

For others of us there are differing impressions. Grandchildren will be quick to remember their grandpa's booming voice and hearty laughter. And, it will be easy to imagine Bill still making the rounds at the Parsons Country Club.

Honesty was a standard Bill lived by every day of his life. On a recent tour of the New York Metropolitan Museum of Art, Bill promptly provided the full suggested donation price posted on a museum table, even after a local artist informed him it was just fine to offer only 50 cents.

Similarly, during a tour of a Mexican border town, Bill was walking down the street and came upon a young woman selling tablecloths on a display. He asked her the price and she said $7. When he asked her for a sack to put them in, she misunderstood and said, $6. Anyway, Bill was never one to dicker.

But, maybe, it was his never-failing optimism that was Bill Neal's greatest calling card. To him, every morning was a ''glorious good morning'' and every day brought his greeting of a most deliberate ''rise and shine''!

Aside from family and friends, though, it was perhaps the U.S. Marine

Corps and his experience during the war years that best shaped the qualities and character of Bill Neal. For many veterans, the horrible experiences of war are not the subject of comfortable conversation, and such was the case with Bill. Not until 1992 would Bill discuss many of his war experiences with even members of his immediate family.

In 1992, Bill and Natalie attended the 50th Anniversary of the founding of the 3rd Marine Division in San Diego. That event, coupled with his reunion of old friends and sojourners of harms way, served as an invitation for Bill to release many of the memories he had held for half a century. He began to open up and talk about those years and let us all share in the pride of what he and others did for his country and for us.

Nearly every year since then, Bill and Natalie attended these annual reunions where ''Semper Fidelis'' is demonstrated in a big way. In July 1994, Bill and Natalie participated in a charter flight where a large contingent of former fellow Marines, and their families, returned to Guam for the 50th Anniversary of the American landing on those shores.

As they approached the island, the pilot slowly circled the beaches below where in 1944, Bill and his comrades slogged ashore toward a hostile enemy and an uncertain fate. Its not hard to imagine the rush of emotions everyone aboard that plane experienced either remembering or imagining what it had been like. Once on the ground, the people of Guam came out to cheer the return of the liberators who marched onto their shores all those years ago and where every year since, July 21st is celebrated as ''liberation day''.

While the image of hero is real, it is not necessarily as a liberator, a warrior, or even as the recipient of the Purple Heart that we recall in the person of Bill Neal. Instead, it is of a loving husband and father. The relationship shared by Bill and Natalie for more than 50 years has been more than a model marriage. It is unlikely there has ever been another couple more dedicated to each other, more in tune with each other, and more deeply in love with each other than Bill and Natalie.

Bill and Natalie have given us two extremely intelligent and talented children, 8 grandchildren, and 2 great grandchildren, so far. Other surviors include two brother, Cecil Neal of Oregon, Wisconsin and Willis Neal of Overland Park, Kansas; five sisters, Glenna Schneider of Tribune, Kansas, Twyla Miller of Broken Arrow, Oklahoma, Sally Hager of Dighton, Kansas, Phyllis Luerman of Hoisington, Kansas, and Penny McClung of Attica, Kansas. Bill was preceded in death by a sister, Jessie Kasselman.

In many ways, Bill Neal lived the American dream. Rising from humble origins in the still untamed plains of western Kansas, he went on to accomplish a challenging career, marry a lovely and talented woman, and produce loving and dedicated children. He offered everything, including his very life, in the protection of those things most important. He met the challenge of his generation when foreign oppression threatened our very way of life. He came to adopt and live by the creed of his fellow Marines, the one which it is not now too difficult to imagine him using to salute those most dear to him.

Semper Fi!●

TRIBUTE TO COL. BRUCE BERWICK, COMMANDER, BALTIMORE DISTRICT, U.S. ARMY CORPS OF ENGINEERS

● Mr. SARBANES. Mr. President, I rise today to pay tribute to Colonel Bruce Berwick, Commander of the Baltimore District, U.S. Army Corps of Engineers. Col. Berwick is moving on to a new assignment at the Pentagon and I want to express my personal appreciation for the outstanding work that he has done.

The Baltimore District is one of the Corps' largest districts encompassing five States and the District of Columbia. It is responsible for twenty-three military installations, three major watersheds including the Chesapeake Bay and Potomac and Susquehanna Rivers, 14 dams and reservoirs, numerous navigation projects—large and small, and the public water supply for the Washington metropolitan area, as well as certain overseas activities. Managing the District's considerable and diverse workload presents a special challenge—a challenge that Col. Berwick met with great success. During his three-year tenure as Commander of the Baltimore District, Col. Berwick has distinguished himself as an exceptional District Engineer and a dedicated and tireless advocate for the mission of the U.S. Army Corps of Engineers. Under his leadership, numerous military construction and civil works projects were initiated or completed including the $1.1 billion Pentagon renovation project, the $147 million Walter Reed Army Institute for Research, phase one of the Poplar Island beneficial use of dredged material project and the storm damage restoration work at Ocean City and the north end of Assateague Island National Seashore, to name only a few. The Colonel worked to ensure that these projects remained on cost, on schedule and were built to the highest standards. Similarly, he directed and oversaw the successful completion of numerous environmental restoration projects including the fish passageway at the Little Falls Dam on the Potomac River, wetland restoration along the Anacostia River, the planning and design for the rewatering of the Chesapeake and Ohio Canal and the protection of Smith Island, as well as the Chesapeake Bay oyster recovery effort.

I have had the pleasure of working closely with Col. Berwick over the last three years on these and other initiatives throughout Maryland and the mid-Atlantic area. I know first hand the exceptional talent, ingenuity, and energy which he brought to the Baltimore District and to the Corps of Engineers. One of our most significant cooperative efforts and one which, in my view, underscores the exceptional leadership and commitment of Bruce Berwick was the repair of the Korean War Memorial. Just three years after the memorial was dedicated it was clear that it was not functioning as originally designed and was plagued by problems: the water in the fountain no longer flowed, the grove of Linden trees died and had to be removed, there were walkway and safety hazards and the lighting for the statues was failing. Col. Berwick made it a personal mission to fix these problems and ensure that the monument was repaired in time for the 50th Anniversary of the Korean War. As a result of his determined efforts, our Korean War Veterans now have a memorial for which they can be proud, one that is a fitting and lasting tribute to their service to our nation.

In recognition of his outstanding work in the Baltimore District and his other assignments throughout the world, Col. Berwick has been the recipient of numerous awards and decorations including the Legion of Merit, the Defense Meritorious Service Medal, and the Parachutist Badge. Perhaps more significantly however, his efforts and accomplishments have earned him the respect and admiration of his colleagues and others with whom he has worked. It is my firm conviction that public service is one of the most honorable callings, one that demands the very best, most dedicated efforts of those who have the opportunity to serve their fellow citizens and country. Throughout his career Bruce Berwick has exemplified a steadfast commitment to meeting this demand.

I want to extend my personal congratulations and thanks for his hard work and dedication and to wish him and his family the best of luck in his new assignment.●

TRIBUTE TO DAVID MAHONEY

● Mr. MOYNIHAN. Mr. President, on the first of May of this year our nation lost a great friend. David Mahoney's meteoric rise in the world of advertising and business is well-chronicled. But less known are the extraordinary contributions he made to the advancement of science—in particular, the vast field of research associated with the human brain.

After an astonishingly successful career at conglomerates such as Colgate-Palmolive and Norton Simon, David Mahoney spent the last ten years of his life devoted to the work of the Dana Alliance for Brain Initiatives. This group has brought together the world's foremost neuroscientists who work tirelessly to discover the scientific breakthroughs that will one day provide us with the capability to prevent

and effectively treat such disorders as schizophrenia, Parkinson's disease, depression and Alzheimer's disease.

David Mahoney was an individual of remarkable accomplishment and dedication. Together with his family and enormous circle of friends, we shall miss him greatly. We are consoled in part to know that the work he did lives on.

The attached notice of David Mahoney's death appeared in the New York Times on Tuesday, May 2, 2000. Of particular interest is the moving tribute written by Dr. Max Cowan as published in the Dana Alliance newsletter. I ask that both articles be printed in the CONGRESSIONAL RECORD.

The articles follow:

[From Dana Alliance Member News, Apr./May 2000]

REMEMBERING DAVID

(By Max Cowan)

I first met David Mahoney at a week-end retreat for selected CEOs that Jim Watson had organized at the Banbury Conference Center at Cold Spring Harbor. Jim, with characteristic imagination, thought it would be interesting to expose business leaders to recent advances in biology and bio-medical research, and on this occasion focused the retreat on neuroscience. I was one of five or six neuroscientists who were invited to participate and as it happened I was asked to give the first talk on the structure of the brain. It occurred to me that most of the participants had probably never seen a real brain, so I brought a formalin-fixed human brain with me and, on the Friday evening, proceeded to demonstrate and dissect it. Unlike most of my students, who seemed rather blase about seeing and even handling the brain, this group of distinguished businessmen was completely fascinated to learn about and, at one point, to actually touch the brain. As one of them later remarked, ''this was one of the most moving experiences I have had.''

I had quite forgotten about this event until one morning, just over ten years ago, I received a phone call from out of the blue by someone who introduced himself with the words: ''Dr. Max, you probably don't remember me. I'm David Mahoney and I want you to know that you changed my life.'' I was so taken aback that the only thing I could say was, '' I trust the change was for the better''! ''Do you recall speaking at a retreat at Cold Spring Harbor almost two years ago''? David asked. ''I was one of the participants and I can still remember vividly your dissecting a brain for us. That weekend had a profound effect on me. I went home afterwards and said to my wife, 'Hille, I think I should give up working and spend the rest of my time trying to do something to promote research on the brain and its disorders,' And that's what I've been doing over the past several months, and now I need your help.''

It was not until Jim Watson organized yet another meeting at Cold Spring Harbor, this time to discuss ''Funding the Decade of the Brain'' that I had a chance to speak to David directly. At this meeting, which included several leading basic and clinical neuroscientists and representatives of a number of funding agencies—both federal and private—the topic of concern was: Why had the presidential proclamation that the 90s were to be the ''Decade of the Brain'' not led to additional support for brain science?

Like most such meetings, the first session, on Friday afternoon, was fairly unproductive. There was a good deal of breast-beating and anecdotes about worthwhile research projects that had gone unfunded, but no real suggestions as to what might be done. At dinner I found myself seated next to David. With that insight and forthrightness that I came to admire so much, David came straight to the point. ''Max,'' he said, ''these people seem more concerned about the support of their own work than for the suffering of people with neurological and psychiatric illnesses. I want you to begin this evening's session by proposing something concrete, something that can be done over the next nine years. And if you guys who are in the business can come up with something that seems worthwhile, it's possible that the Dana Foundation may be able to help to get it off the ground.'' Out of this conversation and the discussions that followed that evening and the next morning was the Dana Alliance for Brain Initiatives (DABI) born. In fact, before the Saturday morning session ended, an agenda that had been outlined, the scope of the organization sketched out, an executive committee selected, and the timetable for several specific activities set.

None of us who were present at the meeting could have guessed that within a year DABI would have established itself as the single most important new effort to promote awareness of the magnitude of the problems presented by such disorders as Alzheimer's disease, stroke, Parkinson's disease, depression, schizophrenia, blindness, serious hearing loss, and chronic pain. But then none of us had seen David in action, nor had we been closely associated with someone whose vision and imagination were so closely matched by his energy and determination.

Drawing on his experience of a lifetime in business, his wide range of contacts with leaders in so many fields—politics, the media, sports, and academia—David seemed tireless in his efforts to get across the message that brain disorders are among the most serious we have to address. In meeting after meeting, in schools, community centers, in TV studios and the halls of Congress, he kept reminding his audience, whether large or small, that sooner or later nearly all of us will be impacted, either directly or indirectly, by some disorder of the brain. How often he stressed the seriousness of these illnesses, not only for the patients themselves, but also for their families and communities; what an enormous burden they imposed in terms of human suffering, of lost employment, of misunderstanding and even shame and embarrassment. And, he repeatedly pointed out, with the aging of our population these disorders will soon strain to the breaking point our health care system and social services. Only David's family and closest associates were conscious of how he crisscrossed the country with this message; and no one was surprised when the opportunity presented itself, that he quickly extended his efforts across the Atlantic to meet the European DABI.

But for many of us, David will always be remembered not just for his energy, enthusiasm, and drive, but for his quite extraordinary capacity for friendship and his ability to encourage others to rise above themselves.

Some weeks ago I had occasion to speak at a memorial service for a colleague, Dr. Daniel Nathans, and was moved to quote some lines from the dedication of Tennyson's great poem, ''Idylls of the King.'' These same lines have been running through my mind since hearing of David's death, and they bear repeating here:

The shadow of his loss drew eclipse,
Darkening the world, We have lost him; he is gone.
We know him now; all narrow jealousies
Are silent, and we see him as he moved,
How modest, kindly, all-accomplished, wise,
With what sublime repression of himself
And in what limits, and how tenderly
Not swaying to this faction, or to that;
Not making his high place the lawless perch
Of wing'd ambitions, nor vantage-ground
For pleasure; but through all tract of years
Wearing the white flower of a blameless life,
Before a thousand peering littlenesses.

[From the New York Times, May 2, 2000]

DAVID MAHONEY, A BUSINESS EXECUTIVE AND NEUROSCIENCE ADVOCATE, DIES AT 76

(By Eric Nagourney)

David Mahoney, a business leader who left behind the world of Good Humor, Canada Dry and Avis and threw himself behind a decidedly less conventional marketing campaign, promoting research into the brain, died yesterday at his home in Palm Beach, Fla. He was 76.

The cause was heart disease, friends said.

Mr. Mahoney, who believed that the study of the brain and its diseases had been shortchanged for far too long, was sometimes described as the foremost lay advocate of neuroscience. As chief executive of the Charles A. Dana Foundation, a medical philanthropic organization based in Manhattan, he prodded brain researchers to join forces, shed their traditional caution and reclusivity and engage the public imagination.

To achieve his goals, he brought to bear the power of philanthropy, personal persuasion and the connections he had made at the top of the corporate world.

Using his skills as a marketing executive, he worked closely with some of the world's top neuroscientists to teach them how to sell government officials holding the purse strings, as well as the average voter, on the value of their research. He pressed them to make specific public commitments to find treatments for diseases like Alzheimer's, Parkinson's and depression, rather than conduct just ''pure'' research.

''People don't buy science solely,'' Mr. Mahoney said this year. ''They buy the results of, and the hope of, science.''

In 1992, aided by Dr. James D. Watson, who won the Nobel Prize as a co-discoverer of the structure of DNA, Mr. Mahoney founded the Dana Alliance for Brain Initiatives, a foundation organization of about 190 neuroscientists, including Dr. Watson and six other Nobel laureates, that works to educate the public about their field.

That same year, after taking over the 50-year-old Dana Foundation as chief executive, Mr. Mahoney began shifting it away from its traditional mission of supporting broader health and educational programs, and focused its grants almost exclusively on neuroscience. Since then, the foundation has given some $34 million to scientists working on brain research at more than 45 institutions.

Mr. Mahoney also dipped into his own fortune, giving millions of dollars to endow programs in neuroscience at Harvard and the University of Pennsylvania. Later this month, the Albert and Mary Lasker Foundation, which traditionally honors the most accomplished researchers, was to give him a newly created award for philanthropy.

''He put his money where his mouth was,'' said Dr. Kay Redfield Jamison, a professor of psychiatry at Johns Hopkins University.

Mr. Mahoney's journey from businessman to devotee of one of the most esoteric fields of health was as unusual as it was unexpected.

David Joseph Mahoney Jr. was born in the Bronx on May 17, 1923, the son of David J. Mahoney, a construction worker, and the former Loretta Cahill.

After serving as an infantry captain in the Pacific during World War II, he enrolled at

the University of Pennsylvania's Wharton School. He studied at night, and during the day he worked 90 miles away in the mail room of a Manhattan advertising agency. Ruthrauff & Ryan. By the time he was 25, he had become a vice president of the agency—by some accounts, the youngest vice president on Madison Avenue at the time.

Then in 1951, in a move in keeping with the restlessness that characterized his business career, he left Ruthrauff & Ryan to form his own agency. Four years later, when his business was worth $2 million, he moved on again, selling it to run Good Humor, the ice-cream company that his small agency had managed to snare as a client.

Five years later, when Good Humor was sold, Mr. Mahoney became executive vice president of Colgate-Palmolive, then president of Canada Dry, and then, in 1969, president and chief operating officer of Norton Simon, formed from Canada Dry, Hunt Food and McCall's. Under Mr. Mahoney, Norton Simon grew into a $3 billion conglomerate that included Avis Rent A Car, Halston, Max Factor and the United Can Company.

Despite his charm, associates said, he had a short temper and an impatient manner that often sent subordinates packing. ''I burn people out,'' he once said in an interview. ''I'm intense, and I think that intensity is sometimes taken for anger.''

The public knew him as one of the first chief executives to go in front of the camera to promote his product, in this case, in the early 1980's for Avis rental cars, which Norton Simon had acquired under his tenure.

By all accounts, including his own, Mr. Mahoney was living on top of the world. He was one of the nation's top-paid executives, receiving $1.85 million in compensation in 1982—a fact that did not always endear him to some Norton Simon shareholders, who filed lawsuits charging excessive compensation, given that his company's performance did not always keep pace with his raises.

Tall and trim, he moved among society's elite and was friends with Henry A. Kissinger, Vernon E. Jordan Jr. and Barbara Walters. He was reported to have advised Presidents Richard M. Nixon, Jimmy Carter and Ronald Reagan, and to have met with Mr. Carter at Camp David.

But his fortunes changes late in 1983. True to form, the restless Mr. Mahoney was seeking change, putting into motion a plan to take Norton Simon private. But this time, he stumbled: a rival suitor, the Esmark Corporation, bettered his offer and walked away with his company.

Mr. Mahoney was left a lot richer—as much as $40 million or so, by some accounts—but, for the first time in his life, he was out of a job and at loose ends. He described the period as a low point.

''You stop being on the 'A' list,'' he said some years later, ''Your calls don't get returned. It's not just less fawning; people could care less about you in some cases. The king is dead. Long live the king.''

It took some years for Mr. Mahoney to regain his focus. Gradually, he turned his attention to public health, in which he had already shown some interest. In the 1970's, he had been chairman of the board of Phoenix House, the residential drug-treatment program. By 1977, while still at Norton, he became chairman of the Dana Foundation, a largely advisory position.

Mr. Mahoney increasingly devoted his time to the foundation. In 1992, he also became its chief executive, and soon began shifting the organization's focus to the brain. In part, the reason came from his own experience. In an acceptance speech that he had prepared for the Lasker Award, he wrote of having seen firsthand the effects of stress and the mental health needs of people in the business world.

But associates recalled, and Mr. Mahoney seemed to say as much in his speech, that he appeared to have arrived at the brain much the way a marketing executive would think up a new product. ''Some of the great minds in the world told me that this generation's greatest action would be in brain science—if only the public would invest the needed resources,'' he wrote.

In 1992, Mr. Mahoney and Dr. Watson gathered a group of neuroscientists at the Cold Spring Harbor Laboratory on Long Island. There, encouraged by Mr. Mahoney, the scientists agreed on 10 research objectives that might be reached by the end of the decade, among them finding the generic basis for manic-depression and identifying chemicals that can block the action of cocaine and other addictive substances.

''We've gotten somewhere on about four of them—but that's life,'' Dr. Watson said recently.

In recent years, Mr. Mahoney became convinced that a true understanding of the brain-body connection might also lead to cures for diseases in other parts of the body, like cancer and heart disease.

He believed that it would soon be commonplace for people to live to 100. For the quality of life to be high at that age, he believed, people would have to learn to take better care of their brains.

In 1998, along with Dr. Richard Restak, a neuropsychiatrist, Mr. Mahoney wrote ''The Longevity Strategy: How to Live to 100: Using the Brain-Body Connection'' (John Wiley & Sons).

Mr. Mahoney's first wife, Barbara Ann Moore, died in 1975. He is survived by his wife, the former Hildegarde Merrill, with whom he also had a home in Lausanne, Switzerland; a son, David, of Royal Palm Beach, Fla.; two stepsons, Arthur Merrill of Muttontown, N.Y., and Robert Merrill of Locust Valley, N.Y., and a brother, Robert, of Bridgehampton, N.Y.

Associates said Mr. Mahoney's temperament in his second career was not all that different from what it had been in his first. It was not uncommon, said Edward Rover, vice chairman of the Dana Foundation's board of trustees, for his phone to ring late at night, and for Mr. Mahoney to sail into a pointed critique of their latest endeavors.

One researcher spoke of his ''kind of charge-up-San-Juan-Hill style.'' Dr. Jamison, of Johns Hopkins, called him ''impatient in the best possible sense of the word.''

As in his first career, Mr. Mahoney never lost the good salesman's unwavering belief in his product. ''If you can't sell the brain,'' he told friends, ''then you've got a real problem.''●

MESSAGES FROM THE PRESIDENT

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

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 12:13 p.m., a message from the House of Representatives, delivered by one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 4871. An act making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 2001, and for other purposes.

ENROLLED BILLS SIGNED

At 11:10 a.m., a message from the House of Representatives, delivered by one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

H.R. 1791. An act to amend title 18, United States Code, to provide penalties for harming animals used in Federal law enforcement.

H.R. 4249. An act to foster cross-border cooperation and environmental cleanup in Northern Europe.

The enrolled bills were signed subsequently by the President pro tempore (Mr. THURMOND).

MEASURE REFERRED

The following bill, previously received from the House of Representatives for concurrence, was read the first and second times by unanimous consent, and referred as indicated:

H.R. 1959. An act to designate the Federal building located at 643 East Durango Boulevard in San Antonio, Texas, as the ''Adrian A. Spears Judicial Training Center''; to the Committee on Environment and Public Works.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. MCCAIN, from the Committee on Commerce, Science, and Transportation, with amendments:

S. 1482: A bill to amend the National Marine Sanctuaries Act, and for other purposes (Rept. No. 106–353).

By Mr. GREGG, from the Committee on Appropriations, with an amendment in the nature of a substitute:

H.R. 4690: A bill making appropriations for the Department of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2001, and for other purposes.

EXECUTIVE REPORTS OF COMMITTEE

The following executive reports of committee were submitted:

By Mr. JEFFORDS for the Committee on Health, Education, Labor, and Pensions.

Francis J. Duggan, of Virginia, to be a Member of the National Mediation Board for a term expiring July 1, 2003. (Reappointment)

Nina V. Fedoroff, of Pennsylvania, to be a Member of the National Science Board, National Science Foundation, for a term expiring May 10, 2006.

Diana S. Natalicio, of Texas, to be a Member of the National Science Board, National Science Foundation, for a term expiring May 10, 2006. (Reappointment)

John A. White, Jr., of Arkansas, to be a Member of the National Science Board, National Science Foundation, for a term expiring May 10, 2006. (Reappointment)

Barbara W. Snelling, of Vermont, to be a Member of the Board of Directors of the United States Institute of Peace for a term expiring January 19, 2001.

Robert B. Rogers, of Missouri, to be a Member of the Board of Directors of the Corporation for National and Community Service for a term expiring October 6, 2001.

Jane Lubchenco, of Oregon, to be a Member of the National Science Board, National Science Foundation for a term expiring May 10, 2006. (Reappointment)

Warren M. Washington, of Colorado, to be a Member of the National Science Board, National Science Foundation, for a term expiring May 10, 2006. (Reappointment)

Marc E. Leland, of Virginia, to be a Member of the Board of Directors of the United States Institute of Peace for a term expiring January 19, 2003.

Harriet M. Zimmerman, of Florida, to be a Member of the Board of Directors of the United States Institute of Peace for a term expiring January 19, 2003. (Reappointment)

Donald J. Sutherland, of New York, to be a Member of the Board of Trustees of the Barry Goldwater Scholarship and Excellence in Education Foundation for a term expiring August 11, 2002. (Reappointment)

Holly J. Burkhalter, of the District of Columbia, to be a Member of the Board of Directors of the United States Institute of Peace for a term expiring January 19, 2001.

Gordon S. Heddell, of Virginia, to be Inspector General, Department of Labor.

Carol W. Kinsley, of Massachusetts, to be a Member of the Board of Directors of the Corporation for National and Community Service for a term of one year. (New Position)

(The above nominations were reported with the recommendation that they be confirmed subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

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. ABRAHAM:

S. 2903. A bill to amend the Internal Revenue Code of 1986 to expand the child tax credit; to the Committee on Finance.

By Mr. BINGAMAN (for himself, Mr. DASCHLE, Mr. BAUCUS, Mr. BYRD, Mr. BAYH, Mr. LEVIN, Mr. ROCKEFELLER, and Mr. JOHNSON):

S. 2904. A bill to amend the Internal Revenue Code of 1986 to provide tax incentives to encourage the production and use of efficient energy sources, and for other purposes; to the Committee on Finance.

By Mr. BINGAMAN:

S. 2905. A bill to amend title XVIII of the Social Security Act to make improvements to the Medicare+Choice program under part C of the medicare program; to the Committee on Finance.

By Mr. ALLARD:

S. 2906. A bill to authorize the Secretary of the Interior to enter into contracts with the city of Loveland, Colorado, to use Colorado-Big Thompson Project facilities for the impounding, storage, and carriage of nonproject water for domestic, municipal, industrial, and other beneficial purposes; to the Committee on Energy and Natural Resources.

By Mr. FEINGOLD (for himself and Mr. HUTCHINSON):

S. 2907. A bill to amend the provisions of titles 5 and 28, United States Code, relating to equal access to justice, award of reasonable costs and fees, taxpayers recovery of costs, fees, and expenses, administrative settlement offers, and for other purposes; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. REID:

S. Res. 339. A resolution designating November 18, 2000, as ''National Survivors of Suicide Day''; to the Committee on the Judiciary.

By Mr. REID (for himself, Mr. EDWARDS, Mr. ABRAHAM, Mr. AKAKA, Mr. BAUCUS, Mr. BAYH, Mr. BENNETT, Mr. BRYAN, Mr. CLELAND, Mr. COCHRAN, Mr. CRAIG, Mr. DODD, Mr. DORGAN, Mrs. FEINSTEIN, Mr. HELMS, Mr. HOLLINGS, Mr. INHOFE, Mr. JOHNSON, Mr. KERREY, Mr. KOHL, Ms. LANDRIEU, Mr. LAUTENBERG, Mrs. LINCOLN, Mrs. MURRAY, Mr. ROBB, Mr. SARBANES, and Mr. VOINOVICH):

S. Res. 340. A resolution designating December 10, 2000, as ''National Children's Memorial Day''; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. ABRAHAM:

S. 2903. A bill to amend the Internal Revenue Code of 1986 to expand the child tax credit; to the Committee on Finance.

EXPANSION OF THE CHILD TAX CREDIT

Mr. ABRAHAM. Mr. President, I rise today to introduce legislation to provide a $1,000 per child tax credit for America's working families.

Mr. President, this legislation builds on the $500 per child tax credit passed in 1997. The passage of the $500 per child tax credit was the culmination of an effort that began in 1994 with a proposal contained in the ''Contract with America.'' A child tax credit provision also was part of the Balanced Budget Act of 1995 which 104th Congress passed, but President Clinton vetoed.

Even with the $500 per child tax credit in place, today's total tax burden on families is still far too high. During this era of budget surpluses, we must remember that these surplus funds are tax overpayments that should be returned to the people who overpaid them, and not spent on wasteful government programs. American families will spend the money better.

The child tax credit will help hard working families who pay federal income tax and have children to support. Under this proposal, a working family with two children will receive $2,000 in the form of a tax credit to help pay their children's health, education and food expenses. Being a parent is not always easy. It becomes even more difficult if a family has trouble paying for necessities such as food, clothes, education, and health care for their children. This tax credit will help those families.

Mr. President, increasing the child tax credit to $1,000 is a statement by our government and our society that all our families and all of our children will not be left behind. Increasing the $500 per child tax credit to $1,000 would provide parents more than 38 million children, including roughly 1.5 million of my constituents in Michigan.

With that in mind, I urge my colleagues to join me in supporting American families by supporting this legislation.

Mr. President, I ask unanimous consent that the full text be printed in the RECORD and yield the floor.

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

S. 2903

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

SECTION 1. EXPANSION OF CHILD TAX CREDIT.

(a) INCREASE IN AMOUNT ALLOWED.—Subsection (a) of section 24 of the Internal Revenue Code of 1986 (relating to allowance of credit) is amended by striking ''$500 ($400 in the case of taxable years beginning in 1998)'' and inserting ''$1,000''.

(b) REPEAL OF PHASEOUT OF CREDIT.—Section 24 of such Code is amended by striking subsection (b) and redesignating subsections (c), (d), (e), and (f), as subsections (b), (c), (d), and (e), respectively.

(c) CONFORMING AMENDMENTS.—

(1) Section 32(n)(1)(B)(ii) of such Code is amended by striking ''section 24(d)'' and inserting ''section 24(c)''.

(2) Section 501(c)(26) of such Code is amended by striking ''section 24(c)'' and inserting ''section 24(b)''.

(3) Section 6213(g)(2)(I) of such Code is amended by striking ''section 24(e)'' and inserting ''section 24(d)''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2000.

By Mr. BINGAMAN (for himself, Mr. DASCHLE, Mr. BAUCUS, Mr. BYRD, Mr. BAYH, Mr. LEVIN, Mr. ROCKEFELLER, and Mr. JOHNSON):

S. 2904. A bill to amend the Internal Revenue Code of 1986 to provide tax incentives to encourage the production and use of efficient energy sources, and for other purposes; to the Committee on Finance

THE ENERGY SECURITY TAX AND POLICY ACT OF 2000

Mr. BINGAMAN. Mr. President, I rise today to introduce a bill, on behalf of myself and Senators DASCHLE, BYRD, BAUCUS, BAYH, JOHNSON, LEVIN, and ROCKEFELLER, that offers a comprehensive approach to energy policy. This bill, the Energy Security Tax and Policy Act of 2000, incorporates many of the provisions of S. 1833, a comprehensive package of broad energy tax incentives introduced by Senator DASCHLE last year that I cosponsored along with a number of other Democratic Senators. We have updated and modified the bill after having worked closely with many stakeholders, from the auto

manufacturers, to the oil and gas producers, to the energy efficiency community.

The Energy Security Tax and Policy Act of 2000 addresses a broad range of technologies and industries necessary to meet our energy needs. The bill includes incentives to ensure we maintain production of our domestic resources, but the overarching emphasis is on stimulating more efficient use of energy in its many forms. Specific incentives address:

Purchase of more efficient appliances, homes, and commercial buildings.

Greater use of distributed generation—fuel cells, microturbines, combined heat and power systems and renewables.

Purchase of hybrid and alternative fueled vehicles and development of the infrastructure to service those vehicles.

Investment in clean coal technologies and generation of electricity from biomass, including co-firing with coal.

Countercyclical tax incentives for production from domestic oil and gas marginal wells.

Provisions to ensure diverse sources of electric supply are developed in the U.S. and to continue our investment in demand side management.

In addition, the bill reauthorizes the President's emergency energy authorities, including establishing a northeastern heating oil reserve.

We have tried to take a balanced approach, both supply side and demand side. Many of the provisions in this bill have strong bipartisan support, and I believe would receive the support of the White House as part of a comprehensive package.

After my 17 years in the Senate and on the Energy Committee, I have to note that the same issues have been with us in varying degrees for years. Our current energy situation is the result of the policies and decisions of many Administrations, Congresses, companies and individuals, not to mention the vagaries of the marketplace.

Finding solutions will take serious bipartisan effort and long term commitment. While we have the attention of the Congress, the White House and the public, I hope we can work together in the remaining days of this Congress to enact as many of these measures as possible to protect our energy security and our economy.

By Mr. BINGAMAN:

S. 2905. A bill to amend title XVIII of the Social Security Act to make improvements to the Medicare+Choice program under part C of the Medicare Program; to the Committee on Finance.

THE MEDICARE+CHOICE PROGRAM IMPROVEMENT ACT OF 2000

Mr. BINGAMAN. Mr. President, I am pleased to introduce a bill today—the Medicare+Choice Improvement Act of 2000—that would correct several of the inequities in the complex formula that is used to determine payment rates for Medicare+Choice plans. As many of my colleagues know, the passage of the Balanced Budget Act of 1997 created a new optional Medicare+Choice managed care program for the aged and disabled beneficiaries of the Medicare program. This new program replaced the previous risk program and established a payment structure that was designed to reduce the variation across the country by increasing payments in areas with traditionally low payments. However, although payment variation has been somewhat reduced, substantial payment differentials remain nationwide. In New Mexico, for example, the Medicare+Choice plan payment for 2000 in Albuquerque is $430.44 monthly per beneficiary vs. $814.32 for NYC. Because these payments are so low in some places it has caused a devastating result—seniors are being dropped in large numbers.

The bill I am introducing today will correct inequities in the current formula that is used to develop payment rates for Medicare+Choice managed care plans and keep them as a viable alternative to traditional fee-for-service Medicare. Medicare+Choice plans are a popular alternative to traditional Medicare fee-for-service health care coverage for aged and disabled Americans because they help contain the beneficiary's out-of-pocket expenses, coordinate health care, and increase important benefits.

Mr. President, the sad reality is that Medicare+Choice plans are suffering financially under the new payment system and are no longer able to maintain enrollment of Medicare+Choice beneficiaries.

As you can see from this chart, New Mexico Medicare+Choice plans have announced plans to drop 15,700 beneficiaries from their rolls on January 1, 2001.

And, as you can see from this chart, nationally, the number of Medicare+Choice plan beneficiaries that will be dropped on January 1, 2001 are expected to be 711,000. Since 1999, 735,000 beneficiaries have been dropped. This would mean that as of January 1, 2001, 1,445,000 beneficiaries will have been dropped.

This is a terrible situation. Even though beneficiaries that are dropped from Medicare+Choice plans will revert to traditional Medicare and will be able to purchase Medicare supplemental health insurance plans, the high cost associated with the purchase of these plans will put an additional financial burden on these aged and disabled Americans living on fixed incomes. Additionally, they will not have the additional health care benefits available to them under Medicare+Choice plans, including routine physicals, vision care, and prescription drugs.

Because Medicare+Choice plans are offered by private managed care companies and because of their unique structure, these plans were able to limit out of pocket expenses, provide additional benefits to beneficiaries, and control health care costs to the Federal government.

As you can see from this chart, Medicare+Choice plans offer a host of important benefits and options over and above traditional Medicare. These include: prescription drugs, lower cost sharing with a catastrophic cap on expenditures, care coordination, routine physicals, health education, vision services and, hearing exams/aids.

Mr. President, the loss of this important health care coverage option for the aged and disabled will be devastating for some. This situation will probably cause many of those on marginal incomes to lose the ability to afford normal living expenses that may effectively require them to enroll in Medicaid and state financial assistance programs. If a beneficiary, who was dropped from a Medicare+Choice plan, has a fall and is admitted into the hospital they will be responsible for all deductible expenses and when they are discharged and sent home with a doctor's order for physical therapy, occupational therapy and visiting nurse service they would be responsible for all Medicare deductibles. This event could cost the beneficiary several thousand dollars. This acute episode could force a beneficiary living on a marginal income to be unable to pay for their deductibles, cease treatment prematurely, or even worse, avoid return visits to the doctor until they are in another emergency situation. Additionally, they would be forced to enroll on a state Medicaid program for the indigent.

Sadly, Mr. President, the formula that was developed for Medicare+Choice plans was intended to address geographic variation in the payment rates has gone too far in controlling costs and missed the boat with respect to geographic variability. Sure, the goal of managed care is to save money for the taxpayer and coordinate quality care for the beneficiary, but there is a point at which a health plan cannot afford financially to operate. This forces the beneficiary onto traditional Medicare with its higher costs for both the taxpayer and beneficiary.

Mr. President, this point has been reached in New Mexico and other areas of the country. We may not be able to have Medicare+Choice plans take back their dropped beneficiaries but, we can prevent more from being dropped by acting favorably on this bill. The bottom line is this: As a nation, we need to do all we can to provide a viable option to traditional fee-for-service Medicare that provides coordinated managed care at a savings to both the beneficiary and the Federal Government.

The bill that I am introducing has provisions to raise the minimum payment floor, move to a 50:50 blend rate between local and national rates in 2002, set a ten-year phase-in of risk adjustment and allow plans to negotiate

a rate of payment with HCFA regardless of the county-specific rate, as long as the negotiated rate does not exceed the national average per-capita cost, and delay from July to November 2000 the deadline for offering and withdrawing Medicare+Choice plans for 2001.

I urge my colleagues to support this effort and to join me in taking an important step toward maintaining Medicare+Choice managed care plans as a positive alternative to traditional fee-for-service Medicare, and prevent more enrollees from being dropped while we try to reform Medicare. We owe it to our nation to take care of our elderly and aged citizens and not expose them to more hardship.

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. 2905

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Medicare+Choice Program Improvement Act of 2000''.

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

Sec. 1. Short title; table of contents.
Sec. 2. Increase in national per capita Medicare+Choice growth percentage in 2001 and 2002.
Sec. 3. Increasing minimum payment amount.
Sec. 4. Allowing movement to 50:50 percent blend in 2002.
Sec. 5. Increased update for payment areas with only one or no Medicare+Choice contracts.
Sec. 6. Permitting higher negotiated rates in certain Medicare+Choice payment areas below national average.
Sec. 7. 10-year phase-in of risk adjustment based on data from all settings.
Sec. 8. Delay from July to October 2000 in deadline for offering and withdrawing Medicare+Choice plans for 2001.

SEC. 2. INCREASE IN NATIONAL PER CAPITA MEDICARE+CHOICE GROWTH PERCENTAGE IN 2001 AND 2002.

Section 1853(c)(6)(B) of the Social Security Act (42 U.S.C. 1395w–23(c)(6)(B)) is amended—

(1) in clause (iii), by adding ''and'' at the end;

(2) by striking clauses (iv) and (v);

(3) by redesignating clause (vi) as clause (iv); and

(4) in clause (iv), as so redesignated, by striking ''after 2002'' and inserting ''after 2000''.

SEC. 3. INCREASING MINIMUM PAYMENT AMOUNT.

(a) IN GENERAL.—Section 1853(c)(1)(B)(ii) of the Social Security Act (42 U.S.C. 1395w–23(c)(1)(B)(ii)) is amended—

(1) by striking ''(ii) For a succeeding year'' and inserting ''(ii)(I) Subject to subclause (II), for a succeeding year''; and

(2) by adding at the end the following new subclause:

''(II) For 2002 for any of the 50 States and the District of Columbia, $500.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) apply to years beginning with 2002.

SEC. 4. ALLOWING MOVEMENT TO 50:50 PERCENT BLEND IN 2002.

Section 1853(c)(2) of the Social Security Act (42 U.S.C. 1395w–23(c)(2)) is amended—

(1) by striking the period at the end of subparagraph (F) and inserting a semicolon; and

(2) by adding at the end the following flush matter:

''except that a Medicare+Choice organization may elect to apply subparagraph (F) (rather than subparagraph (E)) for 2002.''.

SEC. 5. INCREASED UPDATE FOR PAYMENT AREAS WITH ONLY ONE OR NO MEDICARE+CHOICE CONTRACTS.

(a) IN GENERAL.—Section 1853(c)(1)(C)(ii) of the Social Security Act (42 U.S.C. 1395w–23(c)(1)(C)(ii)) is amended—

(1) by striking ''(ii) For a subsequent year'' and inserting ''(ii)(I) Subject to subclause (II), for a subsequent year''; and

(2) by adding at the end the following new subclause:

''(II) During 2002, 2003, 2004, and 2005, in the case of a Medicare+Choice payment area in which there is no more than one contract entered into under this part as of July 1 before the beginning of the year, 102.5 percent of the annual Medicare+Choice capitation rate under this paragraph for the area for the previous year.''.

(b) CONSTRUCTION.—The amendments made by subsection (a) do not affect the payment of a first time bonus under section 1853(i) of the Social Security Act (42 U.S.C. 1395w–23(i)).

SEC. 6. PERMITTING HIGHER NEGOTIATED RATES IN CERTAIN MEDICARE+CHOICE PAYMENT AREAS BELOW NATIONAL AVERAGE.

Section 1853(c)(1) of the Social Security Act (42 U.S.C. 1395w–23(c)(1)) is amended—

(1) in the matter preceding subparagraph (A), by striking ''or (C)'' and inserting ''(C), or (D)''; and

(2) by adding at the end the following new subparagraph:

''(D) PERMITTING HIGHER RATES THROUGH NEGOTIATION.—

''(i) IN GENERAL.—For each year beginning with 2001, in the case of a Medicare+Choice payment area for which the Medicare+Choice capitation rate under this paragraph would otherwise be less than the United States per capita cost (USPCC), as calculated by the Secretary, a Medicare+Choice organization may negotiate with the Secretary an annual per capita rate that—

''(I) reflects an annual rate of increase up to the rate of increase specified in clause (ii);

''(II) takes into account audited current data supplied by the organization on its adjusted community rate (as defined in section 1854(f)(3)); and

''(III) does not exceed the United States per capita cost, as projected by the Secretary for the year involved.

''(ii) MAXIMUM RATE DESCRIBED.—The rate of increase specified in this clause for a year is the rate of inflation in private health insurance for the year involved, as projected by the Secretary, and includes such adjustments as may be necessary—

''(I) to reflect the demographic characteristics in the population under this title; and

''(II) to eliminate the costs of prescription drugs.

''(iii) ADJUSTMENTS FOR OVER OR UNDER PROJECTIONS.—If this subparagraph is applied to an organization and payment area for a year, in applying this subparagraph for a subsequent year the provisions of paragraph (6)(C) shall apply in the same manner as such provisions apply under this paragraph.''.

SEC. 7. 10-YEAR PHASE-IN OF RISK ADJUSTMENT BASED ON DATA FROM ALL SETTINGS.

Section 1853(a)(3)(C)(ii) of the Social Security Act (42 U.S.C. 1395w–23(c)(1)(C)(ii)) is amended—

(1) by striking the period at the end of subclause (II) and inserting a semicolon; and

(2) by adding at the end the following flush matter:

''and, beginning in 2004, insofar as such risk adjustment is based on data from all settings, the methodology shall be phased-in in equal increments over a 10-year period, beginning with 2004 or (if later) the first year in which such data is used.''.

SEC. 8. DELAY FROM JULY TO NOVEMBER 2000 IN DEADLINE FOR OFFERING AND WITHDRAWING MEDICARE+CHOICE PLANS FOR 2001.

Notwithstanding any other provision of law, the deadline for a Medicare+Choice organization to withdraw the offering of a Medicare+Choice plan under part C of title XVIII of the Social Security Act (or otherwise to submit information required for the offering of such a plan) for 2001 is delayed from July 1, 2000, to November 1, 2000, and any such organization that provided notice of withdrawal of such a plan during 2000 before the date of enactment of this Act may rescind such withdrawal at any time before November 1, 2000.

By Mr. ALLARD:

S. 2906. A bill to authorize the Secretary of the Interior to enter into contracts with the city of Loveland, Colorado, to use Colorado-Big Thompson Project facilities for the impounding, storage, and carriage of nonproject water for domestic, municipal, industrial, and other beneficial purposes; to the Committee on Energy and Natural Resources.

NORTHERN COLORADO WATER LEGISLATION

Mr. ALLARD. Mr. President, I am pleased to take a step in addressing the long-term water needs of the northern Colorado citizens whose water is provided by the City of Loveland, Colorado. The bill I am introducing today authorizes the Secretary of the Interior to enter into contracts with the City of Loveland to utilize federal facilities of the original Colorado-Big Thompson Project for various purposes such as the storage and transportation of non-federal water originating on the eastern slope of the Rocky Mountains and intended for domestic, municipal, industrial and other uses.

Water supplies for Colorado cities are extremely limited. Whenever possible, cities attempt to use their water storage and conveyance systems in the most efficient ways they can. The City of Loveland is trying to use excess capacity in the federally built Colorado-Big Thompson conveyance facilities to deliver water to an enlarged city reservoir, but current law does not allow the City to use excess capacity in an existing Federal water delivery canal for domestic purposes.

In this case, Loveland intends to convey up to 75 cubic feet per second of its native river water supply from the Big Thompson River to two city-owned facilities, Green Ridge Glade Reservoir and Chasteen Grove Water Treatment Plant. A contract with the Bureau of Reclamation and the Colorado-Big Thompson Project operator, Northern Colorado Water Conservancy District, will provide an economical and reliable means of delivering Loveland's native

river water supplies. The City of Loveland simply desires to ''wheel'' some of its drinking water supply through excess capacity in a canal serving Colorado-Big Thompson Project, a water project built by the Bureau of Reclamation from 1938 to 1957. Loveland is prepared to pay appropriate charges for the use of this facility. In addition, any contract affecting the Colorado-Big Thompson Project would be conducted in full compliance with all applicable environmental requirements. In fact, the Final Environmental Assessment on use of C-BT facilities to convey City of Loveland Water Supplies to an expanded Green Ridge Glade Reservoir has already been completed, and permits have been issued by the Army Corps of Engineers.

Allowing Loveland to use the Colorado-Big Thompson Project should be a simple matter, but it is not. Legislation is required to allow the City to use the Federal water project for carriage of municipal and industrial water. Historically when a party has desired to use Reclamation project facilities for the storage or conveyance of non-project water, the authority cited was the Act of February 21, 1911, known as the Warren Act. The Warren Act provides for the utilization of excess capacity in Reclamation project facilities to store non-project, irrigation water. Based on the current interpretation of Reclamation law, the Warren Act does not provide authority to enter into long-term storage or conveyance contracts for non-irrigation, non-project water in Colorado-Big Thompson Project facilities.

Congress in recent years has expanded the scope of the Warren Act to apply to communities in California and Utah where there existed a need for more water management flexibility. The legislation I am introducing today is similar to other legislation introduced and passed in the recent Congresses. It will simply extend similar flexibility to the Colorado-Big Thompson Project and to the City of Loveland. Since there is precedent allowing the wheeling of non-federal water through federal facilities, this is a non-controversial piece of legislation. Therefore, I hope that Congress will move quickly to pass this legislation and I look forward to working closely with my colleagues on the Energy and Natural Resources Committee to move it quickly.

By Mr. FEINGOLD (for himself and Mr. HUTCHINSON):

S. 2907. A bill to amend the provisions of titles 5 and 28, United States Code, relating to equal access to justice, award of reasonable costs and fees, taxpayers recovery of costs, fees, and expenses, administrative settlement offers, and for other purposes; to the Committee on the Judiciary.

EQUAL ACCESS TO JUSTICE REFORM LEGISLATION

Mr. FEINGOLD. Mr. President, I rise today to introduce the Equal Access to Justice Reform Amendments of 2000. This legislation contains adjustments to the Equal Access to Justice Act (EAJA) that will streamline and improve the process of awarding attorney's fees to private parties who prevail in litigation against the Federal government. This is the third Congress in which I have introduced this legislation. I believe these reforms are an important step in reducing the burden of defending government litigation for many individuals and small businesses.

I am very pleased to be joined in introducing this legislation this year by my friend from Arkansas, Sen. TIM HUTCHINSON. We hope that by working on a bipartisan basis on this important project we can improve the chances that it can become law.

Over the years, and certainly now in this election year, members of Congress often speak of ''getting government off the backs of the American people.'' Sometimes we disagree about when government is a burden and when it is giving a helping hand. But all of us in the Senate want to reform government in ways that will improve the lives of people all across this nation. The legislation we are proposing today deals directly with a problem that affects everyday Americans who face legal battles with the federal government and prevail. Even if they win in court, they may still lose financially because of the expense of paying their attorneys.

At the outset, it is important to understand what the Equal Access to Justice Act is, and why it exists. The premise of this statute is very simple. EAJA places individuals and small businesses who face the United States Government in litigation on more equal footing with the government by establishing guidelines for the award of attorney's fees when the individual or small business prevails. Quite simply, EAJA acknowledges that the resources available to the federal government in a legal dispute far outweigh those available to most Americans. This disparity is lessened by requiring the government in certain instances to pay the attorneys' fees of successful private parties. By giving successful parties the right to seek attorneys' fees from the United States, EAJA seeks to prevent small business owners and individuals from having to risk their companies or their family savings in order to seek justice.

My interest in this issue predates my election to the Senate. It arises from my experience both as a private attorney and a Member of the state Senate in my home state of Wisconsin. While in private practice, I became aware of how the ability to recoup attorney's fees is a significant factor, and often one of the first considered, when deciding whether or not to seek redress in the courts or to defend a case. Upon entering the Wisconsin State Senate, I authored legislation modeled on the federal law, which had been championed by one of my predecessors in this body from Wisconsin, Senator Gaylord Nelson. Today, section 814.246 of the Wisconsin statutes contains provisions similar to the federal EAJA statute.

It seemed to me then, as it does now, that we should do all that we can to help ease the financial burdens on people who need to have their claims reviewed and decided by impartial decision makers. To this end, I have reviewed the existing federal statutes with an eye toward improving them and making them work better. The bill Senator HUTCHINSON and I are introducing today does a number of things to make EAJA more effective for individuals and small business men and women all across this country.

First and most important, this legislation eliminates the provision in current law that allows the government to avoid paying attorneys' fees when it loses a suit if it can show that its position was substantially justified. I believe that this high threshold for obtaining attorneys' fees is unfair. If an individual or small business battles the federal government in an adversarial proceeding and prevails, the government should simply pay the fees incurred. Imagine the scenario of a small business that spends time and money dueling with the government and wins, only to find out that it must now undertake the additional step of litigating the justification of government's litigation position. For the government, with its vast resources, this second litigation over fees poses little difficulty, but for the citizen or small business it may simply not be financially feasible.

Not only is this additional step a financial burden on the private litigant, but a 1992 study also reveals that it is unnecessary and a waste of government resources. University of Virginia Professor Harold Krent on behalf of the Administrative Conference of the United States found that only a small percentage of EAJA awards were denied because of the substantial justification defense. While it is impossible to determine the exact cost of litigating the issue of subtantial justification, it is Prof. Krent's opinion, based upon review of cases in 1989 and 1990, that while the substantial justification defense may save some money, it was not enough to justify the cost of the additional litigation. In short, eliminating this often burdensome second step is a cost effective step which will streamline recovery under EAJA and may very well save the government money in the long run.

The second part of this legislation that will streamline and improve EAJA is a provision designed to encourage settlement and avoid costly and protracted litigation. Under the bill, the government can make an offer of settlement after an application for fees and other expenses has been filed. If the government's offer is rejected and the prevailing party seeking recovery ultimately wins a smaller award, that

party is not entitled to the attorneys' fees and costs incurred after the date of the government's offer. Again, this will encourage settlement, speed the claims process, and thereby reduce the time and expense of the litigation.

The final improvement to EAJA included in this legislation is the removal of the carve out of cases where the prevailing party is eligible to get attorneys fees under section 7430 of the Internal Revenue Code. Under current law, EAJA is inapplicable in cases where a taxpayer prevails against the government. I was an original cosponsor of a bill that suggested a similar reform introduced by Senator LEAHY of Vermont in the last Congress. This provision helps to level the playing field between the IRS and everyday citizens. There is no reason that taxpayers should be treated differently than any other party that prevails in a case against the government. They deserve to have their fees paid if they win.

We all know that the American small business owner has a difficult road to make ends meet and that unnecessary or overly burdensome government regulation can be a formidable obstacle to doing business. It can be the difference between success or failure. The Equal Access to Justice Act was conceived and implemented to help balance the formidable power of the federal government. It has already helped many Americans. The legislation we are offering today will make EAJA more effective for more Americans while at the same time helping to deter the government from acting in an indefensible and unwarranted manner.

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. 2907

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

SECTION 1. EQUAL ACCESS TO JUSTICE REFORM.

(a) SHORT TITLE.—This Act may be cited as the ''Equal Access to Justice Reform Amendments of 2000''.

(b) AWARD OF COSTS AND FEES.—

(1) ADMINISTRATIVE PROCEEDINGS.—Section 504(a)(2) of title 5, United States Code, is amended by inserting after ''(2)'' the following: ''At any time after the commencement of an adversary adjudication covered by this section, the adjudicative officer may ask a party to declare whether such party intends to seek an award of fees and expenses against the agency should such party prevail.''.

(2) JUDICIAL PROCEEDINGS.—Section 2412(d)(1)(B) of title 28, United States Code, is amended by inserting after ''(B)'' the following: ''At any time after the commencement of an adversary adjudication covered by this section, the court may ask a party to declare whether such party intends to seek an award of fees and expenses against the agency should such party prevail.''.

(c) PAYMENT FROM AGENCY APPROPRIATIONS.—

(1) ADMINISTRATIVE PROCEEDINGS.—Section 504(d) of title 5, United States Code, is amended by adding at the end the following: ''Fees and expenses awarded under this subsection may not be paid from the claims and judgments account of the Treasury from funds appropriated pursuant to section 1304 of title 31.''.

(2) JUDICIAL PROCEEDINGS.—Section 2412(d)(4) of title 28, United States Code, is amended by adding at the end the following: ''Fees and expenses awarded under this subsection may not be paid from the claims and judgments account of the Treasury from funds appropriated pursuant to section 1304 of title 31.''.

(d) TAXPAYERS' RECOVERY OF COSTS, FEES, AND EXPENSES.—

(1) ADMINISTRATIVE PROCEEDINGS.—Section 504 of title 5, United States Code, is amended by striking subsection (f).

(2) JUDICIAL PROCEEDINGS.—Section 2412 of title 28, United States Code, is amended by striking subsection (e).

(e) OFFERS OF SETTLEMENT.—

(1) ADMINISTRATIVE PROCEEDINGS.—Section 504 of title 5, United States Code (as amended by subsection (d) of this section), is amended by adding at the end the following:

''(f)(1) At any time after the filing of an application for fees and other expenses under this section, an agency from which a fee award is sought may serve upon the applicant an offer of settlement of the claims made in the application. If within 10 days after service of the offer the applicant serves written notice that the offer is accepted, either party may then file the offer and notice of acceptance together with proof of service thereof.

''(2) An offer not accepted shall be deemed withdrawn. The fact that an offer is made but not accepted shall not preclude a subsequent offer. If any award of fees and expenses for the merits of the proceeding finally obtained by the applicant is not more favorable than the offer, the applicant shall not be entitled to receive an award for attorneys' fees or other expenses incurred in relation to the application for fees and expenses after the date of the offer.''.

(2) JUDICIAL PROCEEDINGS.—Section 2412 of title 28, United States Code (as amended by subsection (d) of this section), is amended by inserting after subsection (d) the following:

''(e)(1) At any time after the filing of an application for fees and other expenses under this section, an agency of the United States from which a fee award is sought may serve upon the applicant an offer of settlement of the claims made in the application. If within 10 days after service of the offer the applicant serves written notice that the offer is accepted, either party may then file the offer and notice of acceptance together with proof of service thereof.

''(2) An offer not accepted shall be deemed withdrawn. The fact that an offer is made but not accepted shall not preclude a subsequent offer. If any award of fees and expenses for the merits of the proceeding finally obtained by the applicant is not more favorable than the offer, the applicant shall not be entitled to receive an award for attorneys' fees or other expenses incurred in relation to the application for fees and expenses after the date of the offer.''.

(f) ELIMINATION OF SUBSTANTIAL JUSTIFICATION STANDARD.—

(1) ADMINISTRATIVE PROCEEDINGS.—Section 504 of title 5, United States Code, is amended—

(A) in subsection (a)(1), by striking all beginning with '', unless the adjudicative officer'' through ''expenses are sought''; and

(B) in subsection (a)(2), by striking ''The party shall also allege that the position of the agency was not substantially justified.''.

(2) JUDICIAL PROCEEDINGS.—Section 2412(d) of title 28, United States Code, is amended—

(A) in paragraph (1)(A), by striking '', unless the court finds that the position of the United States was substantially justified or that special circumstances make an award unjust'';

(B) in paragraph (1)(B), by striking ''The party shall also allege that the position of the United States was not substantially justified. Whether or not the position of the United States was substantially justified shall be determined on the basis of the record (including the record with respect to the action or failure to act by the agency upon which the civil action is based) which is made in the civil action for which fees and other expenses are sought.''; and

(C) in paragraph (3), by striking '', unless the court finds that during such adversary adjudication the position of the United States was substantially justified, or that special circumstances make an award unjust''.

(g) REPORTS TO CONGRESS.—

(1) ADMINISTRATIVE PROCEEDINGS.—Not later than 180 days after the date of the enactment of this Act, the Administrative Conference of the United States shall submit a report to Congress—

(A) providing an analysis of the variations in the frequency of fee awards paid by specific Federal agencies under the provisions of section 504 of title 5, United States Code; and

(B) including recommendations for extending the application of such sections to other Federal agencies and administrative proceedings.

(2) JUDICIAL PROCEEDINGS.—Not later than 180 days after the date of the enactment of this Act, the Department of Justice shall submit a report to Congress—

(A) providing an analysis of the variations in the frequency of fee awards paid by specific Federal districts under the provisions of section 2412 of title 28, United States Code; and

(B) including recommendations for extending the application of such sections to other Federal judicial proceedings.

(h) EFFECTIVE DATE.—The provisions of this Act and the amendments made by this Act shall take effect 30 days after the date of the enactment of this Act and shall apply only to an administrative complaint filed with a Federal agency or a civil action filed in a United States court on or after such date.

Mr. HUTCHINSON. Mr. President, I rise today, with my colleague Senator FEINGOLD, to introduce the Equal Access to Justice, EAJA, Reform Amendments of 2000. I do so because I firmly believe that small business owners and individuals who prevail in court against the federal government should be automatically reimbursed for their legal expenses— fulfilling the true intent of EAJA when passed in 1980.

EAJA's initial premise was to reduce the vast disparity in resources and expertise which exists between small business owners or individuals and federal agencies and to encourage the government to ensure that the claims it pursues are worthy of its efforts. Twenty years ago, former Senator Gaylord Nelson, the author of the original, bipartisan EAJA bill, clearly explained EAJA's intent when he stated, ''All I can say is the taxpayer is injured, and if the taxpayer was correct, and that is the finding, then we ought to make the taxpayer whole.'' I commend former Senator Nelson. His steadfast commitment to our nation's businesses as Chairman of the Senate Small Business Committee is worthy of admiration. As

a result of a political compromise, however, the final version of EAJA does not provide for an automatic award of attorneys' fees. Rather, it provides for an award of attorneys' fees only when an agency or a court determines that the government's position was not ''substantially justified'' or that ''special circumstances'' exist which would make an award unjust.

Agencies and courts have strayed far from the original intent of EAJA by repeatedly using these provisions to avoid awarding attorneys' fees to small businesses and individuals who have successfully defended themselves. The bill that Senator FEINGOLD and I are introducing today, the Equal Access to Justice Reform Amendments of 2000, would amend EAJA to provide that a small business owner or individual prevailing against the government will be automatically entitled to recover their attorneys' fees and expenses incurred in their defense.

Unfortunately, EAJA is not making the taxpayers of this nation whole after they defend themselves against government action. Thus, I ask that my colleagues join Senator FEINGOLD and myself in our effort to make these American taxpayers whole by cosponsoring and supporting the Equal Access to Justice Reform Amendments of 2000.

ADDITIONAL COSPONSORS

S. 808

At the request of Mr. JEFFORDS, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 808, a bill to amend the Internal Revenue Code of 1986 to provide tax incentives for land sales for conservation purposes.

S. 1140

At the request of Mrs. BOXER, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 1140, a bill to require the Secretary of Labor to issue regulations to eliminate or minimize the significant risk of needlestick injury to health care workers.

S. 1880

At the request of Mr. KENNEDY, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 1880, a bill to amend the Public Health Service Act to improve the health of minority individuals.

S. 1898

At the request of Mr. DORGAN, the name of the Senator from South Dakota (Mr. DASCHLE) was added as a cosponsor of S. 1898, a bill to provide protection against the risks to the public that are inherent in the interstate transportation of violent prisoners.

S. 2084

At the request of Mr. LUGAR, the name of the Senator from Missouri (Mr. ASHCROFT) was added as a cosponsor of S. 2084, a bill to amend the Internal Revenue Code of 1986 to increase the amount of the charitable deduction allowable for contributions of food inventory, and for other purposes.

S. 2408

At the request of Mr. BINGAMAN, the names of the Senator from Vermont (Mr. LEAHY), the Senator from Nebraska (Mr. KERREY), and the Senator from Montana (Mr. BURNS) were added as cosponsors of S. 2408, a bill to authorize the President to award a gold medal on behalf of the Congress to the Navajo Code Talkers in recognition of their contributions to the Nation.

S. 2615

At the request of Mr. KENNEDY, the name of the Senator from New York (Mr. MOYNIHAN) was added as a cosponsor of S. 2615, a bill to establish a program to promote child literacy by making books available through early learning and other child care programs, and for other purposes.

S. 2676

At the request of Mr. HUTCHINSON, the name of the Senator from Kentucky (Mr. BUNNING) was added as a cosponsor of S. 2676, a bill to amend the National Labor Relations Act to provide for inflation adjustments to the mandatory jurisdiction thresholds of the National Labor Relations Board.

S. 2718

At the request of Mr. SMITH of New Hampshire, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 2718, a bill to amend the Internal Revenue Code of 1986 to provide incentives to introduce new technologies to reduce energy consumption in buildings.

S. 2723

At the request of Mr. INHOFE, the names of the Senator from Louisiana (Mr. BREAUX) and the Senator from New Mexico (Mr. BINGAMAN) were added as cosponsors of S. 2723, a bill to amend the Clean Air Act to permit the Governor of a State to waive oxygen content requirement for reformulated gasoline, to encourage development of voluntary standards to prevent and control releases of methyl tertiary butyl ether from underground storage tanks, to establish a program to phase out the use of methyl tertiary butyl ether, and for other purposes.

S. 2733

At the request of Mr. SANTORUM, the name of the Senator from Ohio (Mr. DEWINE) was added as a cosponsor of S. 2733, a bill to provide for the preservation of assisted housing for low income elderly persons, disabled persons, and other families.

S. 2787

At the request of Mr. BIDEN, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 2787, a bill to reauthorize the Federal programs to prevent violence against women, and for other purposes.

S. 2879

At the request of Ms. COLLINS, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 2879, a bill to amend the Public Health Service Act to establish programs and activities to address diabetes in children and youth, and for other purposes.

S. CON. RES. 60

At the request of Mr. FEINGOLD, the name of the Senator from Idaho (Mr. CRAIG) 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.

S.J. RES. 48

At the request of Mr. CAMPBELL, the names of the Senator from Michigan (Mr. LEVIN), the Senator from Oklahoma (Mr. NICKLES), and the Senator from Delaware (Mr. BIDEN) were added as cosponsors of S.J. Res. 48, a joint resolution calling upon the President to issue a proclamation recognizing the 25th anniversary of the Helsinki Final Act.

S. RES. 304

At the request of Mr. BIDEN, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. Res. 304, a resolution expressing the sense of the Senate regarding the development of educational programs on veterans' contributions to the country and the designation of the week that includes Veterans Day as ''National Veterans Awareness Week'' for the presentation of such educational programs.

AMENDMENT NO. 4011

At the request of Mr. HARKIN, the names of the Senator from Kansas (Mr. BROWNBACK) and the Senator from Wyoming (Mr. THOMAS) were added as cosponsors of amendment No. 4011 proposed to H.R. 4461, a bill making appropriations for Agriculture, Rural Development, Food and Drug Administration and Related Agencies programs for the fiscal year ending September 30, 2001, and for other purposes.

SENATE RESOLUTION 339—DESIGNATING NOVEMBER 18, 2000, AS ''NATIONAL SURVIVORS OF SUICIDE DAY''

Mr. REID submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 339

Whereas the 105th Congress, in Senate Resolution 84 and House Resolution 212, recognized suicide as a national problem and suicide prevention as a national priority;

Whereas the Surgeon General has publicly recognized suicide as a public health problem;

Whereas the resolutions of the 105th Congress called for a collaboration between public and private organizations and individuals concerned with suicide;

Whereas in the United States, more than 30,000 people take their own lives each year;

Whereas suicide is the 8th leading cause of death in the United States and the 3rd major cause of death among young people aged 15 through 19;

Whereas the suicide rate among young people has more than tripled in the last 4 decades, a fact that is a tragedy in itself and a source of devastation to millions of family members and loved ones;

Whereas every year in the United States, hundreds of thousands of people become suicide survivors (people that have lost a loved one to suicide), and there are approximately 8,000,000 suicide survivors in the United States today;

Whereas society still needlessly stigmatizes both the people that take their own lives and suicide survivors;

Whereas there is a need for greater outreach to suicide survivors because, all too often, they are left alone to grieve;

Whereas suicide survivors are often helped to rebuild their lives through a network of support with fellow survivors;

Whereas suicide survivors play an essential role in educating communities about the risks of suicide and the need to develop suicide prevention strategies; and

Whereas suicide survivors contribute to suicide prevention research by providing essential information about the environmental and genetic backgrounds of the deceased: Now, therefore, be it

Resolved, That the Senate—

(1)(A) designates November 18, 2000, as ''National Survivors of Suicide Day''; and

(B) requests that the President issue a proclamation calling on Federal, State, and local administrators and the people of the United States to observe the day with appropriate programs, ceremonies, and activities;

(2) encourages the involvement of suicide survivors in healing activities and prevention programs;

(3) acknowledges that suicide survivors face distinct obstacles in their grieving;

(4) recognizes that suicide survivors can be a source of support and strength to each other;

(5) recognizes that suicide survivors have played a leading role in organizations dedicated to reducing suicide through research, education, and treatment programs; and

(6) acknowledges the efforts of suicide survivors in their prevention, education, and advocacy activities to eliminate stigma and to reduce the incidence of suicide.

Mr. REID. Mr. President, I rise today to submit a Senate resolution which would designate November 18, 2000 as ''National Survivors of Suicide Day.'' The term ''survivor'' refers to anyone who has lost a loved one to suicide. As such, having lost my father to suicide in 1972, I am viewed as a survivor in the suicide prevention community. Nationally, more than 30,000 people take their own lives each year. Suicide is the eighth leading cause of death in the United States and the third major cause of death among people aged 15–19.

The suicide rate among young people has more than tripled in the last four decades. Today in our country, countless suicide survivors go on with their lives, many of them grieving in a very private way. This is because there still remains a stigma towards those who take their own life as well as those who are left behind to cope with the suicide of a loved one. I can't begin to tell you how many survivors have written me expressing the shame and guilt they feel about their loved one's suicide, many of whom are still unable to deal honestly with the tragic conditions which ultimately led to someone they love taking their own life.

I am pleased that this resolution passed the Senate by unanimous consent last year. Since then, there has been a fervor of activity and collaboration in both the federal and private sectors around suicide prevention. Most recently, the Senate Labor, Health and Human Services and Education Appropriations Subcommittee dedicated a hearing to suicide awareness and prevention. Among those who testified were Surgeon General Dr. David Satcher, National Institute of Mental Health Director Dr. Steve E. Hyman, psychologist and author Dr. Kay Redfield Jamison, and novelist Danielle Steele.

While we have taken some important first steps, we still have a long way to go in the area of suicide prevention and awareness. It is my intent to recognize the countless survivors who all are at various stages of healing in addressing the loss of their loved one to suicide. I ask you to support me in turning their grief into hope, a hope that with acceptance and understanding, can lead our nation in effectively addressing this very preventable public health challenge.

Mr. President, I ask unanimous consent that a letter of support be printed in the RECORD.

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

AMERICAN FOUNDATION
FOR SUICIDE PREVENTION,
New York, NY, July 20, 2000.

Senator HARRY REID,
Hart Senate Office Building,
Washington, DC.

DEAR SENATOR REID: The American Foundation for Suicide Prevention supports the proposed Senate Resolution designating Saturday, November 18, 2000 as National Survivors of Suicide Day. We believe this resolution will build on the momentum started last year by Senate Resolution 99, which recognized for the first time the unique problems faced by survivors and their important contributions to suicide prevention.

Specifically, the proposed Survivors of Suicide Day Resolution will be instrumental in fostering the involvement of people who have lost a loved one to suicide in prevention activities. I will also encourage them to come forward, break the silence and join with other survivors as a way to promote their healing.

As you know, our Foundation is actively organizing survivor conferences across the country to be linked by satellite on November 18. Working together with other private organizations and pubic agencies, we will use this resolution to expand the number of local survivor conferences participating in National Survivors of Suicide Day.

We appreciate all you are doing to encourage and empower survivors, and are grateful for your willingness to introduce this important resolution. On behalf of millions of survivors who want to prevent others from experiencing a similar loss, as well as people throughout our country concerned about the risk of suicide, thank you.

Sincerely,

ROBERT GEBBIA,
Executive Director.

SENATE RESOLUTION 340—DESIGNATING DECEMBER 10, 2000, AS ''NATIONAL CHILDREN'S MEMORIAL DAY''

Mr. REID (for himself, Mr. EDWARDS, Mr. ABRAHAM, Mr. AKAKA, Mr. BAUCUS, Mr. BAYH, Mr. BENNETT, Mr. BRYAN, Mr. CLELAND, Mr. COCHRAN, Mr. CRAIG, Mr. DODD, Mr. DORGAN, Mrs. FEINSTEIN, Mr. HELMS, Mr. HOLLINGS, Mr. INHOFE, Mr. JOHNSON, Mr. KERREY, Mr. KOHL, Ms. LANDRIEU, Mr. LAUTENBERG, Mrs. LINCOLN, Mrs. MURRAY, Mr. ROBB, Mr. SARBANES, and Mr. VOINOVICH) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 340

Whereas approximately 80,000 infants, children, teenagers, and young adults of families living throughout the United States die each year from myriad causes;

Whereas the death of an infant, child, teenager, or young adult of a family is considered to be 1 of the greatest tragedies that a parent or family will ever endure during a lifetime; and

Whereas a supportive environment and empathy and understanding are considered critical factors in the healing process of a family that is coping with and recovering from the loss of a loved one: Now, therefore, be it

Resolved,

SECTION 1. DESIGNATION OF NATIONAL CHILDREN'S MEMORIAL DAY.

The Senate—

(1) designates December 10, 2000, as ''National Children's Memorial Day''; and

(2) requests that the President issue a proclamation calling upon the people of the United States to observe the day with appropriate ceremonies and activities in remembrance of the many infants, children, teenagers, and young adults of families in the United States who have died.

Mr. REID. Mr. President, I rise today to submit a Senate resolution which would designate December 10, 2000 as ''National Children's Memorial Day.'' I am pleased that Senators EDWARDS, ABRAHAM, AKAKA, BAUCUS, BAYH, BENNETT, BRYAN, CLELAND, COCHRAN, CRAIG, DODD, DORGAN, FEINSTEIN, HELMS, HOLLINGS, INHOFE, JOHNSON, KERREY, KOHL, LANDRIEU, LAUTENBERG, LINCOLN, MURRAY, ROBB, SARBANES, and VOINOVICH are joining me as original cosponsors. The resolution would set aside this day to remember all the children who die in the United States each year. While I realize the families of these children deal with the grief of their loss every day, I would like to commemorate the lives of these children with a special day as well.

If passed, this will be the third consecutive year we will have designated the second Sunday in December as ''National Children's Memorial Day.'' I have had many constituents share their heart-wrenching stories with me about the death of their son or daughter. I have heard heroic stories of kids battling cancer or diabetes, and tragic stories of car accidents and drownings. Each of these families has had their own experience, but they must all continue with their lives and deal with the incredible pain of losing a child.

The death of a child at any age is a shattering experience for a family. By establishing a day to remember children that have passed away, bereaved families from all over the country will be encouraged and supported in the positive resolution of their grief. It is important to families who have suffered such a loss to know that they are

not alone. To commemorate the lives of these children with a special day would pay them an honor and would help to bring comfort to the hearts of their bereaved families.

NOTICES OF HEARINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MURKOWSKI. Mr. President, I would like to announce for the information of the Senate and the public that the oversight hearing regarding Natural Gas Supply previously scheduled before the Committee on Energy and Natural Resources for Tuesday, July 25 at 9:30 a.m. has been postponed until Wednesday, July 26 at 9:30 a.m. in Room SD–366 of the Dirksen Senate Office Building in Washington, DC.

For further information, please call Dan Kish at (202) 224–8276 or Jo Meuse at (202) 224–4756.

COMMITTEE ON INDIAN AFFAIRS

Mr. CAMPBELL. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Wednesday, July 26, 2000 at 1:30 p.m. in room 485 of the Russell Senate Building to mark up pending legislation to be followed by an oversight hearing on the Activities of the National Indian Gaming Commission; to be followed by a legislative hearing on S. 2526, to reauthorize the Indian Health Care Improvement Act.

Those wishing additional information may contact Committee staff at (202) 224–2251.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. LOTT. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Friday, July 21, 2000, to conduct a hearing on the following nominations: Mr. Robert S. LaRussa to be Undersecretary for International Trade at the Department of Commerce; and Ms. Marjory E. Searing to be Assistant Secretary and Director General of the U.S. and Foreign Commercial Service (US&FCS) of the Department of Commerce.

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. LOTT. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Friday, July 21, 2000, for purposes of conducting a Full Committee business meeting which is scheduled to begin at 9 a.m. The purpose of this business meeting is to consider H.R. 701, the Conservation and Reinvestment Act.

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

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. LOTT. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet in executive session on Friday, July 21, 2000.

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

SUBCOMMITTEE ON FOREST AND PUBLIC LANDS

Mr. LOTT. 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 Friday, July 21, 2000, at 9:30 a.m. to conduct an oversight hearing. The subcommittee will receive testimony on the Draft Environmental Impact Statement implementing the October 1999 announcement by President Clinton to review approximately 40 million acres of national forest lands for increased protection.

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

CONTRIBUTIONS TO THRIFT SAVINGS PLAN ACCOUNTS

Mr. BENNETT. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 682, H.R. 208.

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

The assistant legislative clerk read as follows:

A bill (H.R. 208) to amend title 5, United States Code, to allow for the contribution of certain rollover distributions to accounts in the Thrift Savings Plan, to eliminate certain waiting-period requirements for participating in the Thrift Savings Plan, and for other purposes.

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Governmental Affairs, with amendments; as follows:

(Omit the part in black brackets and insert the part printed in italic.)

H.R. 208

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

SECTION 1. ELIGIBLE ROLLOVER DISTRIBUTIONS.

(a) IN GENERAL.—Section 8432 of title 5, United States Code, is amended by adding at the end the following:

''(j)(1) For the purpose of this subsection—

''(A) the term 'eligible rollover distribution' has the meaning given such term by section 402(c)(4) of the Internal Revenue Code of 1986; and

''(B) the term 'qualified trust' has the meaning given such term by section 402(c)(8) of the Internal Revenue Code of 1986.

''(2) An employee or Member may contribute to the Thrift Savings Fund an eligible rollover distribution [from a qualified trust.] *that a qualified trust could accept under the Internal Revenue Code of 1986.* A contribution made under this subsection shall be made in the form described in section 401(a)(31) of the Internal Revenue Code of 1986. In the case of an eligible rollover distribution, the maximum amount transferred to the Thrift Savings Fund shall not exceed the amount which would otherwise have been included in the employee's or Member's gross income for Federal income tax purposes.

''(3) The Executive Director shall prescribe regulations to carry out this subsection.''.

[(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on October 1, 2000, or such earlier date as the Executive Director (as defined by section 8401 of title 5, United States Code) may by regulation prescribe, but not before September 1, 2000.]

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect at the earliest practicable date after September 30, 2000, as determined by the Executive Director in regulations.

SEC. 2. IMMEDIATE PARTICIPATION IN THE THRIFT SAVINGS PLAN.

(a) ELIMINATION OF CERTAIN WAITING PERIODS FOR PURPOSES OF EMPLOYEE CONTRIBUTIONS.—Paragraph (4) of section 8432(b) of title 5, United States Code, is amended to read as follows:

''(4) The Executive Director shall prescribe such regulations as may be necessary to carry out the following:

''(A) Notwithstanding subparagraph (A) of paragraph (2), an employee or Member described in such subparagraph shall be afforded a reasonable opportunity to first make an election under this subsection beginning on the date of commencing service or, if that is not administratively feasible, beginning on the earliest date thereafter that such an election becomes administratively feasible, as determined by the Executive Director.

''(B) An employee or Member described in subparagraph (B) of paragraph (2) shall be afforded a reasonable opportunity to first make an election under this subsection (based on the appointment or election described in such subparagraph) beginning on the date of commencing service pursuant to such appointment or election or, if that is not administratively feasible, beginning on the earliest date thereafter that such an election becomes administratively feasible, as determined by the Executive Director.

''(C) Notwithstanding the preceding provisions of this paragraph, contributions under paragraphs (1) and (2) of subsection (c) shall not be payable with respect to any pay period before the earliest pay period for which such contributions would otherwise be allowable under this subsection if this paragraph had not been enacted.

''(D) Sections 8351(a)(2), 8440a(a)(2), 8440b(a)(2), 8440c(a)(2), and 8440d(a)(2) shall be applied in a manner consistent with the purposes of subparagraphs (A) and (B), to the extent those subparagraphs can be applied with respect thereto.

''(E) Nothing in this paragraph shall affect paragraph (3).''.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—(1) Section 8432(a) of title 5, United States Code, is amended—

(A) in the first sentence by striking ''(b)(1)'' and inserting ''(b)''; and

(B) by amending the second sentence to read as follows: ''Contributions under this subsection pursuant to such an election shall, with respect to each pay period for which such election remains in effect, be made in accordance with a program of regular contributions provided in regulations prescribed by the Executive Director.''.

(2) Section 8432(b)(1)(B) of title 5, United States Code, is amended by inserting ''(or any election allowable by virtue of paragraph (4))'' after ''subparagraph (A)''.

(3) Section 8432(b)(3) of title 5, United States Code, is amended by striking ''Notwithstanding paragraph (2)(A), an'' and inserting ''An''.

(4) Section 8439(a)(1) of title 5, United States Code, is amended by inserting ''who makes contributions or'' after ''for each individual'' and by striking ''section 8432(c)(1)'' and inserting ''section 8432''.

(5) Section 8439(c)(2) of title 5, United States Code, is amended by adding at the end the following: ''Nothing in this paragraph shall be considered to limit the dissemination of information only to the times required under the preceding sentence.''.

(6) Sections 8440a(a)(2) and 8440d(a)(2) of title 5, United States Code, are amended by striking all after ''subject to'' and inserting ''this chapter.''.

(c) EFFECTIVE DATE.—

[(1) IN GENERAL.—The amendments made by this section shall take effect on October 1, 2000, or such earlier date as the Executive Director (as defined by section 8401 of title 5, United States Code) may by regulation prescribe, but not before September 1, 2000.]

(1) IN GENERAL.—The amendments made by this section shall take effect at the earliest practicable date after September 30, 2000, as determined by the Executive Director in regulations.

(2) SAVINGS PROVISION.—Notwithstanding any other provision of this section, until the amendments made by this section take effect, title 5, United States Code, shall be applied as if this section had not been enacted.

[SEC. 3. ADDITIONAL GOVERNMENT CONTRIBUTIONS FOR RETIREMENT.

[(a) FEDERAL EMPLOYEES' RETIREMENT SYSTEM.—Section 8423(a) of title 5, United States Code, is amended by adding at the end the following:

[''(5) Notwithstanding any other provision of this chapter, effective with respect to contributions for pay periods beginning on or after October 1, 2000, the normal-cost percentage used for purposes of any computation under this subsection shall be equal to—

[''(A) the percentage that would otherwise apply if this paragraph had not been enacted, plus

[''(B) .01 of 1 percentage point.''.

[(b) SUPPLEMENTAL LIABILITY.—For purposes of applying section 8423(b) of title 5, United States Code, and section 857(b) of the Foreign Service Act of 1980 (22 U.S.C. 4071f(b)), all amounts shall be determined as if this section had never been enacted.

[(c) LIMITATION ON SOURCE OF ADDITIONAL CONTRIBUTIONS.—Notwithstanding section 8423(a)(3) of title 5, United States Code, or any other provision of law, the additional Government contributions required to be made by reason of the amendment made by subsection (a) shall be made out of any amounts available to the employing agency involved, other than any appropriation, fund, or other amounts available for the payment of employee salaries or benefits.

[(d) CONFORMING AMENDMENT.—Section 307 of the Federal Employees' Retirement System Act of 1986 (Public Law 99–335; 5 U.S.C. 8401 note) is amended by inserting '', including the additional amount required under section 8423(a)(5)(B) of such title 5,'' after ''Federal Employees' Retirement System''.]

SEC. 3. COURT ORDERS AFFECTING REFUNDS.

(a) CIVIL SERVICE RETIREMENT SYSTEM.—Section 8342(j)(1) of title 5, United States Code, is amended to read as follows:

''(j)(1)(A) Payment of the lump-sum credit under subsection (a) may be made only if the spouse, if any, and any former spouse of the employee or Member are notified of the employee or Member's application.

''(B) The Office shall prescribe regulations under which the lump-sum credit shall not be paid without the consent of a spouse or former spouse of the employee or Member where the Office has received such additional information and documentation as the Office may require that—

''(i) a court order bars payment of the lump-sum credit in order to preserve the court's ability to award an annuity under section 8341(h) or section 8345(j); or

''(ii) payment of the lump-sum credit would extinguish the entitlement of the spouse or former spouse, under a court order on file with the Office, to a survivor annuity under section 8341(h) or to any portion of an annuity under section 8345(j).''.

(b) FEDERAL EMPLOYEES RETIREMENT SYSTEM.—Section 8424(b)(1) of title 5, United States Code, is amended to read as follows:

''(b)(1)(A) Payment of the lump-sum credit under subsection (a) may be made only if the spouse, if any, and any former spouse of the employee or Member are notified of the employee or Member's application.

''(B) The Office shall prescribe regulations under which the lump-sum credit shall not be paid without the consent of a spouse or former spouse of the employee or Member where the Office has received such additional information or documentation as the Office may require that—

''(i) a court order bars payment of the lump-sum credit in order to preserve the court's ability to award an annuity under section 8445 or 8467; or

''(ii) payment of the lump-sum credit would extinguish the entitlement of the spouse or former spouse, under a court order on file with the Office, to a survivor annuity under section 8445 or to any portion of an annuity under section 8467.''.

Mr. BENNETT. Mr. President, I ask unanimous consent that the committee amendments be agreed to.

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

The committee amendments were agreed to.

Mr. BENNETT. I ask unanimous consent the bill, as amended, be read the third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

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

The bill (H.R. 208), as amended, was read the third time and passed.

AMENDMENT NO. 4008, AS MODIFIED—H.R. 4461

Mr. BENNETT. Mr. President, I ask unanimous consent that amendment No. 4008 to H.R. 4461, previously agreed to, be modified with the change that is now at the desk.

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

The amendment (No. 4008), as modified, is as follows:

On page 13, line 13, strike ''$62,207,000'' and insert ''$62,707,000''.

On page 13, line 16, strike ''$121,350,000'' and insert ''$120,850,000''.

AMENDING THE IMMIGRATION AND NATIONALITY ACT

Mr. BENNETT. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 693, S. 2812.

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

The assistant legislative clerk read as follows:

A bill (S. 2812) to amend the Immigration and Nationality Act to provide a waiver of the oath of renunciation and allegiance for naturalization of aliens having certain disabilities.

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

Mr. BENNETT. Mr. President, I ask unanimous consent that the bill be read the third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed at this point in the RECORD.

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

The bill (S. 2812) was read the third time and passed, as follows:

S. 2812

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

SECTION 1. WAIVER OF OATH OF RENUNCIATION AND ALLEGIANCE FOR NATURALIZATION OF ALIENS HAVING CERTAIN DISABILITIES.

(a) IN GENERAL.—The last sentence of section 337(a) of the Immigration and Nationality Act (8 U.S.C. 1448(a)) is amended to read as follows: ''The Attorney General may waive the taking of the oath if in the opinion of the Attorney General the applicant for naturalization is an individual with a disability, or a child, who is unable to understand or communicate an understanding of the meaning of the oath. If the Attorney General waives the oath for such an individual, the individual shall be considered to have met the requirements of section 316(a)(3) as to attachment to the Constitution and well disposition to the United States.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to individuals who applied for naturalization before, on, or after the date of enactment of this Act.

ORDERS FOR MONDAY, JULY 24, 2000

Mr. BENNETT. Mr. President, I ask unanimous consent that when the Senate completes its business today, it recess until the hour of 12 noon on Monday, July 24. I further ask consent that on Monday, immediately following the prayer, the Journal of proceedings be approved to date, the morning hour be deemed to have expired, the time for the two leaders be reserved for their use later in the day, and the Senate then begin a period of morning business until 2 p.m., with Senators permitted to speak therein for up to 10 minutes, with the following exceptions: Senator DURBIN, or his designee, from 12 to 1; Senator THOMAS, or his designee, from 1 to 2.

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

PROGRAM

Mr. BENNETT. Mr. President, when the Senate convenes at 12 noon, the Senate will be in a period of morning business until 2 p.m. Following morning business, the Senate will turn to any available appropriations bill. Amendments are expected to be offered thereto, with any votes ordered to occur at 6 p.m. on Monday. I thank all Senators for their cooperation.

RECESS UNTIL MONDAY, JULY 24, 2000

Mr. BENNETT. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in recess under the previous order.

There being no objection, the Senate, at 2:12 p.m., recessed until Monday, July 24, 2000, at 12 noon.

NOMINATIONS

Executive nominations received by the Senate July 21, 2000:

THE JUDICIARY

SUSAN RITCHIE BOLTON, OF ARIZONA, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF ARIZONA VICE ROBERT C. BROOMFIELD, RETIRED.

MARY H. MURGUIA, OF ARIZONA, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF ARIZONA VICE A NEW POSITION CREATED BY PUBLIC LAW 106–113, APPROVED NOVEMBER 29, 1999.

JAMES A. TEILBORG, OF ARIZONA, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF ARIZONA VICE A NEW POSITION CREATED BY PUBLIC LAW 106–113, APPROVED NOVEMBER 29, 1999.

POSTAL RATE COMMISSION

GEORGE A. OMAS, OF MISSISSIPPI, TO BE A COMMISSIONER OF THE POSTAL RATE COMMISSION FOR A TERM EXPIRING OCTOBER 14, 2006. (REAPPOINTMENT)

CONFIRMATIONS

Executive nominations confirmed by the Senate, July 21, 2000:

THE JUDICIARY

JOHNNIE B. RAWLINSON, OF NEVADA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE NINTH CIRCUIT.

DENNIS M. CAVANAUGH, OF NEW JERSEY, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF NEW JERSEY.

JOHN E. STEELE, OF FLORIDA, TO BE UNITED STATES DISTRICT JUDGE FOR THE MIDDLE DISTRICT OF FLORIDA.

GREGORY A. PRESNELL, OF FLORIDA, TO BE UNITED STATES DISTRICT JUDGE FOR THE MIDDLE DISTRICT OF FLORIDA.

JAMES S. MOODY, JR., OF FLORIDA, TO BE UNITED STATES DISTRICT JUDGE FOR THE MIDDLE DISTRICT OF FLORIDA.