United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 105th CONGRESS, SECOND SESSION

Vol. 144 WASHINGTON, FRIDAY, MAY 22, 1998 No. 67

Senate

The Senate met at 9:30 a.m. and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

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

Gracious God, our Father who has given us life, bless us this day as we accept the privilege of work. Thank You that the work You have given the Senators and those who work with and for them is crucial for the future of our Nation.

As this intense and busy week comes to a close, we express our gratitude for each Senator's staff, the officers of the Senate and their staffs, the reporters of debates, the media, the pages, the police guards and Secret Service, the elevator operators, the food service personnel, the landscape and maintenance people, and so many others who work so faithfully on hundreds of important tasks. May we take no one for granted and communicate our esteem and affirmation to everyone who works around us.

Today, we especially thank You for Stuart Balderson, Financial Clerk of the U.S. Senate, who has recently retired after faithfully serving this body for 38 years. Bless Stuart and his wife, Marie. May their retirement years continue to be joyful and purposeful. Through our Lord and Savior. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

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

SCHEDULE

Mr. COVERDELL. Mr. President, for the information of all Senators, this morning the Senate will begin 1 hour of morning business. At 10:30 a.m., the Senate will begin the Iran sanctions bill under a time agreement of 3 hours. It is possible that some time may be yielded back on the sanctions bill, and therefore votes could occur before noon. The Senate will also consider the ISTEA conference report when it becomes available. Therefore, votes could occur throughout Friday's session, in an effort to conclude several important items prior to the Memorial Day recess.

Mr. President, it is my understanding, in conference with the other side, that they are comfortable with allowing two of our 10-minute sessions to occur back to back and to then go to the other side—and I will begin that, but before I do, for just a couple of minutes the Senator from Oregon will speak to express his grief over circumstances in his State.

Mr. WELLSTONE. Might I interrupt my colleague for a second. I know we will hear from the Senator from Oregon to speak about the tragedy in Oregon, and I think his remarks are perhaps the most important remarks of the day.

Might I ask, since we have some order, after the Senator from Oregon speaks, then two Republicans will speak?

The PRESIDING OFFICER (Mr. ALLARD). Correct.

ORDER OF PROCEDURE

Mr. WELLSTONE. Could I ask unanimous consent to have 10 minutes in the sequence after Senator DORGAN?

The PRESIDING OFFICER. The Senator is asking there be two 10-minute segments?

Mr. WELLSTONE. I would like to speak after Senator DORGAN for 10 minutes.

Mr. ENZI. Could I request permission before that happens to drop in a bill on behalf of myself and Senator BINGAMAN?

The PRESIDING OFFICER. Does the Senator concur with that?

Mr. WELLSTONE. Yes.

Mr. INHOFE. Could we extend that unanimous consent to give me 10 minutes after the Senator from Minnesota?

The PRESIDING OFFICER. Is there an objection to the time requests?

Without objection, it is so ordered.

Mr. COVERDELL. I yield 3 minutes of my time to the Senator from Oregon.

Mr. SMITH of Oregon. Mr. President, and my colleagues who have allowed me to speak, I thank you for your courtesy.

TRAGEDY IN OREGON

Mr. SMITH of Oregon. Mr. President, I rise today with a very heavy heart. Yesterday, Senator WYDEN, my colleague from across the aisle, and I were confronted with news of a tragedy in our State that was, frankly, in my mind, quite unimaginable.

The Willamette Valley of Oregon is perhaps one of the most beautiful places in the world. It is surrounded by mountains with snowcaps and clear streams running through it. It is filled with farmers and loggers, college professors and students, people working in State government. It is truly an Eden on Earth.

But yesterday, a most mindless and senseless act was committed that leaves me, frankly, speechless. A young man, obviously very troubled, on the way to school killed his parents and then took three weapons into his school cafeteria at Thurston High School in Springfield, where he opened up and killed 1 student and injured nearly 30 others. This occurred before a wounded student tackled him and held him to the ground.

I don't have words to express the outrage I feel or the heartache that I feel for the families, for the victims, for this community, for my State, for my country, at this outrageous and despicable act.

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

Yesterday, Senator WYDEN and I were asked to be on program after program, and we declined, because it was not a day for pontificating about policy or political posturing. It was a day for grief and mourning. I reach out to my State. I cannot be there physically, but my heart is with you and I am in agony with you. It becomes all of us here and in any place in government not to pick a single issue and say that is why, but to look at the strings that run from Springfield to Jonesboro or in any other community in this State and to find out what is happening with the youth of America whereby they solve their problems by resorting to this kind of violence.

We must have the courage to face all of the possibilities. It isn't just the school. It isn't just the gun. It isn't just the family. It isn't any of these things in isolation, but it is all of them together.

I, for one, reach across to my colleague from Oregon, Senator WYDEN, and every other member of the Oregon delegation in this Congress, and to our Governor, and to school officials and to parents in Oregon and across this country and say, let's figure it out and let's try to prevent it from occurring again. This does not belong in America. The answers start with us.

The answers start in our hearts and in our homes, in our legislatures, in this Capitol building, but it starts with us as individuals to find out how to say no to this in the future and to prevent it. We are doing many things to punish, and those are appropriate things. It is time to do more to prevent.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon is recognized.

Mr. WYDEN. I thank the Chair.

As Senator SMITH has said, the people of Oregon are grieving this morning. Our hearts are out to them. This is a time when all of us from Springfield, OR, to Springfield, MA, have to take a few moments out from our daily routine and reflect on what has happened in our home State. This is supposed to be a joyous time of year for kids in high school. They think about summer vacations and plans, time with family. Once again, however, our country has been rocked by unspeakable violence. I think all of us know that young people get upset and they do foolish things. But that is not what this is about.

In times past, when young people got angry, they might throw a rock, they might throw a fist, but there was not this pattern of deadly gun violence. And so now it is critically important as we grieve for the people of our home State—my staff has been trying to help, giving blood, assisting others in the community, but it is especially important now to get beyond the kind of finger pointing and the sort of blame game that inevitably takes place here and look to how these tragedies can be prevented in the future.

I share Senator SMITH's judgment that this is about what is in our heart. It is about taking every possible step in the schools, in the family, through the education and health programs and through law enforcement programs, to protect our citizens and to reach out to those young people in trouble. That way we have a chance to restore safety in our communities and peace of mind for parents who, right now across this country, because of Springfield and the previous tragedies, are going to get up in the morning saying to themselves: What is going to happen at my child's school today? We cannot have that. No Member of the Senate can abide by that. And that, to me, is our central challenge today.

Oregonians have come together in the last 24 hours to do what we always do best, and that is to help friends and neighbors in a time of great need. We have seen an extraordinary outpouring of concern in Springfield towards families. It is not possible to find any real comfort at a time like this, but if you can feel hopeful—we have got to get up every morning working to make this a better world and a safer world—we can take some comfort in knowing that communities like Springfield do work. They are getting up this morning and saying that they are going to try to reach out to everybody in that community, to try to do everything possible to heal in Springfield and our home State but, even more importantly, to do everything they can to make sure that tragedies like this do not happen again in Oregon or anywhere else.

That is what we need to work for in this Chamber. Government policies can help, and with the government being a better partner, and families and schools and communities rallying, as Springfield has, we can make a difference and we can stop this carnage in our schools.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia.

MOMENT OF SILENCE

Mr. COVERDELL. Mr. President, I now ask unanimous consent that the Senate have a minute of silence in the Chamber in deference to the remarks of the two Senators from Oregon, and then the Senate would proceed with the hour of morning business beginning at that point.

(There being no objection, the Senate observed a moment of silence.)

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of morning business for not to exceed 1 hour, with Senators permitted to speak therein for up to 10 minutes each.

ISTEA

Mr. MCCAIN. Mr. President, later today, the Senate will vote on the conference report on H.R. 2400, the ISTEA reauthorization legislation. I regret that I am unable to be here to vote on this important piece of legislation, but I must depart momentarily to speak to the 25th Anniversary Reunion of Vietnam-Era Prisoners of War in Dallas, Texas.

If I were able to record my vote, however, I would vote against this conference agreement. This legislation is likely the most pork-laden legislation ever to be considered by Congress in the 20th Century. This conference report should be defeated, despite the inclusion of many important and commendable provisions.

I cannot support this conference report despite the fact that it does include significant motor carrier, highway and boating safety initiatives developed by the Committee on Commerce, Science, and Transportation. The Commerce Committee conferees, Senator HOLLINGS, Senator STEVENS, and I, worked diligently and responsibly to ensure that effective truck safety inspection and enforcement activities are continued, that safety initiatives on motor vehicle occupant protection are created, and that recreational boating activities are advanced.

The Committee on Commerce, Science, and Transportation portion of the conference report also requires the National Highway Traffic and Safety Administration (NHTSA) to change existing passenger car air bag standards so that the risks air bags pose to infants, children, and other individuals are minimized. I also want to take this opportunity to express my personal thanks to Senator KEMPTHORNE. Without his involvement, I doubt our efforts to improve passenger car air bags would have succeeded as they did.

Yet despite these notable achievements, I regret I cannot support the ISTEA reauthorization conference report. I object for several key reasons: the budgetary offsets, donor state inequity, and pork barrel spending.

On April 2nd, I reluctantly voted for an amendment sponsored by Senators DOMENICI, LOTT, and CRAIG on the Balanced Budget Act which proposed to transfer approximately $10.5 billion over five years from the Department of Veterans Affairs for veterans' tobacco-related diseases to pay for the transportation reauthorization legislation. In part, I did this because I believe that the tobacco companies, rather than the taxpayers, should bear the burden for veterans' tobacco-related diseases caused partially by smoking and using other tobacco products while they were in military service.

Military service did not force servicemembers to smoke, but I do acknowledge that for morale reasons, the services made cigarettes available for free or at inexpensive prices. The services also give servicemembers condoms and birth control pills at no cost to military personnel, but that does not mean that they want our men and women in uniform to be promiscuous.

As a conferee on this multi-year highway funding reauthorization bill, I have refused to support or sign the ISTEA conference report. As I mentioned earlier, of the three reasons for my opposition, the shifting of critical veterans funding to perpetuate donor state inequity and support the pork barrel spending in this massive highway bill is egregious.

Additionally, I will seek to ensure that any tobacco bill that passes the Senate includes money for the veterans health care system to help reimburse the costs of treating veterans with tobacco-related diseases. Our nation's veterans should not be excluded from payments by tobacco companies for health care costs associated with tobacco-related diseases. The failure to address the tobacco-related health care needs of our men and women who faithfully served their country in uniform would be wrong.

Congress cannot continue to rob from veterans, whose programs have been seriously underfunded for years, to pay for a bill that ranks as the largest pork-barrel spending bill ever written.

Two months ago during the debate on the McCain/Mack/Graham/ Thurmond/ Coats/Brownback/Kyl amendment, I discussed the history of highway bill demonstration projects. Those remarks are as relevant today as they were two months ago, because if we adopt this conference report as presently written, we will shatter all pork-barrel spending records.

In 1982, the highway bill had 10 demonstration projects, costing a total of $362 million. In 1987, 152 demonstration projects were created, costing a total of $1.4 billion. In 1991, what was then felt to be the mother lode of all demo project bills, the Intermodal Surface Transportation and Efficiency Act (ISTEA), 538 location-specific projects totaling $6.23 billion were created.

Where are we today? H.R. 2400 doesn't just double the number of location-specific project, but it more than triples the number of earmarked projects. The bill individually targets more than 1,850 projects. The costs have risen as well. H.R. 2400 sets aside more than $9 billion to pay for these 1,850 specified highway projects. That is $9 billion of highway funding that Congress is mandating the states allocate to carry out whimsical projects. That is $9 billion that states cannot allocate to those infrastructure projects they deem most appropriate. Scores of other projects are listed in other sections of the legislation.

A new name has even been created. We used to hear about ''demonstration'' projects and ''innovative'' projects. Under H.R. 2400, we now have ''high priority projects.'' Just what is a ''high priority'' project? Let me mention just a few examples of the type of project that the conferees believe are definitive projects.

Funds are included to initiate ''traffic calming projects'' in West Palm Beach, Florida and Fauquier County, Virginia. Money is included to build a coal heritage trail in West Virginia. Millions of dollars are set aside in selected towns throughout the country to construct location-specific bike paths. If traffic calming activities and constructing boardwalks fail in some minds to qualify as a ''high priority'' project, there's always the funding set aside to produce a documentary film on infrastructure.

I fail to see how items like these can seriously be considered ''high'' transportation priorities.

Priorities are traditionally established after thorough review and discussion. While our colleagues in the other body maintain that their projects were selected after a review process, I do know that the process in the Senate was not.

At 5:30 last night, Senate transportation aides received an e-mail message announcing that a limited number of Senate high priority projects were about to be added to the conference report. Transportation aides were advised to inform the Environment and Public Works Committee if their members wanted any projects earmarked. Staff was advised that no more than half of the proposed State allocation amount should be earmarked. Explicit direction was provided on how a Member might make such a request, including that it must be in writing and the description of the project must not exceed 216 characters. In addition, a name and phone number was provided where staff could call to find out just how much extra money had been set aside for their state.

Mr. President, this borders on the absurd. What ever happened to funding projects based on legitimate needs?

Mr. President, this reauthorization would be comical if it weren't such an abrogation of our responsibilities to the American taxpayer.

I am not alone in my disdain for this raid on the highway trust fund. Public interest groups have strongly criticized projects like these. The Heritage Foundation recently called on Congress to eliminate the House earmarks and to ''instead allow each state to use its share of the highway trust fund for projects that meet locally and state determined needs and priorities.'' Citizens Against Government Waste states that the House-passed legislation ''guarantees that federal highway dollars will continue to be doled out to regions with political muscle, rather than to areas that truly need it.''

Two of the originally-stated goals in ISTEA's reauthorization were to promote state highway funding flexibility and to utilize limited resources responsibly. Rather than perpetuate Congressional earmarks, we should place our confidence in our elected Governors' and Mayors' decision-making capabilities. Local- and state-elected officials should make the final decisions on local and state roads.

Lastly, I remain concerned over donor state equity. Currently, taxpayers living in donor states are forced to subsidize transportation projects in donee states. Arizona, for example, receives only about 85 cents for every gas-tax dollar it contributes to the highway trust fund. The 85-cent return ratio is reality despite the fact that the original ISTEA legislation ''guaranteed,'' and I stress the word guaranteed, donor states a 90-cent return by 1997. The 1991 ''guarantee'' simply was never fulfilled.

Now donor states are being told the new funding formula will guarantee they'll receive 90.5 cents back for every gas tax dollar sent to Washington. That's a mere half-penny increase over the 1991 guarantee that was never realized.

Today, many of our colleagues will announce that the conference report provides critical funding to meet the transportation needs ''for the 21st Century.'' The conferees have gone so far as to entitle the bill ''the Transportation Equity Act'' yet nothing could be further from the truth. We will be told the dramatic increase in highway spending—a portion of which I remind my colleagues comes at the expense of veterans programs and other domestic activities—will fill a critical gap in transportation spending. Yet I ask my colleagues, how can anyone realistically believe that a half-penny hike will meet the transportation needs for the fastest growing states in the nation. States like Arizona and Nevada are not being treated fairly or reasonably.

Mr. President, the only guarantee that donor states should expect from this legislation is that they will continue to subsidize road projects in other states for the next six years.

Mr. President, I also want to mention a purely procedural matter which deeply concerns me. When staff of the Senate conferees first met on the legislation, the Committee on Commerce, Science and Transportation was told specifically that several projects designated in the House-passed bill were squarely within our jurisdiction. The Environment and Public Works Committee in essence gave those projects over to the Commerce Committee. The Commerce Committee never resolved those issues, so I was quite surprised to see that the projects that EPW specifically gave over to Commerce Committee to handle quietly found their way into the conference report we debate today.

I also formally protest the Transportation and Infrastructure Committee and Environment and Public Works Committee conferees' inclusion of a provision which is squarely within the Commerce Committee's jurisdiction. Those conferees included language to exempt winter home heating oil delivery drivers from hours of service regulations for the next two years.

Let me be very clear. The Environment and Public Works Committee has no jurisdiction over federal motor carrier safety regulations governing hours

of service. Federal hours of service regulations are the primary protection for the traveling public against truck drivers being forced to drive excessive hours in a fatigued condition. The Senate Commerce Committee has sole jurisdiction over hours of service and the Senate Environment and Public Works Committee not only didn't ask for our input in the issue, but surreptitiously snuck it into the bill.

As a conferee on the legislation I find this action reprehensible. As the Chairman of the Commerce Committee I find action inexcusable. And I assure my colleagues that this Senator will not let this action stand and I pledge that I will do all that I can to have this provision stripped from the legislation.

Mr. President, this conference report is a sham. The so-called Transportation Equity Act for the 21st Century is a fraud. We should not fool taxpayers into believing that this legislation is anything more than a raid on gasoline tax dollars at the expense of veterans benefits. I urge my colleagues to vote against the conference report.

DRUG ABUSE AND ADDICTION

Mr. COVERDELL. Mr. President, when we return a week from Monday, from the Memorial Day recess, we will revisit the tobacco debate, and at that point I, along with my colleague from Idaho, Mr. CRAIG, and my colleague from Michigan, Mr. ABRAHAM, will offer an amendment to the tobacco bill that would create a new section. The section we will be offering as suggested additional legislation for the tobacco bill will be a section on drug abuse and addiction.

Mr. President, to me it is illogical—and I have been puzzled throughout the debate—that we would be talking about teenage addiction in the context of tobacco only. It is not good policy to talk about teenage addiction and leave out the single, most important crisis that teenagers face today, which is drug addiction, drug abuse, and the swirling epidemic that has engulfed our Nation. If we are going to talk about addiction, we must include a component that deals with the Nation's No. 1 teenage problem.

Mr. President, in the last 7 years teenage drug abuse has increased by 135 percent—135 percent. Tobacco usage has increased as well—40 percent. That is significant, and we must attack that but not by being silent on a new drug epidemic in the United States. In 1979, 14.1 percent of the population age 12 to 17 were involved in drug use—that is 3.3 million. The Nation got serious and it said we cannot accept this. And by the year 1992, drug use had been driven down by two-thirds, from 14.1 percent down to 5.3 percent. This is important on a couple of points. First, it demonstrates to the Nation that you can do something about this. There are many in our community who would argue, well, we have just been fighting this forever and it doesn't do any good. That is totally wrong.

We have demonstrated as a Nation if we get focused on this problem, pay attention to it, and if we do the right things, we will keep people from being entrapped by drug use. We went from 14.1 percent down to 5.3 percent. In other words, instead of 3.3 million children getting caught up in this, we have taken it down to 1 million—a two-thirds reduction. And then we got lazy. We quit talking about it. We made light of it. The interdiction was reduced. The drug czar's office was closed, for all practical purposes. We mothballed Coast Guard ships in the Caribbean. We turned our back on this problem. And what happened? Well, we should not be surprised. We are moving right back to 1979. You quit talking about it, you reduce the effort on the border, you shrink up the resources, and our youngsters get the idea that it is not dangerous. In the meantime, the cartels have become ever more sophisticated, generating ever more resources. They have as good a distribution system in this country as some of our most famous brands.

At a hearing recently, we had representation from Customs, from the Justice Department, and from the FBI. I asked them at the end of the hearing, ''How recently have you been to a school?'' Well, none of them had been recently. I said, ''You ought to do it.'' Mr. President, if you want to know what is going on, go into any school and 12-years-olds can tell you the whole story. They can tell you how few minutes it takes to buy them. They can tell you that they are prevalent everywhere. They can tell you the name brands of all of them. And when you ask them what the most serious problem is, a few will hold up their hands on various issues—alcohol, cigarettes—but they all hold up their hands in unison when you say, ''Are drugs the most serious problem you face?'' All the hands go up. I challenge anybody to do it. They will get the same answer.

Those kids, I think, are wondering what we are doing about it, what is this Nation doing about it? It is time for a bold response. And throughout this entire debate, there has been silence on this massive problem. One in four students in high school today in the United States is using drugs regularly. One in nine in junior high is using drugs regularly. Eight out of ten prisoners in any jail in America, anywhere in America, are there on a drug-related charge—direct or indirect. This is fueling crime in our country, with enormous cost consequences, and we are taking millions of casualties. If this evil force wore a uniform, we would have declared war on it.

What else would take down a million kids—a million, and it is increasing—that would produce 100,000 crack babies every year and thousands of deaths—14,000 a year?

The silence has been deafening, just deafening. We have been in a struggle with the administration over this, asking them to step forward. We are finally just moving on our own. The plan that they have given us says we are going to have an accountability period in the year 2006. The first measurement would occur in 2002. That is 2 years into the next Presidency. We need to be aggressive now. My colleague, in a moment, will describe in his 10-minute period the bold response.

I yield the floor to my colleague from Idaho.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

Mr. CRAIG. Mr. President, why have we spent the last 3 days on the floor talking about tobacco? Nearly everyone who has come to the floor to talk about tobacco has said we have to get it out of the hands of teenagers. There are two reasons we are on the floor talking about tobacco. First of all, it is darn good politics, and, secondly, we are mad at the tobacco companies and we are going to act in a very punitive fashion because they lied to us. They withheld information as to the addictiveness of nicotine, and we are angry as a public, angry as a governing body. We are going to inflict upon them a very punitive action, and we are going to do it in the name of teenagers—thousands of young people every day picking up a cigarette.

I am not belittling it, I am recognizing it. We need to try to get tobacco and the substance within it, nicotine, out of the hands of our teenagers. But thousands of teenagers today who start smoking today will not die tomorrow. Let me repeat that. The thousands of teenagers that we are all talking about—and, boy, have we heard it on the floor in the last few days—who pick up a cigarette today will not die tomorrow.

Mr. President, young people who engage in the use of drugs can die tomorrow. As my colleague from Georgia said, thousands are dying each year in violent actions and crimes related to drug use and drug associations. Yet, we stand silently by. The administration dropped the ball and walked away, and, finally, my colleague from Georgia rose up and said, wait a moment here, what in the heck are we doing as a country and as a policymaking body? If we are going to do all these great things for kids to get the cigarette out of their hand, why in the heck don't we get crack cocaine, marijuana, and amphetamines out of their hands because it kills them—not 30 years down the road.

By the way, if you start smoking today, you have a chance to live, because you can quit down the road. But if you start crack cocaine today, you will probably die on the street in a month or two for one reason or another, because you are stealing the money to get the crap that is called crack, or you are shot in some transaction that went bad.

That is how teenagers in America are dying today. The statistics that were just given by my colleague from Georgia about seventh graders and eighth

graders is real. I have done the same thing that PAUL COVERDELL has done. I have gone to the schools of Idaho. I go to them regularly anyway. I spend a lot of time talking with teenagers, kids, and when I ask the question, ''What is your problem?'' the hands go up with drugs. Most of the hands go up.

The Senator from Georgia is right. They know who sells it, and where you can get them. If they had a brand name on them, they would know the brand. Most importantly, if they had a brand name on them and they were being trafficked in the market today, we would be here going after the companies that were selling them because it would be killing our kids.

But today we are angry. We are mad. We are going to be vindictive. We are after the tobacco companies. We are after their big money to fuel big government. I am not going to vote for a big tobacco bill. I am going to vote to get cigarettes out of the hands of teenagers. It is the right thing to do.

But if we stand silently by and let what is described by my colleague from Georgia as the most significant epidemic amongst our youngsters go unspoken to and uncorrected, then we have erred grievously; we have erred grievously as policymakers.

New polls are out. When you ask parents what they are worried about, here is what they say: Thirty-nine percent, using illegal drugs. Thirty-nine percent of the American public say that is the No. 1 problem. Sixteen percent say joining a gang. Nine percent say drinking alcohol. Why? You get drunk, you get in the car, and you kill somebody, and you kill yourself.

Why then are we on the floor to spend weeks and millions of dollars trying to reach out and get billions of dollars out of tobacco? I will tell you why. Because it is good politics. Yet only 3 percent of the American people say they worry about it when they worry about their kids.

It is time we speak out. That is what my colleague from Georgia, my colleague from Michigan, and I are doing. We will have an amendment on the tobacco bill that will deal with this issue, or there will be no tobacco bill.

We must wake up the White House, wake up our Government, and wake up this policy body to what we are about to do. Here is what we want to do. We want to attach legislation that deals with this issue in a most significant way targeting three primary areas: Attacking the supply of drugs by strengthening our ability to stop them at the border; pull the mothballed Coast Guard fleet out and put it back in the water. Bill Clinton put it there. The heck with Bill Clinton. Put the money back in. Get them out in the water, and stop by interdiction. That is what our amendment does.

Second, we want to provide additional resources to fight drugs that reach our neighborhoods. Give the tools to the law enforcement communities and the schools and the communities at large to join together to block grant and create their own initiative along with our directed initiatives to get at the problem at the local level.

Then the third thing is to create disincentives for teen use of illegal drugs.

Those are the three major areas that will be involved in what we are about to do. We are going to spend a lot of time on the floor week after next until this proposal, this amendment, is part of the overall bill that will move, I believe, out of here.

So what do we have to do? When it comes to the supply side, we have to go straight at it. We have to deal with interdiction. We have to strengthen the borders. We have to stop slashing Coast Guard budgets and put some money back in it.

We talked about a 53-percent decline from 1992 to 1995 in the ability of the Coast Guard to reach out and interdict. That simply has to stop. Our amendment does exactly that.

Our amendment also includes the Border-Free Drug Act, which attacks 70 percent of the illegal drugs that enter the United States across the United States-Mexican border—70 percent of the drugs that are killing our kids on the street today, not 20 years down the road—today coming across the border from Mexico to the United States.

So why not put more people on the borders? I think we ought to. We ought to strengthen the Immigration and Naturalization Service to hire Border Patrol agents to deal with the trafficking and get at the business of going at it. For example, our amendment increases the resources available to DEA and the FBI.

An additional section of our amendment is the Money Laundering Prevention Act.

Finally, last week this administration announced a major break in drug laundering with Mexican banks. We have arrested a few people. And we are trying to get the cooperation of the Mexican Government now because the money is big. How big? We are trying to get $800 billion away from the tobacco companies to spend on big government and some advertising that we think will convince our teenagers to quit smoking. But $100 billion a year in the drug business kills thousands of teenagers. And we have not spoken to that. Why don't we go after that? I hope we can. We should. That is our goal.

While we deal with it in a national and an international way, we have to turn to our parents and we have to turn to our communities. The kids know who the drug dealers are. We ought to start asking them and involving them a little bit and recognizing the importance of that. We do that. We go after the demand side along with the supply side.

I think the Clinton administration's green light to subsidize needle exchange and programs like that doesn't make a lot of sense. That is an encouragement. We want to stop that.

Our legislation is comprehensive. The amendment that we will talk about over the recess and will offer as soon as we get back is going to be critical. Pieces of what we are doing have already passed the Congress in one way or another.

We want to bring them together to create the focus to do the same thing against drugs as we have done against alcohol. You get caught as a teenage drunk driver you lose your driver's license. You get caught using drugs as a teenager you drive on. We will encourage the States to take the driver's license away.

Let me say in closing, Mr. President, that if we are really worried about kids, yes. I agree. Let's get the cigarettes out of their hands. But let's stop them from their access to drugs of all forms. It kills them tomorrow. It killed thousands last year. It will kill thousands this year. As a policy-making body, we would be remiss not to deal with this issue now and force this administration to get out of their sleepwalk and deal with the issue in cooperation with us.

I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER (Mr. GRAMS). The Senator from Wyoming, under the previous order, is recognized for 10 minutes.

Mr. DORGAN addressed the Chair.

The PRESIDING OFFICER. Does the Senator yield?

Mr. DORGAN. Will the Senator yield so I might ask a question?

Mr. ENZI. Yes.

Mr. DORGAN. Mr. President, my understanding of the unanimous consent request made by Senator COVERDELL was that he wants to get two on the majority side to use 10 minutes each. And we thought that was acceptable. Senator ENZI wanted to introduce a bill. I now understand that Senator ENZI wishes to consume up to 10 minutes. The difficulty with that is I must be somewhere downtown at 10:30. If I had understood that Senator COVERDELL was seeking 30 minutes on that side before anyone was recognized, I would have had a different view, although I recognize that Senator ENZI came, in fact, before the previous two speakers this morning. I understand that. But we did it as a matter of courtesy to say it was acceptable to us to have two Republican speakers to go for 10 minutes each provided we then be recognized. The Senator from Wyoming, I understand, wants to introduce a bill.

Does the Senator from Wyoming intend to consume up to 10 minutes?

Mr. ENZI. Mr. President, my request was both on behalf of myself and Senator BINGAMAN. I don't see Senator BINGAMAN. So we can do it in considerably less time than that providing, of course, that the unanimous consent is that all of our statements be in the RECORD. But I would like to make a

few comments on something that is important to worker safety in this country. That is why I asked it to be in that order.

Mr. DORGAN. I think there has been a misunderstanding. I will, as matter of courtesy, not object. But I would have objected earlier if the request was that we had 30 minutes on the majority side uninterrupted, because Senator WELLSTONE is here and I was here. The Senator from Wyoming, I know, was here as well before the other speakers. As a matter of courtesy I will not object. I regret that there has been a misunderstanding.

Ms. SNOWE. Mr. President, will the Senator yield for the purpose of a unanimous consent?

Mr. ENZI. Yes.

Ms. SNOWE. I thank the Senator from Wyoming.

EXTENSION OF MORNING BUSINESS

Ms. SNOWE. Mr. President, I ask unanimous consent to extend morning business for 10 minutes following the current order.

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

Morning business will be extended for 10 minutes. The Senator from Wyoming.

Mr. ENZI. I thank the Chair.

(The remarks of Mr. ENZI and Mr. KENNEDY pertaining to the introduction of S. 2112 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, I thank the Senator from Wyoming for his courtesy. I appreciated his statement as well.

Mr. President, the Senator from Hawaii has asked that he be given unanimous consent to follow the presentation by Senator SNOWE.

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

CHALLENGES FOR THIS COUNTRY: THE TRADE DEFICIT AND MERGERS

Mr. DORGAN. Mr. President, I have come to the floor to talk about two challenges as we begin a break, now, for the Memorial Day recess here in Congress. We are talking about a wide range of things: Iran, missile sanctions, tobacco, appropriations bills, and a wide range of subjects. There are two subjects on which there is deafening silence here in Washington, DC, and in the Congress, and I want to talk about both of them because I think both are challenges for this country. One is our worsening trade deficit and the announcement 2 days ago that, once again, our merchandise trade deficit for 1 month reached another record $20 billion in a month; and, second, the new wave of mergers in this country. I want to talk about both of them just briefly.

First, a chart. This chart shows in recent years the average monthly trade deficit in this country, the average monthly merchandise trade deficit. You can see what is happening—a month in 1991, $6 billion; it is now 1998, $20 billion, February through March, in a month. Some say the trade deficit doesn't matter much. If it doesn't matter much, they must be just ecstatic. If ignorance is bliss, those who think trade deficits don't matter have to be just ecstatic. Look at what is happening here. This red represents a flood of red ink in international trade.

Our all-stars in international trade are our farmers. Yet, farm imports into this country are going up and farm exports are going down. I think today there is a ship docking in California with a load of barley from the European Union. It is going to dock in Stockton, CA. It has feed barley being sent into this country with a $1.10-a-bushel subsidy. Shame on us for letting that ship dock. That is unfair trade no matter how you describe it, and it undercuts our producers, undercuts our farmers, takes money right out of American producers' pockets, and it doesn't seem to matter much to anyone. It just seems the trade deficits are OK, there are not problems, and nobody seems to want to do much about it.

That unfair trade on that boat is just one small example. The flood of grain coming in from Canada, unfairly subsidized grain, in my judgment, being illegally dumped in this country—nothing is done about that.

How about the closed markets, yes, in Japan and China? Take a look at the figures this week and see what is happening with China. There is a $12 billion trade deficit in the first 3 months, $12 billion the first 3 months with China. That is a $48 billion, nearly $50 billion yearly trade deficit with China. Mr. President, $15 billion the first 3 months with Japan, that is a $60 billion a year trade deficit with Japan. This doesn't make any sense. This hurts our country. Trade deficits must be repaid. It is not free money. And it must be repaid in the future by a lower standard of living in this country.

That is not a theory. That is real. These deficits must be repaid, and those who react with glee to this do not understand what this means. It means we are borrowing, and borrowing heavily, for a trade system that is out of balance.

With all due respect to all those who negotiate our trade agreements, I will say this: Will Rogers once said the United States has never lost a war and never won a conference.

Why do we send trade negotiators overseas to lose in 3 weeks? And they do. I can't think of a trade agreement negotiated recently that represented this country's national economic interest. We have incompetently negotiated trade agreements and trade agreements that are rarely enforced, and it is time for this country and this Congress to understand this is heading in the wrong direction.

I am not suggesting cutting off all imports. I am saying to our trading partners, as a country it is in our economic interest that when we take your goods, you be required to take ours. We need to get more wheat into China, more pork into China, more manufactured goods into China and Japan, more beef into Japan.

I can spend an hour talking about these problems. Nobody works much on them, because trade policy too often has become foreign policy, and the State Department has its mitts in all of this. It worries that if we get tough with Japan and say, ''You can't run a $60 billion trade surplus with us every year,'' Japan will be miffed. Well, let Japan be miffed. Let's talk about this country's interests. Let's talk about our long-term interests.

Having gotten that off my chest, I hope the deafening silence on trade deficits will no longer continue. I hope this Congress, in the coming months, will consider the legislation that I, Senator BYRD, and Senator STEVENS have introduced which talks about the creation of a commission on an emergency basis to make recommendations to Congress to deal with this trade deficit, to focus on it and respond to it.

Mr. President, I have one final item, and that is the wave of mergers in this country. In the last century, there have been five merger waves. We are in the fifth. This is far, far in excess of any mergers in the past.

I want you to take a look at the line on this chart, going back to 1983, on the number of merger deals, and it goes up like this, as you can see. The projected dollar amount on mergers and acquisitions is up to $1.1 trillion for this year.

What does all this mean? Are mergers always bad? No. Can you get into a merger wave that strangles our marketplace? Of course you can, and that is what is happening in this country.

I want to go through some of the mergers. Some of these companies decided to get married, and we didn't even know they were dating. All these secret talks were going on, and two companies were so fond of each other that they decided to get married. We have Citicorp and Travelers Group at more than $70 billion. They were romancing for a couple of weeks and announced to all of us, a huge bank and a huge insurance company want to get hitched.

BankAmerica Corp., NationsBank, that is not surprising. We have banks throughout this list. The big banks are getting bigger. Down at the Federal Reserve Board, they have a list. It used to be a list of 11 banks. It is called ''Too Big to Fail.'' It means these banks will not fail because we cannot let them fail; the consequences to our country and economy will be too significant.

That list now is not 11, it is now 21 banks and growing. Twenty-one banks

are too big to fail. And that is what these mergers are giving us—bigger and bigger banks, too big to fail—while the little folks out there, the family farmers and Main Street business enterprises, are apparently too small to matter. These folks have their merger risks guaranteed by the taxpayer, and the rest of the folks find choked markets and higher prices.

Take a look at the banks. You are paying higher bank fees. Banks are getting bigger and merging all over the country, and customers are paying higher bank fees. Take a look at the meatpacking industry. Three or four companies control the neck of the bottle on meatpacking. It pushes down low prices on the backs of farmers and ranchers.

Take a look at the airlines. We deregulated the airlines. Now we have about six major airlines in America that have retreated into what are largely regional monopolies without regulation.

What about railroads? We've seen merger after merger after merger. Now we have just several major railroads left in America. What happens is the people on Main Street, the consumers, the farmers, and others are told by the railroads, ''Here is the way we are going to serve you. We are going to bring our cars by here. You better have what you want put on there in time, or you lose out. We will tell you what you pay, and if you don't like it, tough luck.''

That is what a merger is. Concentration of markets means you injure the marketplace. When you have two big companies merge and you have one behemoth company, this country has lost something by diminishing the marketplace because you have less competition.

Our marketplace works based on competition. When you have less competition and more concentration, it hurts our marketplace. I hope there is energy in the Congress to help the Justice Department and others who review these mergers to find out are they more than just good for the companies, are they good for the country.

This list of the 25 largest corporate mergers completed or pending through May 11 is a fascinating list. There are a lot of banks, as you might well know, and communications companies. This next list talks about mergers and acquisitions over $1 billion involving U.S. companies between 1983–1998. In 1983, we had 10 deals over $1 billion. This year, there were 143 separate merger deals over $1 billion each. Of course, the largest ones are just behemoth, setting all kinds of records.

I am not saying all mergers are bad all the time. I know of circumstances where two companies have merged and it was beneficial to everybody. I understand that. But we have an orgy of mega-mergers going on in this country today that I think does threaten the marketplace. I say to Joel Klein over in the Justice Department, and others, be active, be aggressive. He recently testified before the U.S. House of Representatives that he needs some more resources in antitrust to deal with these issues. I am somebody who says, let's give him the resources.

I want this marketplace to work. It works when we have robust, aggressive competition. It chokes and clogs when we have concentration at the top. So I bring to my colleagues' attention these charts just to say we have gone from 10 mergers over $1 billion in 1983 to 20, 26, 34, 35, 47—it goes on up. Now we have 143 different merger propositions over $1 billion each, something we ought to care about.

There has not been anybody around this Congress for a long, long while to care about it. Senator Phil Hart, a great Senator for whom the Hart Building was named, spent a lot of his career here worrying about the issue of mergers and concentration. I hope, once again, we will see some from this Justice Department and from some in this Congress who will take a close look at all of these. That is not to say they are all bad, some might make sense, but to say there is more than one interest involved in these issues. There is more than one interest.

One interest might be the two companies who want to make more money and grab some markets. The other interest must be the interest of the American people and a free-market system that will only remain free if we have competition and only remain free if we don't have concentration and monopoly that chokes down markets.

I hope, perhaps in the coming months, that I can stimulate some additional discussion about this issue with some of my colleagues on both sides of the aisle.

Mr. President, I see my time has expired. I yield the floor.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, out of courtesy, I defer to my colleague from Oklahoma, and I ask unanimous consent that I be able to follow him for 10 minutes.

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

NOMINATION OF JAMES CATHERWOOD HORMEL

Mr. INHOFE. Mr. President, first of all, I thank the senior Senator from Minnesota for his courtesy. We discussed this a few minutes ago and decided it might be better if I go first, because he might want to respond to some things I might say.

Some statements were made on the floor yesterday concerning my hold that I have on James Hormel to be the Ambassador to Luxembourg. It is true that I do have a hold on Mr. Hormel.

To clarify what a hold is, it is a courtesy. It is not a procedural matter. It is something that is a courtesy to the leader so he will know there is opposition.

There very well may be a vote on this individual, but I will oppose his nomination, and I want to stand and tell you why.

The statement that was made on the floor was made by the senior Senator from Minnesota, Mr. WELLSTONE. I will read excerpts of it:

> Now, one of my colleagues, and I think it is extremely unfortunate, one of my colleagues has compared Mr. Hormel, a highly qualified public servant and nominee, to Mr. David Duke, who, among other credentials, is a former grand wizard of the Ku Klux Klan.

He goes on to say:

> I want to say to my colleagues, that given this kind of statement made publicly by a United States Senator, this kind of character assassination, it is more important now than ever that this man, Mr. Hormel, be voted on.

In defense, really, of the senior Senator from Minnesota, I say that if I had said what he thought I said, he was certainly entitled and justified to make the statements that were made. But I think it is important to know that I did not make those statements in the context that he believed I made them.

Let me, first of all, say that there probably are not two Members of the U.S. Senate who are further apart philosophically than the senior Senator from Minnesota and myself. I would probably, in my own mind, believe him to be an extreme left-wing radical liberal and he believes me to be an extreme right-wing radical conservative. And I think maybe we are both right.

But one thing I respect about Senator WELLSTONE is he is not a hypocrite. He is the same thing everywhere. He honestly, in his heart, believes the role of Government to be something different than I believe it to be. So we have these honest differences of opinion. One of the things I like about this body, the U.S. Senate, is that you can, in a spirit of love, talk about these things. And that is what we are doing right now.

Let me just real quickly say that I like activists. The Senator from Minnesota is an activist. I am an activist. In fact, this is the commencement season. I quite often give commencement talks. I talk to young people, and I say, ''Whatever you are, don't be a mushy middle. Stand for something.'' I would far rather, even though I am a conservative, have one of these young people be a radical right-wing—or left-wing—either one—than just be in the mushy middle.

I quote Henry Ward Beecher now and then. He said,

> I don't like these cold, precise, perfect people. In order not to say wrong, say nothing; in order not to do wrong, do nothing.

And the Lord had something to say about this, too. He said,

> I know your works. You are neither hot nor cold. Because you are neither hot nor cold, you are lukewarm. And because you are lukewarm, I will spew thee out of my mouth.

He is saying the same thing I am saying. And I really believe this. And the young kids, they look at us as examples. In fact, when I was in the other body and was first elected, I would take interns down to the intersection of New Jersey and Independence, and I would say as they went across the street, I said, ''There are three kinds of Members of Congress. There are extreme liberals, extreme conservatives, and then the mushy middle. And the goal of those in the mushy middle is to die in Washington, DC. And how do you die in Washington, DC? You take a poll, and you make statements that ingratiate yourself.''

The senior Senator from Minnesota cannot be accused of that, nor can I. Unfortunately, we do have too many appeasers around.

Hiram Mann said, ''No man survives when freedom fails. The best men rot in filthy jails. And those who cry ''appease'' are hanged by those they try to please.''

Let me tell you quickly what I did say so that it will be clarified for the Record.

I made the statement, when I was running for office—and I have been consistent with that—that if I get to the U.S. Senate, where I have the opportunity to participate in the confirmation process, that I will work to keep a nominee from being confirmed if that individual has his own personal agenda and has made statements to the effect that he believes stronger in his personal agenda and will use that office to advance his personal agenda more than he would the American agenda.

Now, in the case of James Hormel, he is a gay activist. He has made statements in the past, which I will read in a moment, that have led me to believe that his agenda, his personal agenda is above the agenda of the United States.

And I said the same thing would apply regardless of who the individual is. I made the statement that David Duke, if he were nominated, I would oppose him because he has made statements that his militia extremist agenda is more important than the agenda of America. I said in the way of Patricia Ireland, if she were nominated, I would feel the same way if she made statements saying that her feminist agenda was more important to her than the agenda of America.

And the same thing with one of my closest friends, Ralph Reed. I mean, Ralph Reed, who was the one who built the Christian Coalition, he is one with whom I agree. I agree with what he stands for. I spent the Easter recess in west Africa in the countries of Benin and Nigeria and Cote d'Ivoire talking about Jesus Christ. So I agree with him. However, if he were nominated, and he said, ''I want this job so that I can advance my personal agenda over that of America,'' I think it would be wrong and I would oppose it.

So let us just see real quickly. I am going to read a couple things, and then my time will expire, and I think I will be on the record as I want to be.

During the course of the nomination process—I will read, first of all, the San Francisco Chronicle. This is on October 9 of 1997.

> President Clinton's nomination of James Hormel . . . is the latest sign that he is making good on his post-election promise to reward gays and lesbians for their support, national gay leaders said today . . .'' I think it's the result of very hard work behind the scenes of national gay and lesbian organizations that have been pushing and pushing for these appointments to be made''. . . .

That was Kerry Lobel, the executive director of the National Gay and Lesbian Task Force.

I would also like to quote someone I think who is familiar to all of us—we hold her in very high esteem—Faith Whittlesey, former U.S. Ambassador to Switzerland. She was talking about this trend of trying to put people with their own personal agendas in the various Embassies. She made this statement. She said:

> The United States is more socially radicalized than any other country in the world on this issue (gay rights). Ambassadorships may no longer be essential foreign policy positions, but they are still symbolically important. Starting with small countries to set a precedent for bigger appointments, what they're trying to do is use the U.S. diplomatic service to open deeply held religious convictions and social mores in other countries. Ambassadorial appointments should not be used for the purposes of social engineering in the countries to which the ambassadors are assigned.

One of the many statements that had been made previous about James Hormel that led me to the conclusion that he wanted to use this position to advance his agenda was the following statement he made on June 16, 1996. He said:

> I specifically asked to be Ambassador to Norway because, at the time, they were about to pass legislation that would acknowledge same-sex relationships, and they had indicated their reception, their receptivity, to gay men and lesbians.

I think it is very difficult to put any interpretation on that other than the fact that individual wanted to be ambassador to that country because of pending legislation in that country.

So, Mr. President, I stand by the statements I have made. I certainly do not want anyone to say that I am comparing two individuals as individual personalities. But I will continue to oppose the confirmation of individuals who are nominated for various positions, if I believe, in my own heart, that that individual is not going to represent the best interests of America and has his own personal agenda in advance of Americans.

I yield the floor.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Might I ask the Chair to let me know when I have used 5 minutes, because I have another matter I want to discuss?

I thank the Chair.

The PRESIDING OFFICER. So ordered.

Mr. WELLSTONE. First of all, Mr. President, let me say to my colleague from Oklahoma, I appreciate his gracious personal remarks. I am proud to have his friendship. And the respect is mutual. The respect is mutual.

Second of all, let me say to my colleague that I am pleased to find out that he did not say it exactly as it seemed to be reported in Roll Call. And I think his clarification is terribly important. I might not agree with his analogy, but I understand exactly what he is saying. And I think he has clarified the record.

Third, let me just simply say to my colleague, and to other colleagues as well, that we have here a man, James Hormel, who has been nominated to serve as U.S. Ambassador to Luxembourg. Mr. Hormel comes to the U.S. Senate with enormous qualifications: dean of the students of the University of Chicago Law School, on the boards of such diverse groups as the San Francisco Chamber of Commerce, Swarthmore College, a generous giver, committed to community, a dedicated public servant. Frankly, the list goes on and on.

On May 23, 1997, a year ago, this very Senate unanimously confirmed him to serve as an alternative representative on the U.S. delegation to the 51st U.N. General Assembly. He has done a lot of marvelous work in human rights as well.

Mr. President, the fact that there is an article in the paper that says that the President nominated Mr. Hormel and believes that this was important to the gay community does not in any way, shape, or form suggest that Mr. Hormel has a personal agenda.

The fact that Mr. Hormel talked about a country that seems to have done a great job of moving away from discrimination against gays and lesbians as a very attractive country to him does not mean in any way, shape, or form that he would use this position to promote his own personal agenda.

In fact, Jim Hormel has clearly and publicly stated that he would ''not use the Office of the Ambassador to advocate any personal views.''

Mr. President, I simply have to say to my colleagues there is a personal part to this and a political part. For the personal part, here is a letter to Senator LOTT:

> I am writing to you to urge you to bring James C. Hormel's nomination as Ambassador to Luxembourg to a vote on the floor of the Senate. The stone-walling of this appointment reflects a flagrant disregard to all that we hold precious in a democratic society. If he is voted down then so be it, but not to allow due process to take place is clearly an indictment of the branch of our government that seems at times to be inclined to exhibit its own peculiar form of despotism. The President has nominated him and the Senate Foreign Relations Committee has recommended him. Let the process take place.
>
> I am a sixty three year old retired counseling psychologist. I am the mother of six children and the step-mother of three. I have 17 grandchildren. Thirteen of those grandchildren I share with James Hormel. I have

known Jim for 46 years and for ten of those years I was married to him. During those ten years we had five children.

And she goes on to say,

For many of those years he tried his hardest to live what was a lie. Of course, you might say I was the ''injured party,'' but I grew to understand the terrible prejudice and hatred that he knew he would have to face, that he has faced and is facing as he goes through the difficult process that this nomination and its opponents have put him through. James Hormel is my dear friend. I care deeply about him and have great admiration for his courage in being open about his homosexuality and his willingness to put himself on the line in accepting this nomination.

James Hormel's former wife.

Mr. President, let me simply say to my colleagues that this is really an outrage. I understand what my colleague from Oklahoma had to say, but I will have an amendment when we come back that I will put on the first bill I can after the tobacco bill, which will say that the Senate ought to bring this up. The majority leader, we owe it to him.

Now, my colleague from Oklahoma has been clear on his position. I accept that. But I say to my colleagues that this man is eminently qualified. That is crystal clear, I think, to many of us, the majority of us. This man should be able to serve. And if, in fact, the reason he is being stopped—and this is what I fear; and I am not speaking to my colleague from Oklahoma—but if he is being stopped because of discrimination, because of the fact that he is gay, then let that come out on the Senate floor. Let us have the debate. And let's have colleagues come out here, no more holds, and speak directly to this nomination.

If you oppose him, then oppose him on the floor of the Senate. My colleague from Oklahoma has been clear about his position, but let's have that debate. We owe James Hormel this. We owe the U.S. Senate this.

This institution is on trial. If we don't bring this forward, I say to the majority leader, then I think we have to look at ourselves in the mirror. We need to bring this nomination forward. We need to have this debate. And we need to vote up or down. I believe elementary decency dictates that we do that. I will start having amendments on bills that will call on the majority leader to bring this nomination to the floor.

ISTEA

Mr. WELLSTONE. Mr. President, we will vote on ISTEA today. I know a number of colleagues want a voice vote. I can feel the pressure building. We are about to leave. I say to colleagues, we are not going to voice vote the bill. We can't have a voice vote. This is an important piece of legislation, and a whole lot has happened in conference committee. Frankly, all of us should be on record voting nay or yea, yea or nay.

For my own part, I want to talk about this piece of legislation. There are two points I want to make. This is a very important piece of legislation. I thank Minnesotans for all of their guidance. There is much about this legislation that I believe in, especially the important investment in infrastructure. I think it is a balanced approach.

However, I will not vote for this bill, and I will not vote for this bill for two reasons. First of all, I won't vote for this bill because—we still don't know what the offsets are, but it looks like much of it comes from VA. I say that because I believe it is an outrage that the money that could have gone into veterans health care—and I could go on for hours about what the gaps are in veterans health care—will, instead, be used as an offset in this legislation. I also believe that too much of this spending will take the place of other discretionary, affecting the most vulnerable citizens in this country.

The second reason that I cannot vote for this piece of legislation, as much as I believe in much of it, is the process. I think at the very end of this process there were several decisions made, one having to do with a sensitive environmental land dispute issue in Minnesota, the Boundary Waters, and I respectfully disagree with the way this is being done.

I will not do any bashing on the floor of the Senate. I don't want to do that. But I will not support this piece of legislation, I want to go on record.

Mr. President, I ask unanimous consent to have a letter printed from the Paralyzed Veterans of America. They say, ''Don't Rob America's Veterans Again.''

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

VETERANS AND TOBACCO-RELATED ILLNESSES

VA compensation benefits should not be taken away for tobacco-related illnesses. Nicotine addiction is a medically recognized disability. DOD was culpable in veterans becoming addicted to cigarettes, and therefore these are bona fide service-connected disabilities. Smoking was not ''willful misconduct.''

Taking away tobacco-related VA compensation benefits because it is inconvenient for VA to process them, because they are costly, or because it is politically incorrect or unpopular, is a very dangerous precedent to set. What will be next, excluding benefits for bad diet or an unpopular war? There is no sound legal or moral basis to take this benefit away from veterans.

While some argue that veterans made the choice to smoke, no veteran chose to become addicted to nicotine and tobacco products. The tobacco companies, with the unwitting assistance of a military which encouraged and subsidized smoking, made the choice for veterans by getting them addicted to cigarettes.

This is not a new benefit that will be eliminated for the future. This is current law—benefits are already being granted—and what Congress is considering is taking away a veterans benefit.

Veterans are being singled out for unfair treatment. Other federal beneficiaries will continue to receive disability compensation for tobacco-related illnesses; no one is proposing to abolish SSDI benefits. If passed, this will create an inequitable, unjust and unconstitutional situation under the equal protection clause for one class of individuals—veterans.

Prohibiting compensation for tobacco-related illnesses will have adverse effects on veterans seeking other benefits—related compensation (such as cancer resulting from chemical exposure), and certainly access to health care.

VA's projected savings for prohibiting tobacco-related claims are highly exaggerated. Experience to date shows that it is very difficult for veterans to prove these claims; approximately 7,400 claims have been filed, of some 3,100 that have been adjudicated thus far, fewer than 300 have been granted.

Any effort to take the money away from veterans tobacco-related compensation, in order to pay for pork-barrel transportation projects is an absolute outrage. This is election-year politics at its worst.

Congress must not support this outrageous proposal; Don't Rob American's Veterans!

CONGRESS: DON'T ROB AMERICA'S VETERANS AGAIN!

Congress wants to take billions of dollars from veterans' disability compensation in a money grab to increase overblown spending for transportation and highways.

As a result, thousands of sick and disabled veterans will be denied earned disability compensation.

Congress wants to exploit a veteran's use of tobacco as a convenient excuse to stop paying benefits where tobacco use may have had any role in a disability—even though the Department of Defense encouraged, subsidized and promoted tobacco use among servicemen and women.

Yet, Congress is not penalizing other Americans for their use of tobacco. Social Security, for instance, will still pay for tobacco-related disabilities.

Congress has already slashed billions from veterans' health and benefits programs, only to spend the money elsewhere.

To those in Congress who support this outrageous proposal, here's our advice: Quit your own bad habit of continually robbing veterans' programs.

Don't Rob America's Veterans!

A message from: AMVETS; Blinded Veterans Association; Disabled American Veterans; Jewish War Veterans of the U.S.A., Inc.; Military Order of the Purple Heart of the U.S.A., Inc.; Non Commissioned Officers Association of the USA; Paralyzed Veterans of America; Veterans of Foreign Wars of the United States; and Vietnam Veterans of America, Inc.

Mr. WELLSTONE. Mr. President, I think they are right. There are too many veterans out on the streets that shouldn't be. There are too many veterans that are struggling with PTSD that are not treated. There are too many veterans that, as they get older, are not clear what care there will be.

We have a flat-line budget that is not going to work for veterans. I think it is a big mistake to have taken this money out of what should have been an investment in veterans health care.

I yield the floor.

FOOD STAMPS AND ISTEA

Mr. HARKIN. Mr. President, I was listening to the debate on the House floor. They are debating the agricultural bill which has the food stamp

provision and the crop insurance in it. There is an amendment pending over there that would strip out the food stamps.

The reason I want to take this time on the floor is because I heard some comments made on the House floor that they could pass that by the conference report, strip out the food stamps, send it over to the Senate, and we would pass it today and they could send it down to the President.

I want Members to know right now we had a vote here, 92–8, on that bill to keep the food stamps for immigrants, to keep the crop insurance and the agriculture research altogether. In fact, there was a 77–23 vote on a Gramm of Texas motion to recommit—77–23.

Let me make another statement, Mr. President. If that action takes place in the House, I can see no way that ISTEA could ever be passed here this afternoon before we go home on break.

The PRESIDING OFFICER. The Senator from Maine.

Ms. SNOWE. Thank you, Mr. President.

UNIVERSAL TOBACCO SETTLEMENT ACT

Ms. SNOWE. Mr. President, I want to address the Senate this morning with respect to the national tobacco policy legislation that has been on the floor this week. I hope in the final analysis we will be able to come to a common agreement and find common ground on this critical issue and legislation. Clearly, the significance of this issue and the promise of related legislation cannot be overstated with respect to the fact that it certainly could improve the health of our Nation's children.

As a Member of the Senate Commerce Committee, I had the opportunity to work on the original legislation that was reported out of the committee by a 19–1 vote. The committee voted overwhelmingly for the bill because we thought it was important and necessary to move the debate forward on this critical issue. There is no question that the bill which is now on the floor of the Senate is very different from the legislation that was considered in the Commerce Committee, where we began the process of defining and refining the issue, and knew full well that amendments would be offered on the floor to improve it and to reflect the interests and the desires of the Members of this body.

Unfortunately, what ultimately occurred is that we had a total rewrite of the bill through the White House.

It is not unusual to have the White House involved and be an integral part of the discussion in terms of shaping legislation. But, ultimately, the bill was significantly rewritten in most pieces. I can't say it wasn't improved in some places, but other areas raise significant questions. It is one thing to amend a bill and change it on the floor; it is quite another to have this issue altered in a way that is outside of the scope and purview of the committee, and which has now resulted in some of the problems that have contributed to the delay of this legislation and its passage.

But be that as it may, I hope in the final analysis we don't overlook the reason why this legislation is on the floor of the U.S. Senate, what brought us to this point, why this legislation was crafted, and what we hope to accomplish from the passage, ultimately, of this legislation.

First and foremost, we have to remember this legislation was the result of a settlement reached by the tobacco industry and 40 states attorneys general across the country more than 11 months ago. And the bottom line is that the proposed settlement would not have been reached if it weren't for one simple truth: tobacco products have been killing and continue to kill 420,000 Americans each and every year—and every day, 3,000 children become addicted to tobacco and one-third will eventually die as a result of tobacco-related disease.

If it weren't for this simple truth, the tobacco industry would not have been subjected to years and years of lawsuits and litigation, and this comprehensive settlement would not have been reached. And the fact is, if not for this simple truth, the industry would not have settled with States such as Minnesota recently to the tune of $6 billion, and three other States across this country. And that is why they were interested in reaching this agreement, because they knew what the truth was. And the most insidious aspect of this whole tobacco debate is the fact that this dangerous and addictive product was marketed to children.

In listening to the debate this past week and hearing the many arguments that have been put forward from divergent points of view, I believe that we cannot afford to forget, nor can we overlook the fact, that this product was deliberately, in a calculated fashion, targeted to young people and teens—even to children as young as 11-year-olds. This product was marketed to individuals who were not old enough to vote, not old enough to drink, not old enough to enlist in the military, not old enough to make any of the life-altering decisions that should be made by adults, and not old enough, ironically, to even purchase this product legally. By the way, these facts aren't just based on hypothetical views or assumptions or conjecture; these are based on more than 40,000 documents that have been unveiled during the course of recent litigation and in crafting the proposed settlement.

When you look at the documents, it provides a disturbing glimpse into the mindset and tactics of the tobacco industry. From this paper trail, we have learned of repeated efforts by the industry to manipulate scientific research, racially stereotype minorities in marketing plans, contrive the nicotine levels in cigarettes, and play down the risks of smoking. They even demonstrated the manner in which they studied the smoking habits of teenagers, to the extent that they would exploit the teen market so they would have the lifelong support of a group of Americans. They even considered ways to make cigarettes taste better for teens. So this was a very deliberate, calculated effort to hook kids on tobacco. The thousands and thousands of documents outline this effort.

That is the crux of this issue. This is not to say that Americans didn't know that smoking cigarettes was harmful; of course, they did. The question is, ''Did the industry deliberately contrive the nicotine levels to make it addictive and then to attract young people so they would smoke throughout their lifetime?''

For the answer, listen to some of the industry's own documents. ''The basis of our business is the high school students,'' said one memo. Another one said, ''It is a well-known fact that teenagers like sweet products. Honey might be considered.'' Another one said, ''If our company is to survive and prosper in the long run, we must get our share of the youth market.'' Another memo said, ''. . . to ensure increased and longer-term growth . . . the brand must increase its share penetration among the 14–24 age group . . . which represents tomorrow's cigarette business.'' Another one said, ''Today's teenager is tomorrow's potential regular customer.''

So these are glaring demonstrations of unscrupulous and unethical conduct on the part of companies.

And that is what brings us to the floor of the Senate. The industry discovered and knew the truth, and they could not escape their past practices. And that is why they entered into a settlement with 40 attorneys general.

While last June's proposed settlement may have been the catalyst for comprehensive tobacco legislation, it did not mean that Congress could not change that settlement. We were not a party to those negotiations, but we have a right to make changes, and it had to come to Congress.

And what has been the result of these industry documents and their intent to market an addictive product to young people in America? This has been the result: More than 5 million children under the age of 18, alive today, will eventually die from smoking-related diseases unless current rates are reversed. Approximately 4.1 million kids age 12 to 17 are current smokers. Almost 90 percent of adult smokers began at or before age 18. Among high school seniors who have ever used smokeless tobacco, almost three-fourths began by the ninth grade. And 3,000 of our children will become addicted to this deadly product every day.

That is what this is all about. That is the debate. That is the heart of this issue, Mr. President.

In my State of Maine, we have one of the highest rates of teen smoking in

America and we have the highest rate of smoking for individuals between the ages of 18 and 30. In fact, a full 38 percent of high school students in Maine currently smoke cigarettes, and 16 percent of high school boys use smokeless tobacco. That is what has happened. Smoking is habit-forming and 35 percent of males between the ages of 18 to 34 reported smoking cigarettes in 1996. That is the result of what we are talking about. That is why we are here in the U.S. Senate debating this comprehensive framework.

If this habit was harmless, we would not be here today. But tobacco is not harmless, and we know it. Furthermore, this harm has been spread by an industry that has marketed to young people, which has resulted in a senseless loss of life. Now, we have the responsibility to take action.

For those who oppose doing anything, regardless of what the content of this legislation is, I say to them: What is the alternative? What else will we do here in the U.S. Senate? The bottom line is that this is our only chance. We only have one opportunity and it is before the U.S. Senate. It is a historic opportunity to bring to an end these past practices and, more importantly, to help young people in America so they don't become addicted to this deadly tobacco product for the rest of their lives. That is what this debate is all about. I hope the essence of this issue doesn't get lost as we look at it from a variety of dimensions, because there is no possibility of ever dealing with this kind of framework ever again. This is our chance once and forever.

So I hope that once we get to the point of having gone through all of the amendments, the debate and discussion, it doesn't defeat the ultimate passage of comprehensive tobacco legislation. Those objections cannot override this one important national interest, which is to change the tobacco culture in America, and to hopefully stop young people from smoking, or help them never to start in the first place.

Thank you, Mr. President. I yield the floor.

Mr. KYL addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

PRIVILEGE OF THE FLOOR

Mr. KYL. Mr. President, I ask unanimous consent that during the pendency of H.R. 2709, and actually beginning now, David Stephens and John Rood of my staff be permitted to be on the floor.

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

The PRESIDING OFFICER (Mr. GORTON). The Senator from Hawaii is recognized.

Mr. AKAKA. I thank the Chair.

(The remarks of Mr. AKAKA pertaining to the submission of S. Res. 235 are located in today's RECORD under ''Submission of Concurrent and Senate Resolutions.'')

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

IRAN MISSILE PROLIFERATION SANCTIONS ACT OF 1997

Mr. LOTT. Mr. President, pursuant to the consent agreement of April 3, I now call up H.R. 2709, the Iran sanctions legislation.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

A bill (H.R. 2709) to impose certain sanctions on foreign persons who transfer items contributing to Iran's efforts to acquire, develop or produce ballistic missiles, and to implement the obligations of the United States under the Chemical Weapons Convention.

The Senate proceeded to consider the bill.

The PRESIDING OFFICER. There is 90 minutes equally divided under the previous order.

Mr. LOTT. Mr. President, I just want to clarify the procedural situation. As the Chair just said, it is 90 minutes on the underlying measure, and then 90 minutes on the Levin amendment, if need be to use that time. It is the intent that we go forward to completion of this act and that we have a recorded vote at the end of that time.

I am really pleased the Senate is finally completing action on this very important piece of legislation. Senator LIEBERMAN and I introduced the Iran Missile Proliferation Sanctions Act on October 23, 1997. It has 84 cosponsors in the U.S. Senate. This is not really a complicated piece of legislation. It is designed to address one of the most pressing security issues we face in the world, Iran's determined drive to acquire ballistic missile production capability.

This legislation requires specific targeted sanctions against any foreign entities providing direct support to Iran's missile development efforts. The House passed companion legislation on November 12, 1997, without a single dissenting vote. House action modified certain provisions of the legislation to meet concerns of the administration, most notably—and I have made this point to the President in my discussions with him about this legislation—that he is granted a waiver, and that was requested by the administration, and that was included in the bill when the House passed it.

The House also passed legislation adding the Chemical Weapons Convention to the package. Our legislation addresses a clear and present danger. Iran is a terrorist state under U.S. law. Last year, a German court found Iranian intelligence directly responsible for murder committed on German soil. Earlier this very week, the Government of Argentina found Iran responsible for a terrorist bombing of a Jewish synagogue. The same Iranian Government responsible for terrorist murder around the world is engaged in efforts to acquire nuclear weapons and the means to deliver them. They already have chemical weapons. They are working on biological weapons. This is a very serious matter.

Much of the knowledge that Senators and administration officials have on this issue cannot be talked about here in the Senate because of their very sensitive intelligence issues. But every time I receive a briefing, I become more alarmed about what Iran has and what additional capability they are trying to acquire.

Their missile program has been advanced tremendously by the assistance from a wide range of Russian entities. The details, as I said, are classified, but it is comprehensive and it is ongoing. I urge every Senator to review the intelligence information. A summary is available right now in S–407 for Members' review. The intelligence community will brief any Senator on the extent and impact of Russian cooperation. I have had that briefing and continue to review intelligence information. Let me assure the Senate, Russian cooperation is deeply disturbing. It is widespread. It has made the day Iran is able to target American forces and American allies closer by years. If I went into the details of the capability they have acquired and how soon they could have the ability to use that, everybody in the Senate and the United States would be alarmed.

The basic facts are not in dispute. Iran wants ballistic missile production capability. Russian assistance has materially advanced Iranian efforts. American diplomatic efforts to halt assistance have not succeeded. That assistance continues today. That is why we have H.R. 2709 before us today in the Senate.

We have not rushed to judgment on this issue. Last November, we did not act after the House sent us the legislation, and I received specific calls from the President's National Security Adviser asking that we not act. In the last week we were in session, this legislation could have been passed, probably on a voice vote, immediately. But, in response to the administration's efforts and assurances that they were going to get some cooperation, we said all right, we will see if we get some results by waiting.

In January, the administration asked for a 3-week delay to compare assessments with Israel, our ally most directly threatened by Iranian weapons of mass destruction. In February, the administration asked for delay until

Vice President GORE'S March meeting with then Russian Prime Minister Chernomyrdin. In March, the administration asked us to wait until April. In every instance, I consulted with Senators on both sides of the aisle, talked to Senator LIEBERMAN, checked the intelligence information, listened to the requests from the President's National Security Adviser and the Vice President, and continued to make an effort to give them time to see if we could get some results, get some action. It did not happen. It did not happen again and again and again.

In April, though, we said there had to be an end to this or the Senate's credibility would be in doubt, if we continued to just hold this out there and not act. And, also, if we do not act soon and this continues—the capabilities that they are acquiring are extremely dangerous, to say the least.

So we entered into the unanimous consent agreement in April, the middle of April, to consider this legislation today. We said we would do it by or on May 22. For 6 entire months, we have tried to give more time for this matter to be addressed, for there to be some indication that Russia was in fact able to deal with these companies and these individuals who were involved in this intelligence, scientific, and ballistic missile capability exchange. It did not stop. Again, I cannot go into details, but there were specific instances of things we were concerned about. The overwhelming majority of them did not stop, did not change.

We have had at least five delays that have been requested by the administration and granted by the Senate. President Clinton has had ample time to allow his diplomatic approach to work. I would point out, however, the administration has refused to make sanctions decisions which are required by law, and there clearly have been some instances where those sanctions could have and probably should have been implemented. A number of Russian actions supporting Iran's missile program require U.S. sanctions under the Missile Technology Control Act. In fact, if the administration had acted last year, as called for under that law, this legislation probably would not be necessary.

The administration often asks for bipartisanship regarding foreign policy, and I think that is as it should be. I have tried more than once to be cooperative and to make sure that we proceeded in a bipartisan way. We have done that. I have done it sometimes while coming under heavy criticism from the media or members of my own party. But I thought, and I think, it is the right thing to do. I try to accommodate whenever and however I can. This legislation, though, should not be delayed further. It could not be more bipartisan. I reiterate, 84 Senators on both sides of the aisle are cosponsors of this legislation.

I hope the administration will reconsider its opposition. I think it actually could be helpful. I think the fact we have had this legislation pending has been helpful. It has given the administration leverage. Unfortunately, the leverage has not produced results.

I fear that the Russian Government does not have sufficient capability to stop this exchange from occurring. They do not have the export control laws that we do. They do not have the ability to go to a company in Russia as easily as we do and say, ''Do not be engaged in this very dangerous process.'' Or if they do, they haven't been able to carry it out so far.

There are those who are going to say, ''Well, there have been some changes. We have a new government there. Chernomyrdin has been replaced by a new young Prime Minister. He is talking good.''

They have made some recommendations, but some of the things we have been told have happened we do not have the evidence of yet. Again, we are being told that within the last 10 days greater assurances have been given by Russian officials. This has been going on for months, really years, and now all of a sudden they say, ''Well, wait, there is a new leader on the block; he is going to make a difference.''

If we go forward today and accept the amendment of Senator LEVIN from Michigan and pass this legislation, it still has to go back to the House. It will probably be 10 days or so before the House can act. There will be a little more time to see if, in fact, these new leaders in Russia can begin to make a difference. The President, I reiterate, has waiver authority, and he may decide that this is such a sensitive national security issue at this particular time that he needs to veto it. He can do that. But I think that the Senate should not delay any longer.

There is beginning to be a pattern around the world of some of our friends, supposedly, and allies, or countries that we are trying to work with, contributing to very dangerous weapons proliferation and nuclear activity. Think about it. Do we want Iran to have this ballistic missile capability? Not only chemical and biological weapons, but they would like to have nuclear weapons and the ability to deliver them in the region or in the world. I don't think so.

It is time the Senate delivered a clear message on this—a clear bipartisan message. I really think it will be helpful in getting this process, that Russia and others have been participating in, stopped now before it is too late.

I yield the floor, Mr. President.

The PRESIDING OFFICER. Who yields time?

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. KYL. I yield the Senator from Kansas 10 minutes.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. BROWNBACK. Mr. President, thank you very much. I appreciate the Senator from Arizona recognizing me to speak on this very important act.

The Iran Missile Proliferation Sanctions Act is more important now than ever. I chair the subcommittee in the Foreign Relations Committee which deals with Iran. We have had a number of hearings on this particular issue. We just had a hearing last week on what all Iran is doing around the world.

It might be of interest for many people in this body to know that, according to the State Department's last report, Iran is operating in some 21 countries around the world with either terroristic actions taking place or building the base for further expansion of their activities and interests and terroristic actions to happen.

I am sure a number of people have already noted as well the recent finding by the Argentine Government of Iranian-backed terrorists involved with the horrendous bombings that took place in that country earlier this decade. The recent nuclear test by the Indians drives this point home even more. It is more urgent now than it was even 10 days ago to alert the world, and Iran in particular, that the United States will not tolerate an Iranian nuclear program, period.

The administration has already shown lack of resolve in its recent decisions to waive the sanctions on Total and Gazprom under the Iran-Libya Sanctions Act. This, in my estimation, was a grave mistake, as the world has now received the message that it is once again free to fill the Iranian coffers and help it pay for the development of its nuclear capability, as well as fund its terrorism activities overseas.

In the most recent State Department report that was out less than a month ago, Iran is the leading nation around the world sponsoring terrorism as a state. In the State Department's most recent report, Iran is the leader in this most ignoble category.

We need to make the world understand that Iranian development of an indigenous missile capability, combined with nuclear capability, is dangerous to everyone. While Iran has been quite open in its calls to annihilate Israel, a nuclear-capable Iran will threaten countries far beyond its borders. The very countries which are now planning to refill Iran's coffers are the countries which will be at risk in the future.

The Iran Missile Proliferation Sanctions Act is not a country-wide sanction. What we are proposing here is intended to sanction specific entities known to be providing Iran with missile technology. This bill is an effort to stem this dangerous flow to Iran and is

designed to impose certain sanctions on foreign persons who transfer items contributing to Iran's efforts to acquire, develop, or produce ballistic missiles.

There is good intelligence about which Russian entities are involved. Some of them are involved in joint space cooperation with the United States. These companies should know that there will be costs if they engage in behavior which so obviously threatens our security interests, the security interests of the region, and the security interests of the entire world, from the leading sponsor of terrorism around the world, which is the Iranian regime.

The administration claims it is making progress with the Russian Government on this matter, that we need to give them time to implement the relatively new decree tightening the export of dual-use technology.

We keep hearing about the progress we are making with the Russians, but we do not see it. I might note as well, there were recent bills passed in the House of Representatives going at the administration in this country about the sharing of dual-use technology with China and saying that this was wrong what the administration has been supporting.

How can we believe them that they are going to be able to stop the Russians when they are providing some of this in a questionable dual-use area to the Chinese?

Mr. President, we do not undervalue what the Russian Government is trying to do. We are all encouraged by the progress that is being made. But the fact remains that the transfers continue.

Just 2 weeks ago—2 weeks ago—the Government of Azerbaijan intercepted a transfer of materials going from Russia to Iran which would have significantly enhanced Iran's ability to produce missiles indigenously.

If the Russians are working so diligently on this program, this bill poses no threats and in fact really would help them in these efforts. The bill would not sanction the Russian Government. That is a very important point to make. It does not sanction the Russian Government.

In fact, if the Russian Government is serious about stemming the flow of this technology, this bill only helps them. After all, it is going after companies which are now breaking Russian laws.

Mr. President, there is no reason why the U.S. taxpayer should be providing any taxpayer dollars to companies that are colluding with Iran to make that country an even greater danger to the United States, the leading country sponsoring terrorism around the world that is seeking to get this technology.

We cannot allow this river of technology and assistance without doing everything possible to stop it. This bill works towards that goal. I encourage my colleagues to vote for it. I encourage the administration to sign it and to help us stop the flow of this technology to the leading terrorist regime around the world that seeks to get these weapons that can strike at U.S. interests. This bill is clearly in the United States' best interests.

Thank you, Mr. President.

I thank the Senator from Arizona for yielding time to me.

The PRESIDING OFFICER. Who yields time?

Mr. KYL addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, if others do not wish to speak at this time, I will. And at any time that a Member of the minority would like to make a presentation, that will certainly be all right.

I ask unanimous consent to have printed in the RECORD two letters that pertain to the chemical weapons treaty implementation portion of this legislation, a letter from the Chemical Manufacturers Association and a letter from the American Forest & Paper Association.

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

CHEMICAL MANUFACTURERS ASSOCIATION,
Arlington, VA, May 7, 1998.

Hon. JESSE HELMS,,
Chairman, Senate Committee on Foreign Relations, Dirksen Senate Office Building, Washington, DC.

DEAR MR. CHAIRMAN: As you know, the Senate is scheduled to take up H.R. 2709 later this month. This legislation contains provisions necessary to assure full implementation of the Chemical Weapons Convention (CWC) in the United States. The Chemical Manufacturers Association (CMA) is committed to timely implementation of the CWC, and urges you and your colleagues to pass the CWC implementing provisions as quickly as possible.

CMA and its member companies strongly support the Convention. We have a long history of involvement in the CWC, from the early stages of negotiation, to Senate debate on ratification to international implementation. Throughout the CWC's history, we have held the view that it should be implemented as quickly and efficiently as possible.

The CWC imposes on the U.S. government an obligation to make a full declaration of affected government and commercial facilities. Absent the implementing legislation, however, there is no statutory basis to compel commercial facilities to declare their CWC-related activities. CMA believes that the CWC-related provisions of H.R. 2709 is the only route available for the orderly implementation of the Convention.

The CWC-related provisions of H.R. 2709 are identical to S. 610, which passed the Senate on May 23, 1997. Thus, both Houses of Congress have already approved these provisions. CMA supported S. 610 as a reasonable approach to meet U.S. obligations under the CWC and protect industry's interests. We continue to support the CWC implementing provisions contained in H.R. 2709.

If CMA can provide any additional information on its position regarding implementation of the Chemical Weapons Convention, please have your staff contact Claude Boudrias, CMA's Associate Director of Federal Legislative Affairs, at 703/741–5915, or Marybeth Kelliher, Senior Manager for International Trade, at 703/741–5923.

Sincerely,

FREDERICK L. WEBBER,
President and CEO.

AMERICAN FOREST & PAPER ASSOCIATION,
Washington, DC, May 21, 1997.

Hon. ORRIN G. HATCH,
U.S. Senate,
Washington, DC.

DEAR SENATOR HATCH: I am writing with regard to the upcoming mark-up of S. 610, the Chemical Weapons Convention Implementation Act of 1997. Upon review of bill, the American Forest & Paper Association (AF&PA) would like to offer its support, in general, of many of the bill's provisions. While we believe it is unfortunate that the scope of the Chemical Weapons Convention (''CWC'' or ''treaty'') is overly broad, S. 610 contains a number of provisions that the forest products industry believes are crucial to ensuring that implementation of the CWC is reasonable and meets the stated purposes of the treaty.

Among some of the provisions of importance to the forest products industry are the following.

Section 403. We strongly support the prohibition of requirements under the treaty for chemical byproducts that are coincidently manufactured. Due to the broad nature of the category of ''discrete organic chemicals,'' as defined by the treaty, it is critical to recognize that inclusion of coincidental byproducts of manufacturing processes that are not captured or isolated for use or sale would exceed the stated purposes of the CWC.

Section 3(11), (12) and (13). We strongly support the listing of covered ''chemical agents'' in the bill. It is our understanding that additions or deletions from the list would only be permitted by legislative amendment, and not through the administrative regulatory process. We believe maintaining congressional authority for any list modifications is necessary to ensure that any such modifications adhere strictly to the intent and purposes of the treaty, as ratified.

Section 303(b)(2)(B). We also support the provision prohibiting employees of the U.S. Environmental Protection Agency and the U.S. Occupational Safety and Health Administration from participating on inspections conducted under the treaty. The treaty should not be used as an omnibus vehicle for regulatory inspections unrelated to its intended purpose. We believe that it would be inappropriate to include such government officials on an international inspection team formed for the purposes set out in the CWC, and would merely serve to detract from the intent of the inspection.

I would be happy to discuss these points with you further, and appreciate the opportunity to provide this information on behalf of AF&PA's members.

Sincerely,

JOSEPHINE S. COOPER,
Vice President, Regulatory Affairs.

Mr. KYL. Mr. President, as I just noted, there are actually two parts of this legislation. One of them has to do with the implementation of the chemical weapons treaty which was ratified in the Senate last year.

The legislation passed about a year ago. It was finally dealt with by the House, and comes back to us. I do not know of any objection to it. And I will not take the time to summarize it except to say that in general terms it

makes it a crime for Americans to produce or use or manufacture these chemical weapons.

It provides protections for American citizens and businesses in terms of search and seizure and takings, so that with respect to the inspection regime that is established under the treaty, there is protection of American citizens' constitutional rights, and if anyone has a question about that legislation, I am prepared to try to answer that today.

But by far and away the issue that is before us today of most interest to Members is, of course, the Russian missile assistance to Iran. The majority leader spoke eloquently on the patience that the Senate has exercised in withholding action on this important legislation until this time.

But there does come a time when, as the majority leader said, the Senate does have to finally act here. We believe that by passing this legislation, it will actually have a positive impact on the leadership of Russia which has had a very difficult time ensuring that the assistance provided to Iran is stopped.

Now, one might say, ''Well, that doesn't make a lot of sense if it is the policy of the Russian Government that this assistance not be transferred to Iran.'' But the fact of the matter is, it is difficult for the Russian Government, as the majority leader said, to ensure that there is no transfer of technology or material to the Iranian missile program.

When confronted with evidence that this has occurred, in some cases the Russian Government appears to have tried to take action against it; in other cases, as the majority leader said, that has not happened. So this legislation should provide a basis not only for the United States to specifically direct attention to the matter, but also for the Russian Government to have a very specific basis for enforcing its laws and policies against the providing of such technology to Iran.

Mr. President, let me just outline in very brief terms some of the open-source information about the kind of technology and other assistance that has been provided by Russian firms, individuals, and other entities to the Iranian program.

One of the Russian ICBM missiles—or at least intermediate-range missile—is called an SS–4 in our terminology. And important missile components and instructions of how to build that missile have been sent to the Iranians.

This is important because this missile has a much greater capability than the one that is most likely to be produced soon. This missile, in the Iranian term, is called the Shahab-4. It would have the capability of reaching cities in Europe, Mr. President. So it is not just a regional weapon, but a weapon that will challenge countries in Europe as well as in the Middle East. That weapon, according to open-source material, could be deployable within as little as 3 years.

In addition to that, construction of a wind tunnel for missile design and manufacture of missile models, and even the sale of missile design software has occurred.

Moreover, missile guidance and propulsion components, as well as the necessary advice and equipment to produce these components in Iran has been provided. In that sense, Mr. President, let me note that it is not Russians who are actually building these missiles for the Iranians, it is Russians who are providing much of the material and the assistance and the technology for the Iranians to do it themselves. So they will have an indigenous capability.

In addition, more than one special metal alloy which Iran can shape into missile casings and even alloy foil in thin sheets used to shield guidance equipment had been provided, in one case, according to open-source material, was stopped in another country after it left Russia.

Training of Iranian technicians at Russian institutes and the recruitment of top Russian missile specialists to work with Iran has all occurred within the most recent months or years.

As I said, the Iranians are using this technology to produce two missiles: One we call the Shahab-3, the other the Shahab-4. The Shahab-3 has a 1,300-kilometer range roughly, depending upon what kind of warhead is included on it, and is capable of targeting Israel, as well as other targets in the Middle East. According to open-source material, development of this missile could be completed in 12 to 18 months.

I mentioned the Shahab-4, which is capable of reaching Central Europe, and the fact that development could be completed in 3 years.

Mr. President, since the Senator from Connecticut, I think, is preparing to speak, let me just summarize one other aspect of this assistance; that is the Russian nuclear assistance to Iran, not specifically the target of this legislation, but of equal concern to us.

Russia has assisted Iran in a number of ways, including a contract to construct a nuclear reactor and a deal to provide nuclear fuel for the reactor for 20 years, and to take back spent fuel for reprocessing. It has agreed to train Iranian nuclear technicians to operate the plant, to construct three additional reactors when the first contract is complete.

In 1995, in response to U.S. pressure, Russia agreed to limit the scope of nuclear cooperation with Iran and canceled plans to sell gas centrifuge enrichment technology, and heavy water moderated reactors.

However, Russia has exceeded the limits it agreed to place on its nuclear cooperation with Iran. According to an article in July 1997 by The Washington Post, the United States intelligence reports ''document[ed] a series of high-level technical exchanges between Russia and Iranian engineers,'' which covered matters beyond the Bushehr reactor, including advice on how to mine and process uranium.

Finally, Mr. President, just this month, The Washington Times disclosed that U.S. intelligence reports indicate that Iranian nuclear officials were negotiating to purchase tritium from Russia and were slated to view a demonstration of gas centrifuge technology used to enrich uranium for nuclear weapons during a visit to Moscow later this month.

At a meeting just last week, we specifically asked the Russian Ambassador if he would try to see to it that that demonstration project was not held because its only purpose is to assist the uranium nuclear program. He indicated personally a desire not to see that meeting go forward, but we will see whether it does.

Tritium, which I mentioned, is, of course, important for the boosting of nuclear weapons and would be an important way for the Iranians to make a nuclear technology more robust than it might be otherwise. These are serious matters.

The Russian Government, whether complicity or simply negligence, has not been able to stop the transfer of these materials and this technology. The United States cannot simply sit by and hope for diplomatic actions to work. In the Senate and the House, we recently passed money for a supplemental appropriations bill which will be applied to both Israeli theater missile defense systems and the U.S. theater missile defense systems so we may at an earlier day be able to meet the threat that the Iranian missiles might pose.

There may be a window of vulnerability. That is why it is important for us to try to slow down and stop the assistance that Russia is providing to Iran. This is very important legislation. I hope our colleagues will support it strongly, sending a strong signal to Russia that it should not be providing or allowing to be provided this important technology to Iran.

I yield whatever time the Senator from Connecticut desires.

Mr. LIEBERMAN. I thank the Chair and I thank my friend and colleague from Arizona not only for yielding but for his principal support of this legislation and for his outstanding statement.

I rise to support the Iran Missile Proliferation Sanctions Act and to thank all of those in the Senate who have cosponsored it, principally the distinguished majority leader of the Senate for his strong leadership in this effort. It has been purposeful. It has been balanced. I think it has been quite realistic.

I think we have before the Senate a measured response to a real problem. The real problem is the development by Iran of ballistic missile capacity, longer-range ballistic missile capacity, which, when combined with attempts within Iran to develop weapons of mass destruction, holds the potential to change the balance of power within the Middle East.

It is destabilizing. It is threatening to our troops and forces on the waters within the Middle East region. It is threatening to our allies within the Arab world, moderate Arab nations. And it is threatening to our ally, Israel. That is in the short run.

In the longer run, the development of longer-range ballistic missile capacity by Iran could threaten our allies in Europe in a wider circle around Iran and, eventually, of course, could threaten us directly here in the United States of America. We are dealing here with a very, very serious and concrete challenge to world order and America's national security.

This measure has been introduced and principally led by the majority leader. I am privileged to have joined with him in that. It is cosponsored by more than 80 Members of the U.S. Senate—84 is the total, I believe. It is in that sense a profoundly bipartisan response to this genuine national security problem.

I think one of the reasons this measure has gained the broad support that it has is not only because the problem is real, the threat to security from Iran having long-range ballistic missile capacity being real, but because the approach taken in the bill is targeted.

I will go directly to the language of the bill. ''Sanctions shall be applied to every foreign person with respect to whom there is credible information indicating that person''—and of course ''person'' is given a broad definition of a natural person —''is an alien or a corporation, business, association, partnership, society, trust, or any other nongovernmental entity, organization, or group that is organized under the laws of a foreign country or has its presence, people, or place of business, in a foreign country or any foreign governmental entity operating as a business enterprise in any successor or subsidiary of any entity.''

So this applies to any entity that comes within that category, that first transferred items on the MTCR, the missile technology control regime annex, or items that the United States opposed for addition to that annex that contributed to Iran's efforts to acquire, develop, or produce ballistic missiles.

We are talking here about entities that are helping Iran gain the capacity that I have described, as the Senator from Arizona and the Senate majority leader have all described, ''to develop ballistic missile capacity or provide technical assistance or facilities which the President deems to be of concern, because of their direct contribution to Iran's efforts.'' Again, to acquire or develop ballistic missiles or attempt to transfer such items or attempted to provide technical assistance or facilities.

That is very direct. Apply sanctions to entities that have actually done something wrong, done something wrong in the judgment of the President of the United States as reported to Congress every year regarding any credible information that occurrences by these entities have transpired to help Iran gain the capacity that we do not want them to gain.

That applies a series of sanctions in response to that evidence, and gives the President, incidentally, the authority to waive those sanctions if he either obtains additional information that diminishes the content of the original finding or the President determines that the waiver is required, is essential, to the national security of the United States.

So, it is very targeted and not the broad based, ''don't do any business with this country or that country.'' But on a finding of credible evidence by the President of the United States that a person, a company, a governmental agency or institute has been assisting Iran in obtaining ballistic missile capacity, then these sanctions are applied and the President may use a waiver.

What are the sanctions? I will describe them generally: stopping arms sales under the Arms Export Control Act to these entities; stopping the transfer or sale of dual-use items under the Export Administration Act; and the cessation of any U.S. grants or loans or other benefits to these entities.

Why should we be helping companies or governmental agencies abroad that are contributing to the development of this Iranian ballistic missile capacity which will so threaten our security?

So it is a very measured approach which, again, I think is at the heart of why this bill before us has over 80 percent of the Senators supporting it, a truly bipartisan measure.

Mr. President, there are those who will say that things are changing in Iran. So why pass this legislation? Well, from the best that I can determine, there are the beginnings of some changes in Iran. The changes, certainly, have not gone far enough to alter the essential character of the center of that regime, which is still fundamentally hostile and threatening to the United States and threatening to our security. It is still the major sponsor, state sponsor of terrorism in the world which, to the best of our knowledge, has resulted in the deaths of many Americans and many citizens of other countries that are allies of America. Just the finding by the Argentinian security, law enforcement forces earlier this week announced—these are tough cases to investigate—they have traced two attacks, two bombings on Jewish institutions in Argentina directly back, by their judgment, just repeating what I have read in the newspapers, back to Iran. And so it goes.

So the election of the new President, President Khatami, of Iran, who has been making statements that are more moderate, more open, both in terms of Iran's domestic policy and even international, who gave the important interview to CNN in which he suggested the possibility of opening informal contacts with the United States of America, he still made some statements that are extremely hostile and negative toward us and some of our allies. But, nonetheless, I take these to be encouraging signs. But what remains the fact, as best any of us can determine, is that the much more radical elements within the Iranian Government are still in control of the apparatus of that government—the military, the intelligence, the foreign policy—and, in fact, there is no indication that any of the sponsorship of terrorism has stopped.

In the meantime, the Senator from Arizona has suggested, as we have heard in classified briefings which cannot be discussed in detail here, the Iranians get ever closer to developing, in a headlong thrust, full force, full-throttle thrust, to developing long-range ballistic missiles. Maybe it is going to be hard to stop him from doing this. But the intention of this bill, it seems to me, is an exercise in common sense, the exercise of traditional principles of self-defense. This legislation will help us to delay the date on which Iran will achieve long-range ballistic missile capacity with which it can deliver weapons of mass destruction on those it chooses as enemies, as targets.

Let's think about it optimistically. Perhaps in that period of time, we will see a fruition of some of the obvious interests, obvious concerns of the people of Iran as expressed in the election of Mr. Khatami for a change. I hope so.

The people of Iran have no inherent reason—let me put it another way, Mr. President. There is no inherent conflict of interest, strategic interest between the people of Iran and the people of the United States. Unfortunately, since the revolution that occurred in Iran in the late 1970s, we have been set on a confrontational course which threatens the stability of the region and the world and does nothing good for the people of Iran —a gifted people with a proud history.

So I am hopeful about the changes that are possible within Iran, but, by any reasoned judgment, we have a long way to go yet. These missiles are being developed rapidly and they are going to be aimed at us and our allies. Therefore, this proposal still seems to me to be extremely important and, as I say, very measured and targeted.

Mr. President, there are those who say, well, OK, you are right, there is a threat from Iran. But this measure is really targeted at Russia. Not only is there hope of change within Iran, but there is even, of course, more substantial change that has occurred, and the hope of change, within the Russian Government, particularly on this issue. So why provoke the Russians? It is the threat of these sanctions from Congress that matters, not the realization of it.

Let me say first, Mr. President, that on the face of the bill, there is no mention of Russia. This is a piece of legislation that is targeted at any people,

any entities, any government, anywhere on the globe that the President has reason to believe is contributing to Iran's development and acquisition of ballistic missile capacity. It could apply to, and might in the past have applied to, companies in allied countries of ours in Western Europe who, in one way or another, may have attempted to sell or sold items to the Iranians, which they have now used or are using in the development of a ballistic missile capacity, or even in the development of weapons of mass destruction.

Certainly, some evidence suggests that there may be entities within the People's Republic of China who have transferred items, sold items to the Iranians that are used in the development of these threatening programs. North Korea, our relations with them are much more limited; nonetheless, that is another possibility. But it is true, to the best of our knowledge today and in recent years—

The PRESIDING OFFICER. All time controlled by the Senator from Arizona has expired.

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

The PRESIDING OFFICER. Forty-five minutes remain to the Senator from Delaware and an additional 90 minutes on any amendment proposed by the Senator from Michigan.

Mr. BIDEN. Mr. President, how much time does my friend need?

Mr. LIEBERMAN. I thought we had more time available. I am glad to finish up within 5 minutes.

Mr. BIDEN. Mr. President, I will yield 5 minutes to the Senator, who disagrees with my position, as well as I will yield time at the appropriate time from our time to my friend from North Carolina as well.

The PRESIDING OFFICER. The Senator is recognized for 5 more minutes.

Mr. LIEBERMAN. I thank the Senator for his extraordinary graciousness, since we are in disagreement on this particular question. Let me summarize the remainder of my argument.

We know from intelligence sources, some of which had been reported in the press and referred to by the Senator from Arizona, that in recent years, as best we can determine, a number of companies, institutes, and subdivisions within Russia have been involved in transactions, usually for business purposes, with Iran, which are of material technical assistance to Iran, to help in their ballistic missile development program. So, yes, this legislation will apply to Russia.

We know this has been raised from the highest level of our Government—the Vice President, the National Security Adviser, and others, like Ambassador Frank Wisner and Mr. Gallucci, with the Russians to end this cooperation with Iran. Progress is being made.

On January 22, which I believe is the exact date, former Prime Minister Chernomyrdin issued an Executive order in which he stated the intention of the government to begin to set some policies for trying to control this activity. Within the last week, although I don't believe we have seen the details of it in this country, the Russian Government has promulgated a detailed series of regulations to carry out Chernomyrdin's order of January of this year. So there is a good-faith effort being made at the governmental level.

Yet, our intelligence sources—to speak as broadly as I must in these cases—tell us there is still evidence that there are entities within Russia that are continuing to cooperate with Iran in the development of ballistic missile capacity. That is why I think we have to go ahead with this legislation today. But why? I think it is very important to say that it is not directed at the Russian Government. In fact, unless there is clear evidence of complicity by the Russian Government in one of these transfers, sanctions will not go to the Russian Government. They will go to companies, institutes, or subdivisions. I hope our friends, in return—particularly the new government of Mr. Kiriyenko, the National Security Adviser—to give him a title he may not officially have—and the deputy defense minister, Mr. Kokoshin—will clearly understand that this is not directed at them. In fact, when we adopt the amendment to be offered by the Senator from Michigan, which will put the effective date of the gathering of relevant evidence to the date of the Chernomyrdin order in January, then, I think, we will have a law that basically says that America will sanction entities within Russia that are not complying with the clear policy of the Russian Government.

In that sense, I think this is a very important measure, one that will contribute to our security, one that should not affect our bilateral relations with Russia, and one that could be the basis, I hope in fact, for us going forward to build a bilateral policy with Russia that understands that the strategic reality of the world has changed after the cold war, and that we are no longer in a situation of a bipolar world where each of the great powers, the Soviet Union and United States, are facing each other with intercontinental ballistic missiles and nuclear warheads, and that we are working well together to build down in our weapons through the nuclear weapons, START I and START II; but that each of us, Russia and the United States, faces threats from the proliferation of the possession of weapons of mass destruction and the world-changing capacity to deliver those weapons with ballistic missiles.

So we ought to work together to try to limit the spread of that technology and the danger it will represent not only to the United States and their allies but to Russia and their allies.

I thank my colleagues for their support of this bill and for giving me the opportunity to speak to it today. I hope that we will adopt it unanimously. I look forward to seeing its implementation and the increase in our security in one of those areas that we know will represent the greatest threat in the generation ahead.

Mr. President, I ask unanimous consent that an article from the January 1998 Reader's Digest be printed in the RECORD.

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

[From Reader's Digest, June 1998]

MISSLE THREAT FROM IRAN

(By Kenneth R. Timmerman)

Last August an American spy satellite spotted a scar of fire on the out-skirts of Iran's capital, Teheran. It was the unmistakable signature of a rocket-engine test. On the ground, engineers and technicians watched a powerful liquid-fueled missile engine bolted to a test stand shoot a plume of fire.

The engine firing, conducted at the secrecy-shrouded Shahid Hemat Industrial Group research facility, sent tremors through Western intelligence agencies:

First, the successful test marked an ominous advance for the anti-Western Islamic government of Iran. New-generation ballistic missiles could give the regime a decisive military edge in the Middle East and Central Asia.

Second, the new missile program bears the fingerprints of an old adversary that is now supposed to be an American ally—Russia. Iran's rocket engines, originally acquired from North Korea, were upgraded in Russia. Technicians at Iran's test facility included engineers from NP. Trud, a prestigious Russian rocket-motor plant that helped develop the missiles that targeted the West during the Cold War. And Iran's new missiles are based in part on Soviet SS–4 strategic rockets.

Iran, whose leaders have chanted ''Death to America,'' is believed to be less than a year away from test-firing a ballistic missile, the Shahab–3, and is developing more powerful versions. ''The deployment of these missiles, using just conventional warheads with modern guidance, adds a giant measure to Iran's ability to blackmail allies of the United States,'' says former CIA director R. James Woolsey.

But the threat goes even further. The CIA states that Iran is also developing chemical, biological and even nuclear weapons. This, from a regime that the State Department has labeled a terrorist threat.

A GROWING PARTNERSHIP

After Islamic radicals overthrew the Shah of Iran and seized the U.S. embassy in 1979, Washington slapped an arms embargo on Iran. Undaunted, Iran conducted an international campaign of assassinations and terrorism, pursued a clandestine nuclear-weapons program and waged a bitter war with neighboring Iraq (1980–88).

In that war, Iran launched missiles bought from North Korea or assembled from parts made in China. When the U.S.S.R. collapsed, Teheran began shopping in the huge arms supermarket of the fledgling Russian Federation.

In a confidential meeting in Germany, Reader's Digest interviewed an Iranian former intelligence officer who confirmed Western intelligence reports that Russians began working on Iran's long-range-missile projects in 1994. At that time, Russian technicians visited the top-secret Iranian Defense Technology and Science Research Center near Karaj, 50 miles northwest of Teheran, Iran subsequently began receiving assistance from Russia's state-run missile

plants and technical universities. Russian advisers worked at Iran's missile plants in Esfahan and Semnan, as well as at design centers in Sultanatabad, Lavizan and Kuh-e Bagh-e-Melli on the outskirts of the capital.

''After that, Iran's missile program jelled,'' says Patrick Clawson, an Iran analyst at the National Defense University in Washington, D.C.

THE UNITED STATES IN RANGE

With Russian help, Iran is working to field two families of missiles in the near future. The Shahab-3 is the closest to deployment. It will carry 1,650 pounds of explosives at least 800 miles—allowing Iran, for the first time, to hit every major city in Israel, including Jerusalem. It would also reach vital Persian Gulf oil fields—and the bases in Saudi Arabia and Turkey where American forces are serving. A Shahab-3 carrying the anthrax germ could kill millions.

Intelligence sources say that a number of engine tests for the Shahab-3 have been observed, and that development will be completed in early 1999, with production soon after. A senior White House official told Reader's Digest that the United States now believes Iran has most of what it needs to mass-produce the Shahab-3. ''It may already be too late to stop them,'' he said.

An even more powerful missile in development, the Shahab-4, will carry a one-ton warhead 1,250 miles—making it capable of devastating cities in countries as distance as Egypt. The Russians are also helping a solid-fuel design team at the Shahid Bagheri Industrial Group in Teheran develop a 2,800-mile missile, capable of reaching London and Paris, and a 6,300-mile missile that could strike cities in the eastern United States.

DIPLOMATIC STONEWALL

At high-level meetings with Russian officials, including President Yeltsin himself, the United States has repeatedly expressed concern over Russian arms sales to rogue nations such as Iran. But when Vice President Al Gore pressed Russian Premier Viktor Chernomyrdin on February 6, 1997, Gore received a categorical denial.

Two months later, in April, Iran tested a new missile engine. After analyzing the evidence, U.S. officials concluded that the Russians had transferred technology from SS–4 rockets to Iran—a clear violation of the Missile Technology Control Regime that Russia signed in 1995. It also violates the 1987 Intermediate-Range Nuclear Forces Treaty, in which the United States and the Soviet Union agreed to destroy all such missiles, including the SS–4.

Yet each time the United States presented new evidence of Russian assistance to Iran's long-range-missile program, Russian Foreign Minister Yevgeny Primakov and other officials denied that this was Russia's policy, ''While we appreciate such assurances,'' State Department official Robert Einhorn told the Senate last June, ''we remain disturbed by the discrepancy between them and what reportedly is occurring,''

In fact, U.S. and Western intelligence sources have confirmed that several hundred Russian engineers and technicians travel regularly to missile facilities outside Teheran helping the Iranians draw up missile-production blueprints. Russia may have transferred to Iran a supercomputer made by a U.S. company to complete the work. And when the Iranians run into technical snags, they fly to top-secret military institutes in Russia to see how the Russians solved similar problems.

''This is not a private operation by some crazy engineers,'' an Israeli official told Reader's Digest in an interview in Tel Aviv. ''The contracts [to assist Iran's missile program] have been signed by companies that are at least partially owned by the Russian government.''

Last July President Clinton assigned veteran diplomat Frank Wisner to conduct a joint investigation with the Russians into the missile allegations. His Russian counterpart was Yuri Koptev, head of the Russian Space Agency, which intelligence sources say is aiding in Iran's missile program. (Koptev denies such involvement.)

Talks on Russian-technology transfers to Iran continue. Meanwhile, Russian technicians still travel to Iran, and shipments of missile components continue to reach Iran.

''It must be made clear that doing business with our enemies will cost them if they want to do business with us,'' former U.S. Under Secretary of Defense Paul Wolfowitz says of the Russians.

U.S. laws require the President to impose sanctions on countries that assist certain nations in building ballistic missiles and nuclear weapons. But the Administration has refused to invoke sanctions, including those in a law co-authored in 1992 by then-Senator Gore and Sen. John McCain (R., Ariz.). Now Sens. Joseph Lieberman (D., Conn.) and Trent Lott (R., Miss.) have introduced new legislation with sanctions that could involve:

Russia's space program. The United States is pumping $140 million a year and invaluable expertise into Russia's space program. This aid could be stopped.

U.S. contracts. Russian companies working in Iran have some $2.5 billion in contracts with the U.S. government and U.S. defense contractors. The United States could bar them from American business.

High-tech exports. Russian firms in Iran have been buying advanced U.S. technology. Such high-tech exports could be barred.

In addition to these sanctions, the United States could step up assistance to Israel's Arrow antimissile program to ensure that Israel will have adequate defenses by the time the Iranian missile go into production, possibly in 1999.

The United States could also increase pressure on Teheran. Instead, the Clinton Administration has been seeking to open a ''dialogue'' with the Iranians, a gesture interpreted by some of Teheran's ruling clerics as a sign of American weakness.

Some American leaders are determined to send a different, stronger message, not only to Teheran but to Moscow as well. ''Russia's transfer of missile technology to Iran is an issue of enormous national security importance to the United States and its allies,'' warns Senator McCain. ''It threatens to further destabilize the region—and risks undercutting U.S.-Russian relations.''

Mr. LIEBERMAN. I thank the Chair. I yield the floor.

Mr. BIDEN. Mr. President, my friend from Michigan has 90 minutes on his amendment. I wonder, in order that we can—we have been able to allocate time and I want to make sure that everyone who speaks to our position gets a chance to—whether or not he would be willing to yield off the 90 minutes 4 minutes to our friend from North Carolina.

Mr. LEVIN. The Senator from North Carolina requested 6 minutes. I would be happy to yield 6 minutes to my friend from North Carolina.

The PRESIDING OFFICER (Mrs. HUTCHISON). The Senator from North Carolina is recognized.

Mr. FAIRCLOTH. I thank the Chair. I thank the Senators from Michigan and Delaware. I will stay within the 6 minutes.

Madam President, I strongly support H.R. 2709. I come to the floor, however, rather worried about the administration's decision last week to waive sanctions against a French energy company that is doing a massive billion-dollar oil deal with Iran. The President's decision to waive imposed sanctions on the French energy company was done under the guise of national security. I have to wonder, and we all wonder, whose national security is he referring to when he chooses to waive the sanctions? Certainly, it is not the national security interests of the United States for Iran to improve its oil-exporting capability so that it can turn around and then use the same money to fund missile development. I certainly can't believe it is in the best interests of the State of Israel to have Iran improving its foreign cash reserves for the very same reasons.

Iran is improving its cash reserves, and they are improving their missile technology. Just in January of this year, the CIA told the Senate that Iran would be able to target ballistic missiles at Israel much sooner than the 10 years that we had previously been led to believe. So, therefore, I have to conclude that he made this decision in the national interest of France and Russia. I think that is a very poor reason to make a decision of this magnitude.

Here we go again. We are passing a good bill to impose sanctions on individuals who transfer missile technology to Iran. But section 105 of the bill permits a waiver based on the national security interests of the United States. The part that concerns me is the waiver. I am concerned about how the President has interpreted this in the other Iranian sanction bills. I think there should be no waiver. I do not trust the President's decision on waivers. Given that Israel was the only sovereign state, outside Kuwait, that was attacked by Iraq during the gulf war as they were attacked by missiles, I think there should be language in this bill and in the Iranian-Libyan section that mandates consultation with Israel before we choose to waive any sanctions for missile production or oil production. I think we owe it to our friends—the true friends in the Mideast—the Israelis.

I hope that such legislation wouldn't be necessary and that the President would be more frugal in his actions.

So I plan to introduce this as free-standing legislation. I hope we could consider this sometime in the very near future. We should be consulting with Israel before making decisions affecting their interests, just as much so, and more so, than we should be with Russia and France. Israel is a country that is most threatened by missile production by rogue states like Iran and Libya.

I know there are some who think the Iranian regime is moderating itself. I personally don't think they are. But even if they are, I don't think that we should be lulled into a sense that we

have turned the corner in our relations with Iran. They only respect the United States for its power. They simply laugh at us when we are weak. They take the President's waiver as a sign of weakness—not as a gesture of improved relations.

The Mideast is still an extremely volatile area. The United States is at its best when we stand behind our true ally, the Israelis, as they have been our true ally. They have been our sea anchor in a turbulent part of the world. We should negotiate from a position of strength—not when we accommodate murderers and terrorists who pretend to be government figures. We should be supporting our true ally in the Mideast. Again, I strongly support the legislation.

I yield the remainder of the time, and I thank the Senator from Delaware.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. Madam President, I yield myself such time as I may consume, up to the time I have allotted to me.

I was asked by someone yesterday after a meeting at the White House on this issue, What did I think about this sanctions act? And I said: ''Good act, bad timing.'' Good act, bad timing.

The extent to which this act that we are about to vote on, this sanctions bill, is of value is a little like nuclear weapons: Their value is in their nonuse; their value is in their threat of use.

The administration has made significant progress over the 6 months we gave them with the threat of this bill in place. It has had the best of all worlds. It has allowed those in Russia who very desperately want to cut off this program and this relationship with Iran the ability to say, ''we must do this or we will lose much more than we will gain,'' without having to put themselves in a position politically in their own country in which they appear to be publicly buckling to the pressure applied by the United States.

So, although I have no disagreement with the principle of H.R. 2709, the Iran Missile Proliferation Sanctions Act of 1997, and I have no doubt that it addresses an urgent concern we cannot ignore, I have a great deal of doubt about whether we should be voting for it now and sending it to the President now.

Madam President, to state the obvious, the cold war is over. One of the great wonders of it is that the world was spared any use of nuclear weapons during that cold war, and almost—almost—any use of chemical or biological weapons. The proliferation of weapons of mass destruction and the means to deliver them, however, could bring about the very holocaust that we have managed to avoid over the past 50 years.

So, everyone here is united in one objective: to stop, inhibit, curtail the proliferation of weapons or the means of delivering those weapons. How do we best do that? Is the best way to do that, relative to Iran's missile program, to impose these sanctions now? Will this bill, by its passage, finally turn off the last few drops of water coming out of that spigot? Or will it enhance the prospect that the cooperation with Iran—which began years ago and has continued in diminishing amounts up to now—will be increased, reversing the momentum of the last 6 months?

It seems to me, as rational persons—and we all are, obviously, on this—we have to examine that question. For me, the instinct to punish Russia for what they did in the past is overtaken by my fear that the proliferation will increase. To the extent that I have a disagreement with my friend from Connecticut or my friend from Arizona, two of the brightest people in this body, it relates to how I come down on that question.

One or another country may think it needs these weapons to protect it from its neighbors or gain the attention of the great powers. The fact is, however, that weapons of mass destruction threaten us all, especially when the countries that seek them are ruled by murderous despots or inflamed by ethnic or ideological causes.

Today, two sets of neighboring countries—India and Pakistan, and Iran and Iraq—pose the greatest threat that weapons of mass destruction might actually be used. India and Pakistan have to be restrained from using such weapons against each other. I was reminded by someone today, we are talking about a response time of 3 minutes—3 minutes; a pretty short leash, quite a hair trigger—when we are talking about Pakistan and India. The same would apply to Iraq and Iran, who have managed over the last decades to kill hundreds of thousands of each other's citizens. So these two sets of neighbors—India and Pakistan, Iran and Iraq—it seems to me, are most likely to get the world in trouble. Iran and Iraq have to be prevented from obtaining such weapons and from using them, not only against each other but also against the whole Middle East region, if not the world.

Some foreign entities, notably Russia, have continued to assist Iran's ballistic missile program intended to give Iran long-range ability to deliver weapons of mass destruction. This assistance must stop, and it must stop now.

Since early last year, U.S. officials from the Clinton administration, including the President and the Vice President, have raised the matter with their Russian counterparts, Yeltsin, Chernomyrdin, and Kiriyenko. They have all agreed it is hardly in Russia's interests to give Iran the capacity to fire long-range missiles with weapons of mass destruction. Special envoys Frank Wisner and Robert Gallucci have worked with Russian Space Agency chief Yuri Koptev to help Russia determine what it must do to stem this assistance.

Let us get a little background here, because we all kind of mentioned it. Here you have a former empire that has crumbled around the ears of Russian leaders. They are left with a number of the old apparatchiks in charge of huge, bureaucratic entities, departments, who have, off and on for the last 9 years, been free agents to some degree or another.

The idea that Yeltsin has his finger on, and knowledge about, and the ability to control every one of his disparate agencies out there is, I think we would all acknowledge, not nearly, nearly a reality. So, since early last year, American officials have been working very hard, pressuring, cajoling, and educating the Russian leadership as to why this is against the Russian leaders' own interests and how to gain control, how to gain control of their own entities.

There is an irony here. If we said to our constituents that there is this outfit in Russia that doesn't control what is happening in a department in one of the six nuclear cities in Russia, or doesn't have control over a department in Moscow, they would say: ''Wait a minute, isn't this the same outfit that ruled with the iron fist, so that they would be able to not only have a command economy, but to command everything?'' But the fact is, the Russian leaders do not have that ability any more. And they do not know how to gain it.

So I start off with the proposition that this is a very different circumstance than if we were dealing with the U.S.S.R. and this program were going on. If I were to have turned to even Gorbachev, or any of his predecessors, and said, ''you are transferring this technology to Iran,'' and had them say, ''we didn't know that, or were unaware of the extent of it,'' having been here 25 years and dealt with them on that issue for 15 years, I would have said unequivocally on this floor, ''that is flatout a lie; they cannot not know that.''

But it is clear that, although much was known in some quarters, a lot was not known. So you actually have the Russian leadership saying, ''How do we set up export controls? How do we gain control? You have been doing this. How do you all do it?'' —we have not done it perfectly, by the way, but—''How do you do it?''

The fact is that troubling aspects of the Russian assistance to Iran program continue to this very day. I know that. All of us on this floor have gotten a briefing. We know that. And with each passing day, Iran comes closer to obtaining the ability to have long-range missiles that can rain down chemical or biological destruction on Israel, Saudi Arabia, and U.S. Armed Forces in the region, and, obviously, to understate it, that is a real problem.

So, what do you do about this? The executive branch, in my view, has made real progress, important progress, that this bill before us, I believe, will sacrifice. Let me give you a few examples.

Last year, Russia expelled an Iranian Embassy employee who was involved in seeking assistance for Iran's missile program. Russia's Federal Security Service, the FSB, says that Russia also deported a member of an Iranian military delegation.

The FSB adds, in a statement of May 15, that two officials at a Russian research center were arrested, convicted, and sentenced to prison for trying to ''enter into an agreement with a foreign firm to design homing electronic devices for missiles.''

They also foiled an effort by Iran's SANAM industry group, to get missile parts from a Russian firm, NPO Trud. The FSB statement also adds that, ''All the activities of the SANAM group on the territory of Russia have been terminated and prohibited.''

On January 22, Russia issued Order No. 57 establishing what are called ''catch-all controls'' over the export of any material or technology that might contribute to Iran's programs to develop weapons of mass destruction or long-range missiles.

Last week, Russia promulgated implementing directives for that order requiring that each entity involved in high-tech material or technology exports set up a review committee to screen proposals and specifying ''red flags'' that would require referral of proposals to high-level officials for approval. Those ''red flags'' are precisely the sort of criteria that we would want Russia to use. For example, they name certain Iranian entities that are automatically suspect no matter what they want to buy. That is a take-no-chances approach that suggests the seriousness on the part of Russia.

The pace of diplomacy is slow, Madam President, and so is the pace of Russian bureaucracy, and so is the pace of putting together a Russian Government that can control Russia. I understand and share the frustration that my colleagues feel in this regard. But, as the kids say, let's get real. When was the last time we turned Russian policy completely around, and how long did it take?

When we didn't like the Soviet Union deploying SS–20 intermediate-range missiles in the European theater, we had to build and deploy Pershing missiles in response before they would sign the Intermediate Nuclear Forces Treaty. The process took 10 years. It took a similar period of time for the Soviet Union, later Russia, to admit it was violating the ABM Treaty in building a large phased-array radar near Krasnoyarsk. And there are a lot of other examples of how long this takes.

My colleagues will say the assistance continues, that these institutions and firms are just looking for ways to get around Order No. 57, and that there are still bureaucracies that oppose Yeltsin and Kiriyenko on this issue; and I will reply, ''Yup, you're right, that's exactly what has happened.''

What on Earth does anybody expect? Do my colleagues expect Russian officials to be grateful when we catch them doing something stupid and call them on it? Do they expect the institutes, that cannot pay for their personnel, or their factories that pay their workers in goods to barter on the market, to be happy when we tell them that they have to turn down hard currency from Iran?

Look, we have a satellite industry that is apoplectic today—an American satellite industry that is apoplectic today—because the House took action and the Senate may take action curtailing their ability to launch these satellites into space from other launch systems around the world. Why? They are going to lose billions of dollars. Mark my word, you are going to start hearing from their employees saying, ''What have you done to my job?'' Right? We all know that. We shouldn't yield to the company or the employee if it is against the national interest, but we are going to hear it.

What would happen, do you think, if all of a sudden we were to say, ''By the way, stop doing'' such and such, which is the only thing that allows you to make any money at all, to even be given goods you can barter on the street to keep your apartment? I don't say this by way of justifying anything Russia is doing, but there is a report from an organization I have great respect for, the American Jewish Committee. The American Jewish Committee had a report written called ''The Russian Connection: Russia, Iran, the Proliferation of Weapons of Mass Destruction.'' It is a very good report. I recommend it to everyone.

They point to an article that was written in Russia about missile specialists who worked in Iran during the past few years. It says that specialists were recruited by Iranians in collaboration with the Federal Security Service—which is now going to be part of stopping this.

Then the article goes on to say that the policy of assisting the missile program began in 1994, when the then-chief of Yeltsin's bodyguard service was involved in export policymaking, and that it was done—for what? For hard currency, for money.

Now we have convinced Yeltsin and a new government in Russia—which is probably the most pro-American government that has existed in the last 90 years in Russia, maybe in Russian history—we have them taking all these steps to cut this off. OK? So far, so good.

The American Jewish Committee report points out that the reason they did this was for money. Now we go ahead and we cut off any money that we are going to send these Russian entities in existing bilateral arrangements we have. What do we think Russian leaders are going to do? Are they going to say, ''You know, we now lost the American support that we, the new Government in Russia, want, and we don't want to be selling this missile technology anyway because it is against our interest, so at least we could have told the folks in those departments that there was something coming, but the Americans are going to cut off that money, we're not going to get that, but, by the way, still don't follow through on this Iranian program?''

It is lose-lose. They not only lose the money that encouraged them to enter into these arrangements in 1994, because of our efforts to stop it and because they were not quick enough and thorough enough in stopping it, they have now lost any other aid they have.

Again, I am not approaching this from an ideological point of view. I am not approaching this from a point of view of who is right or who is wrong, whether they did the right thing or the wrong thing. I am trying to approach this from a practical point of view: How do we assure that what was going on doesn't continue? How do we stop proliferation?

This same report published by the American Jewish Committee makes a very, very important point in a section entitled ''American Policy Options.''

It says:

> The United States faces tough choices in addressing the issue of Russian-Iranian missile cooperation. Both the Clinton administration and its critics confront the fact that American leverage is probably limited.

Then it goes on to say:

> However, the threat of sanctions will not in itself be sufficient. The threat of missile proliferation is serious enough to warrant offering improved carrots.

Let's get this straight. Everybody has kind of figured this out—let's review the bidding.

The Russians were bad guys. They sold technologies to people who were even worse guys. The combination of that is against the interests of the United States, and particularly against the interests of Israel. We have to turn it around and stop it.

We went ahead, and after the last couple years—with great pressure during this year, thanks to congressional leadership having the sanctions sitting out on the table—convinced Yeltsin, and now the friendliest government that ever existed in Russian history toward the United States, the two new young guys in positions of power, not only that it is against their interests, but also that they better stop. And there is some evidence they are stopping it.

They are finding where at least some of the technology leaks are and they are turning them off. And now here we are after they had begun the process saying, ''Aha, but you did do it.'' Of course they did it. And what we're going to do is to say, ''we're going to cut your water off from this end of the spigot. We're going to cut it off.''

And if the objective is America's interest and indirectly Israel's interest, which is an American interest, how does that make sense? Let me add one other dimension here.

I said: ''This is a good act, bad timing.'' Let us review the bidding and

what is going on in the Asian subcontinent right now. Regarding India and Pakistan, we are breaking our neck, some of us on this floor personally, the President, Democrats, Republicans, pleading, cajoling, doing everything we can with Pakistan not to up the ante. We are doing everything we can to take an Indian Government that has overstepped its bounds against its good judgment, in my view, and say, ''Tone down what you're doing.'' We are trying to put a lid on this.

So what are we doing? Some of us, as well as the administration, are doing everything from picking up the phone and calling Sharif in Pakistan, to saying, through the administration, to Yeltsin, ''You, Yeltsin, have a relationship with India. Call them. Tell them. Cooperate with us.''

Every Republican and Democrat who has any contact in China is trying to get China to put pressure on Pakistan. And in the middle of this gigantic effort, that is literally worldwide, at a moment when every nation in the world, particularly the nuclear powers, fully understands the potential consequence of Pakistan's nuclear testing now and India's heated rhetoric—now, when all this is going on—what are we doing?

In fairness to the leader, this was under a unanimous consent agreement, and put off from back in November, but what are we doing? We are coming along invoking a sanction potentially that is going to make it more difficult by anybody's standard to get worldwide cooperation.

Who are the nations that can most influence Pakistan or most influence India right now, beyond the United States? I will bet that if we ask all the staff in the back who are experts on this—whether they are for these sanctions or against them—I bet that if we asked everybody in this Chamber, and I put a list on the board saying, ''Which are the most likely countries to be able to influence Pakistan,'' and put Russia, France, Germany, England and China—I bet you would all pass the test and say, ''China.'' And why would you say that? Because China has been selling them missile technology.

Now, I wonder who would have the most influence on India. The answer is Russia, for similar reasons. So thus it seems to me, Madam President, that this is a good idea at a very bad moment.

We also have a new government in Russia. We have two young people—and every analyst to whom I have spoken, conservative or liberal, Democrat or Republican, or who has testified before the committee or spoken to my staff has said, ''These two new guys are keepers. They're the best shot we have.'' They are the best shot we have. Now they have gone out and put their new, fragile reputations on the line in that new government, and said, with regard to assistance to Iran's missile program, ''Shut it down.'' And the first bit of reward we are going to give them is sanctions against entities in their country.

Now, look, some former President, whom I will not name, once said, ''Life is not fair.'' I am not suggesting to anybody that it would not be fair to impose these sanctions. By any measure, it is fair, because they did not play by the rules. They broke the agreements. So it is fair; but is it smart? Is it in our interests? Is it a good idea? In my humble opinion, the answer is no, it is not smart, it is not a good idea, it is not in our interest. The sanctions we mandate will be resented and they will be resisted and, in my sincere view, they will fail where diplomacy is succeeding.

Some aspects of this bill seem calculated to anger Russia rather than to secure compliance. One is the ''credible evidence'' standard for sanctions. According to the report on this bill, the standard is meant to require sanctions when information is merely ''sufficiently believable as to raise a serious question * * * as to whether a foreign person may have transferred or attempted to transfer'' sanctionable items of technology.

This is kind of the ''shoot first, ask questions later'' approach to international relations. This is cold-war posturing in a warmer environment, with the friendliest government we have ever had an opportunity to work with, and it will likely fail.

Fortunately, our action today is not the end of the process. The President is very likely—very likely—to veto this bill. And if we have the amendment of the Senator from Michigan accepted, which I expect it to be, we will have to go back to conference.

And I say to you, Madam President, and to my colleagues, that I hope Russian officials and firms that follow this debate will hear the message my colleagues are sending. If Russian assistance to the Iranian missile program does not cease within a matter of weeks, I truly believe that this body will override the President's veto and set in stone this counterproductive sanctions bill.

I also say to my friends who believe that this sanctions bill is warranted on the merits, if you just do it based on weighing the scales, that you are giving up nothing by delaying here. Can anyone show me that there has not been real progress over the last 6 months?

So if in 2 weeks or 6 weeks or 8 weeks this progress has not continued, this sanctions bill can be brought back up. But to pass it now, I honestly believe, will be counterproductive.

Russia's legal and administrative actions so far, while insufficient, show their good intent. There is also a strong foundation on which to build. But the edifice of enforcement must be built quickly. Only speedy Russian action is likely to avert the sanctions regime mandated in this bill.

In closing, let me note my deep objection to the other body's insistence upon attaching the Chemical Weapons Convention Implementation Act to this measure. This is a practice that has to stop. It is irresponsible, absolutely irresponsible, in my view. Combining the two bills, the Chemical Weapons Convention Implementation Act and the Iran Missile Proliferation Sanctions Act, both of which should be sent over here— I am not suggesting that they shouldn't do that—to tie them together in the hope that it will force the President to sign the bill is holding hostages that relate to our national interest as Americans.

They did the same thing with the IMF. They did the same thing with the United Nations arrearages by attaching abortion language. Each of these issues warrants debate, but not tied to one another. Attaching the Chemical Weapons Convention Implementation Act to this bill serves merely to delay for many months and to put at risk a bill that is important to our national interests. That was an irresponsible action, in my view, that ill-befits a coequal branch of government, the House of Representatives.

CHEMICAL WEAPONS CONVENTION IMPLEMENTATION—AT LAST

Mr. President, title two of the measure that we are passing today—the Chemical Weapons Convention Implementation Act of 1997—deserves some attention. Final passage of this bill is long overdue. Its enactment, despite its flaws, will serve the national interest in very real ways.

U.S. ratification of the Chemical Weapons Convention last year was not easily achieved. In the end, however, all the Democrats in this body and most of our Republican colleagues joined to fashion a 74–26 majority for ratification. Nearly one year ago, this body passed the implementation bill that is once again before us.

Final passage of that act will serve our national interest in several ways. First, it will enable the U.S. Government to require industry to comply with the data declaration provisions of the convention. In addition, this law will provide protection to confidential business information that U.S. firms may be required to submit.

The filing of a complete national data declaration will finally put our country in compliance with this convention. That is no small matter. Until then, the United States cannot exercise effective leadership in the organization for the prevention of chemical weapons—the implementing body for the convention. And make no mistake: It will be U.S. leadership that guides the organization toward effective verification and enforcement of compliance with this convention.

The United States has a tremendous stake in enforcement of the Chemical Weapons Convention. Our interests are world-wide, and U.S. troops are often stationed in far-flung locations. Wherever U.S. forces go, they will be far safer if chemical weapons are removed as a military threat.

In its first half year since entering into force, the Chemical Weapons Convention has already had some successes. China, India, and several other countries have admitted for the first time to having chemical weapons programs. The weapons and weapons facilities that they declared have been inspected and will eventually be destroyed. The information that they have provided will enhance our ability, moreover, to monitor their chemical establishments and to search out any suspicious activities.

The Chemical Weapons Convention has also taken some important steps toward universality. Both India and Pakistan have joined; China has joined; Russia has joined; and even Iran has joined.

The Chemical Weapons Convention Implementation Act embodies compromises between treaty supporters and treaty opponents. I supported this compromise bill last year because it was important then—as it is now—to facilitate U.S. compliance with the convention. I support it today for that reason and because the administration has assured us that it is more important to enact this measure than to spend more time correcting the faults in it.

Let me make clear, however, that I still have very serious concerns about the impact of some of this bill's provisions on implementation of the convention.

In particular, I do not believe we should be granting the President discretionary authority to deny an inspection based on national security grounds, as would be done by section 237. By signing and ratifying this treaty, the United States—with the advice and consent of 74 members of this body—agreed to allow certain inspections, subject to our constitutional requirements. With few exceptions, denial of a duly authorized inspection would violate the convention.

Even if the President never exercises this authority, the mere inclusion of this provision in the legislation will encourage other countries to deny inspections on national security grounds. If we should enact the so-called ''national security exception,'' we can be sure that China, Iran, and other countries will seize upon the precedent we set and use it to undermine the effectiveness of the verification regime.

I have similar concerns regarding section 253, which would exempt from reporting and routine inspection requirements unscheduled discrete organic chemicals that are coincidental byproducts and are not isolated or captured for use or sale. While waste streams are not, in themselves, a threat to the object and purpose of the chemical weapons convention regime, monitoring of such streams does afford one of the most convenient and non-intrusive means of determining whether a facility is worthy of concern in the first place.

I am also troubled by:

The broad compensation scheme in section 213 that does not even require a plaintiff to prove its case by a preponderance of the evidence in order to receive taxpayer funded compensation for the loss of trade secrets; and the limitation in sections 212 and 238 on the Government's power to require contractors to submit to inspections.

Finally, I regret that this legislation does not undo the damage to our national security that I fear will be caused by condition 18 to the resolution of ratification for the convention. That condition provides that no chemical sample taken by the international inspectors may be removed from the United States for analysis. While it may offer some further protection to U.S. manufacturers against possible industrial espionage, it also opens a huge loophole for countries that may violate this convention.

I firmly believe that the convention's provisions and the other conditions to our resolution of ratification provide sufficient protection for the confidential business information of U.S. firms. Indeed, insistence upon U.S.-based analysis of U.S. samples will actually make it easier for foreign spies to obtain that information, by effectively specifying the laboratories for them to target. And I dread the stain upon our collective conscience if a future violator of this treaty should ever make use of the exemption we are carving out, and then use those illegal chemical weapons against U.S. forces or innocent civilians.

Opponents of the convention insisted upon condition 18, arguing that no good would ever come from on-site inspections anyway. I hope and believe that they will come to realize the error of their ways and will accept the need to make this treaty as effective an instrument as possible. Strict verification is crucial to making sure that Iran, China, and other countries with undeclared or formerly undeclared chemical weapons programs are given as little an opportunity as possible to hide illegal weapons stocks or production.

That said, however, final passage of this act is still an important accomplishment. By facilitating U.S. compliance and leadership, it opens the door to further success in the campaign to rid the world of one of its most heinous inventions.

Mr. President, I now close with a statement that addresses the ''carrots'' that the American Jewish Committee report calls for and that sets forth some proposals in that area.

NON-PROLIFERATION: AN OUNCE OF PREVENTION IS NOT ENOUGH

As we near the end of the 1990's, there can be no doubt that future historians will highlight this time as the decade in which the Cold War was ended and the Soviet Union was dissolved. Even so far-reaching an action as the enlargement of NATO, to which this body recently gave its consent, will be seen largely as an outgrowth of the cataclysmic changes in Moscow that upended the bipolar structure of post-World War II international relations.

How else will historians characterize this decade? Will we be seen as having turned to peace? Or will historians say that we turned merely to further war in a new context?

The Good Friday Agreement offers hope for peace in Northern Ireland. The Oslo Agreement and related efforts in the Middle East offer hope for peace in that region as well, despite the many obstacles that still litter that path. The Dayton Accords offer similar hope for Bosnia and, indeed, for the Balkans as a whole.

The wars and massacres in Africa are another matter. We are trying to create new structures to prevent or control such conflict, but our failure to avert millions of deaths in central Africa will lead future generations to remark on how poorly we had learned the lessons of the first holocaust.

THE THREAT OF WEAPONS OF MASS DESTRUCTION

The final judgment on this decade may well hinge, however, on how we handle the threat of other holocausts—those made possible by weapons of mass destruction. The potential for such horrific acts may well have been increased by the end of the Cold War. And a failure to contain that risk could radically alter the judgment of history, assuming that anyone survives to write it.

Weapons of mass destruction pre-date the Cold War. In the 1760's, England used primitive biological warfare to kill American Indians in Pontiac's Rebellion. Chemical weapons were used in World War I. And the two atomic bombs that helped to end World War II demonstrated mankind's ability to bring about the apocalypse in the blink of an eye.

During the Cold War, the United States and the Soviet Union amassed by far the largest stockpiles of weapons of mass destruction ever seen. Experts will argue over whether the use of all those weapons would have caused a ''nuclear winter'' that would end all human existence. There is little doubt, however, that the resulting human, economic and environmental devastation would have destroyed our modern civilization.

The great irony of the Cold War, however, was that the tight leadership of two blocs by the United States and the Soviet Union kept nearly all of this Armageddon arsenal under their firm control. There were a few cases in which chemical weapons were used. By and large, however, the terror of ''Mutually Assured Destruction'' kept the nations of the world inline and prevented any descent into the abyss of all-out war.

The end of the Cold War has reduced dramatically the risk of a nuclear holocaust sparked by war between the United States and Russia. Strategic arms reductions under the START Treaty have begun the process of stepping back from the brink. Russia will

eventually ratify START II, and I think we can look forward, in the coming years, at least to START III as well. The CFE Treaty continues to regulate conventional weapons in Europe, moreover, so as to limit the risk of hostilities that could spark a larger conflict.

There has also been progress on chemical and biological weapons. Russia has joined us as a State Party to the Chemical Weapons Convention and will destroy at least 40,000 metric tons of chemical agent. President Yeltsin admitted that Russia had violated the Biological Weapons Convention and ordered an end to Russia s offensive biological weapons program. We still lack confidence that Russia is not hiding some illegal chemical or biological weapons or weapons capabilities, but the trend is toward a day in which no massive capability of that sort will remain.

The greatest risk that is not yet contained is that some other country, or even a terrorist group, might use these horrendous weapons. While such countries and groups are unlikely to unleash a holocaust, the scale of destruction they could cause would still be astounding—and our own cities or bases could well be their targets.

Rogue states and criminals have tried to get Russian and former Soviet nuclear weapons material and technology during this decade, although with little success. Countries such as Iraq, Iran and Syria have had better success gaining Russian and/or Chinese chemical weapons technology and material (including equipment and precursor chemicals), biological weapons material (including production equipment), and ballistic missiles or missile technology.

These transfers of weapons and technology have taken a toll on regional stability. India and Pakistan now threaten each other with ballistic missiles, and India's recent nuclear tests could lead Pakistan to test as well. It was hard enough to maintain the ''balance of terror'' between the United States and the Soviet Union. Can India and Pakistan maintain that balance without descending into war, with their history of border wars and bloody terrorist incidents? I hope they can avoid a regional holocaust; but clearly, the risk of that is real.

Russia, China, North Korea, and various Western companies have contributed to India and Pakistan's missile and nuclear weapon programs. There has been a profit motive in those deals, as well as supposed security interests on the part of China and Russia.

But how valuable are company profits, or foreign exchange for North Korea, if the result is nuclear war? Where is the security for China if radioactive clouds should pass over its territory as its neighbors descend into chaos?

The same questions apply to those who would assist Iran or Iraq to develop weapons of mass destruction. Will the paltry profits in assisting Iran's ballistic missile programs really matter if Iran can attack Russia and its neighbors with chemical weapons? Do the Russians really think that Saddam Hussein can be trusted with fermenters that could be used to produce biological weapons? Will China really benefit if its assistance to Iran should put weapons of mass destruction in the hands of a regime that sympathizes less with Beijing than with Islamic ethnic groups in western China?

Russia and China are both great powers. But you have to wonder, sometimes, what they are thinking. And you really have to wonder when North Korea will realize that ballistic missile exports to unstable countries won't do much for a people already reduced to eating tree bark.

AN OUNCE OF PREVENTION IS NOT ENOUGH

What should the United States be doing to stop the spread of long-range missiles and weapons of mass destruction? The short answer is: a lot more than we're doing now.

I don t say that to denigrate current U.S. programs or the U.S. commitment to non-proliferation. No great power is as active as we in trying to prevent proliferation. Nobody has as many programs as we do to detect proliferation activities, to stop them, to pressure illegal buyers and sellers, to develop military weapons and tactics for operations against sites with weapons of mass destruction, and to assist the former Soviet states, in particular, in safeguarding and destroying dangerous material and in reorienting their military industry to the civilian economy. We spend over $600 million a year on the assistance programs alone.

But the fact is, my friends, that we are failing to do all that we can to stop proliferation. Some of our failures are understandable. No intelligence system can detect everything, and we risk the loss of sensitive sources whenever we démarche a supplier country or let classified information leak to the press. U.S. diplomacy cannot move every supplier to stop every unwise shipment, and economic sanctions are a tool that succeeds only occasionally. India's recent nuclear tests, in the face of U.S. law that forced the President to impose multiple sanctions, underscore the difficulty of stopping a state once it has substantial indigenous capabilities.

What ought to embarrass us, however, is that we are failing also to take actions that we know are workable. Thus, we combined the threat of sanctions with a promise of economic incentives to freeze North Korea's nuclear weapons program. Can we not offer similar multi-national incentives to North Korea to stop exporting ballistic missile equipment and technology? Won't that be cheaper than battling No Dong missiles around the world?

Similarly, we are failing to reach most of the highly-trained scientists and technicians who developed weapons of mass destruction and ballistic missiles for the former Soviet Union. And that is no small problem! There are well over a hundred thousand such skilled personnel who served the Soviet death machine at its peak. Anywhere from ten to fifty thousand personnel still have skills that a rogue state or terrorist group would like to obtain, and are underpaid or unemployed today. That is not just a problem for those personnel. That is a powderkeg just waiting to explode!

What should we be doing about this? We should plug the holes in our current non-proliferation assistance programs. We should endorse and build on the ''nuclear cities'' initiative that Vice President GORE and then-Prime Minister Chernomyrdin began in March. We should make a special effort to assist Russia's biological warfare specialists who want to cease working with dangerous pathogens. And we should consider outright subsidies to keep Russian arms experts busy on socially useful projects.

IMPROVING EXISTING PROGRAMS

What are the holes in our current non-proliferation assistance programs? Several non-proliferation assistance programs are managed by the Departments of State, Defense and Energy. They provide vital assistance to help safeguard Russian nuclear weapons material, to dismantle Ukrainian long-range bombers, to support projects that could provide commercial job opportunities for former weapons specialists, and occasionally for a one-time operation like purchasing Kazakhstan's nuclear material or Moldova's bombers.

One program that supports commercial initiatives in the former Soviet Union is the Department of Energy's Initiatives for Proliferation Prevention (or IPP). The President's proposed Fiscal Year 1999 budget would reduce that program's budget from $30 million to only $15 million. This is a short-sighted step at precisely the wrong time. Under its new program manager, IPP is finally bringing projects to the point of commercialization. Fifteen projects have achieved completely commercial funding and 77 now have major private co-funding.

If the IPP budget for FY 1999 is reduced by $15 million, IPP will have to cut back its new projects to find socially useful employment for Russian chemical and biological weapons experts. Those weapons are well within the reach of rogue states, as UNSCOM has documented in Iraq. Do we really want to leave hundreds or thousands of Russian experts underemployed, and thus vulnerable to offers from the likes of Iran, Iraq, or Libya?

We must not cut back one of the few programs to combat the risk that Russian experts will sell critical material or expertise to those states. Given its important objective and the increasing success of the IPP program, restoring the $15 million cut is truly the least we can do.

Another important non-proliferation tool is the Nonproliferation and Disarmament Fund, which is managed by the State Department. This fund has been used for several urgent and sensitive non-proliferation operations over the years, including the purchase of unsecured highly enriched uranium from Kazakhstan. The flexibility that it affords policy makers to take advantage of non-proliferation opportunities is a vital resource.

Recent operations have taken their toll, however, on the Nonproliferation and Disarmament Fund's reserve. The Fund had a $12 million reserve at the beginning of Fiscal Year 1997, but only about $4 million by the beginning of FY 1998. Annual appropriations of $15 million, while welcome, give the Fund insufficient flexibility to truly fulfill its mission.

We need to increase our investment in the Nonproliferation and Disarmament Fund, either by establishing a higher annual funding level or at least by replenishing the Fund's reserve. Our nation has received good value from the Fund in the past, and we should do what it takes to keep the Fund healthy.

A third important program is the Energy Department's Material Protection, Control and Accounting (or MPC & A) program, which has been upgrading security at Russia's nuclear sites. This program uses a lab-to-lab approach that builds trust and cooperation. It has forged ties with every single Russian nuclear facility of concern. This program not only improves security, but also encourages transparency regarding Russian operations and helps to build ties that can lead to projects under other non-proliferation assistance programs.

The time is ripe to apply the same lab-to-lab approach to Russia's chemical weapons sites. Russia has declared some 40,000 metric tons of chemical weapons stocks that must be destroyed under the Chemical Weapons Convention. Physical security for those toxic chemicals is only rudimentary: guards, fences, and single-key padlocks that are sometimes falling apart. While a rogue state might have to steal and transport a ton of this material to gain a militarily useful amount, a terrorist group could wreak havoc with much smaller quantities.

We should encourage the MPC & A program to help Russia slam the door on that risk. A $10 million start in Fiscal Year 1999 would be money well invested.

I have written to the Armed Services Committee and the relevant appropriations subcommittees regarding these programs, which I hope will be addressed in their bills. If they are not, I will work with other concerned colleagues to raise these issues on the floor.

WEANING RUSSIANS AWAY FROM BIOLOGICAL WEAPONS

Revelations regarding Iraq's biological weapons, along with defector accounts of Russia's massive biological weapons program, are making their mark on our psyche. We are beginning to accept that, whether U.S. military planners wanted biological weapons or not, other countries and terrorist groups might be all too happy to try them out. Thousands of Russian scientists and technicians have biological weapons experience, and a rogue state assisted by such personnel could cause unspeakable harm.

The National Academy of Sciences, using Nunn-Lugar money from the Department of Defense, is working with the International Science and Technology Center in Moscow—a multi-country program managed by the State Department—to support cooperative research projects with Russia's civilian biological weapons experts. This is an interesting program which encourages those experts to find socially useful outlets for their biological weapons expertise.

But the National Academy's program also keeps these experts working with dangerous pathogens, rather than applying their skills in less dangerous areas of work. So if you're a Russian biological weapons expert who wants to get out of that nasty business, you may find yourself unemployed—or recruited by rogues. But if you want to stay on the fringes of it, the United States will help you.

Does that make sense? I don't think so, although it's true that this program will give us useful windows into the work of these personnel—and perhaps some lines into Russia's Ministry of Defense labs that we fear may be engaged in illegal biological weapons work—for about $8 million per year.

Don't blame the National Academy of Sciences, however, or even the Department of Defense. The original 1996 contract between those organizations called for the Nunn-Lugar money to be used ''to support the conversion of former Soviet BW research personnel to work on international public health issues.''

But that changed after we passed a law to prevent Nunn-Lugar money from being used for defense conversion. That law is section 1503 of the National Defense Authorization Act for Fiscal Year 1997. I suppose it was adopted because defense conversion is difficult and costly. That's true. But here we are, with a law that lets us keep several hundred experts working with diseases that Russia developed as weapons. But it won't let us help those experts—or a few thousand others who used to work on those weapons—to move into really useful work on the many other diseases that afflict mankind.

We can understand why that law was adopted. But as Mr. Bumble says (in Charles Dickens's ''The Pickwick Papers''), sometimes ''the law is a ass, an idiot.'' That law needs to be changed, to allow the National Academy's original concept to go forward. We need a much larger program to encourage Russia's biological weapons experts to apply their knowledge in safer areas of research and development, as well as the small program for those Russian experts who continue to work with dangerous pathogens. I will introduce legislation to remove any legal roadblock and create that larger program.

THE ''NUCLEAR CITIES'' INITIATIVE

On April 27, the Russian Ministry of Atomic Energy announced plans to sharply reduce the number of institutions involved in nuclear weapons research and production. The cuts will begin this year, and in five to seven years Russia may close a dozen nuclear weapons research and production facilities.

This is big news. The Russian Federation is finally admitting—publicly—that its nuclear establishment is far too large. From the standpoint of our strategic arms relationship with Russia, downsizing of the ''nuclear cities'' is a welcome step.

But what will become of the scientists and technicians who do not stay in the downsized Russian nuclear establishment? There are over 100,000 personnel in those ''nuclear cities.'' Let's say that 25,000 stay with the consolidated Russian labs, and that only a quarter of the rest have skills that a rogue state or terrorist group would like to buy. That would still leave 20,000 underpaid or unemployed experts on the market. What will be done to reduce the risks posed by that large pool of desperate people?

One answer is the Nuclear Cities Initiative. In March, Vice President GORE and then-Prime Minister Chernomyrdin agreed to develop a new initiative for Russia's vast complex of ''nuclear cities,'' each the equivalent of our Los Alamos or Oak Ridge National Laboratories. Last month, Energy Secretary Peña and Russia's new Minister of Atomic Energy, Yevgeny Adamov, signed an agreement to begin this initiative.

The ''Nuclear Cities Initiative'' is a major step that deserves our wholehearted support. It would include business training for Russian personnel and a major effort to find commercially viable projects to provide jobs for former nuclear weapons experts. Fiscal Year 1999 funding of $30 million, say, would get that initiative off to a good start and might be matched by some of the money that Russia receives for its weapons-grade material sold to the United States.

But I doubt that even this initiative will be enough. For one thing, the obstacles to finding commercial funding for viable civilian projects are really substantial. Personnel in the ''nuclear cities'' were isolated for decades from even the Soviet Russian economy, to say nothing of market economics. Russian legal and political structures are still unresponsive, moreover, to the needs of foreign investors.

Russian officials often ask for an ''investment conference'' to put them directly in touch with prospective investors. I propose a more useful jump-

start of the commercialization process: a presidential commission with substantial representation from U.S. industry. Most U.S. firms will not yet risk real money on new technology from Russia's isolated laboratories. But 50 years ago, an automobile company president showed Western Europe how to recover from World War II. Our high-tech industrialists might best be able to get Russia to create an inviting business climate.

BEYOND COMMERCIALIZATION

Finally, we must ask ourselves whether our current non-proliferation programs are ''penny wise and pound foolish.'' Does it really make sense to bar funding for defense conversion, except in programs that find commercial sponsors? Maybe there will never be enough commercial sponsors to employ Russia's experts in ballistic missiles or weapons of mass destruction. That is a real possibility. So, do we just walk away? Do we tell them to pack their bags and move to Iraq, Iran, or Libya?

The law also bars using Nunn-Lugar funds for environmental clean-up efforts in the former Soviet Union. Such funds should not be used simply for environmental objectives. But what if that's the safest way to use the talents of nuclear, chemical or biological arms experts? Why isn't any socially useful employment of those personnel worth subsidizing, in order to keep them inside their own countries and away from their original areas of expertise?

The key to this puzzle is the word ''subsidizing.'' Is that what we want to do? Not ideally. But is it a reasonable approach when others do not suffice? Or is it our primary objective to make Russia's weapons experts adapt to a capitalist economy, even if the result is to leave some of them poverty-stricken and prey to offers from less squeamish countries?

I am not afraid to subsidize Russian arms experts, if that's what it takes to keep them out of their old trades. We spend billions of dollars on defense. We're already looking at over $700 million in non-proliferation assistance requested for next year. That may employ 10,000 or 12,000 people. (Much of the money goes for equipment used in weapons security or dismantlement.) Why not add another $250 million per year—with Russia putting up some funds as well—to employ another 20,000 or more Russian specialists on unrelated projects, so long as they help their country and stay away from weapons work?

Does that sound too much like welfare? Call it welfare, if you wish. But ten years of that welfare will purchase a lot of security for us. Those will be ten years of dramatically reduced risk that the fallout from the collapse of the Soviet Union will be radioactive. They will be ten years in which many Russian experts will retire and no longer be of concern, ten years for the Russian economy to recover and employ the rest of its skilled scientists and technicians, ten years for diplomats to solve some of the conflicts that tempt countries to amass and use weapons of mass destruction.

Increased investment in non-proliferation assistance will not solve all our proliferation worries. But it will help—at a cost that we can afford. I plan to introduce legislation to do this.

Let me make clear that the deficiencies in our non-proliferation programs do not reflect a lack of vision on the part of Congress or the executive branch. Rather, they stem from the daunting and multi-faceted nature of the challenge we face.

Helping Russia to reduce and reorient its vast defense complex is an unprecedented activity. The task requires multiple efforts; what works for missile dismantlement under the START Treaty may not be appropriate to chemical weapons destruction or to offering new careers to biological weapons experts.

We have had to start with small steps, moreover, and for good reasons. First, each program can succeed only once it gains the trust and cooperation of former Soviet experts and bureaucracies. Second, a massive effort could become unbearably costly. And third, we must make sure that our programs support reorientation of defense facilities, rather than unwittingly underwriting the development or export of weapons of mass destruction. So we must see what works, adapt, and build upon the successes.

To truly succeed, however, we must not be afraid of building something big. We should seek international participation and financing. But even the most expensive programs, if well conceived and executed, will be bargains compared to the cost of even a single war in which weapons of mass destruction were used against our troops or our cities.

Let me return, then, to the question I posed at the beginning: How will historians characterize this decade? Indeed, how will historians characterize the efforts of this body? Will we be seen as having seized the opportunity of this decade? Or will historians say that we were still too enamored with weapons, too cheap to pay the price of peace? In the coming weeks and months, we will have a chance to put our money where our hopes are. I call on my colleagues to join together in taking at least the little steps, and perhaps some big ones as well, toward a more comprehensive program of non-proliferation assistance. We will not only feel good doing that, we will do some good, as well.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Madam President, I have been authorized by the Senator from Michigan to use up to 8 minutes of the time that he still has reserved. I ask unanimous consent to speak for 8 minutes.

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

Mr. BINGAMAN. Madam President, I speak about the other part of this bill. The Senator from Delaware just made the point that this bill we are intending to vote on today contains two very different pieces of legislation in it. Title I is of the Iran missile proliferation sanctions. That goes on for twelve pages. Title II is the Chemical Weapons Convention Implementation Act. That goes on for 82 pages.

I will speak about the Chemical Weapons Convention Implementation Act for just a few minutes. Much of what I want to say is good news. Implementation of the treaty is making important and significant progress. It has been just over a year since the treaty entered into force. As of May 14, 1998, 168 nations signed this historic treaty; 108 nations have ratified the treaty.

This is a landmark treaty that provides us with the means to rid the planet of an entire type of lethal weapon that could threaten every one of our nations.

The threat has already been effective in identifying nations with chemical weapons capabilities. Among the Chemical Weapons Convention states possessing chemical weapons capabilities are some of the countries we have been talking about extensively here in the rest of this debate: Russia, China, India, Pakistan, Iran. I point out that China and India were among the states that previously denied having chemical weapons. So by opening their facilities to inspections required by this convention, those states were forced to demonstrate their ability to provide chemical weapons.

There is a lot of good news that I want to allude to here, but let me point out three concerns that I have that people need to be aware of as we go forward with this debate and the vote that is intended here.

The first of these concerns relates to the fact that the treaty requires an initial declaration of capabilities of both government and commercial entities for all states that are party to the treaty. So far, there are 28 countries, including Iran, that have failed to submit their initial declarations. The Technical Secretariat for this convention must ensure that those declarations are forthcoming, and other states' parties should take measures to ensure their compliance.

One of the unfortunate facts I want to point out is that the United States is one of the states that is not in compliance. The U.S. Government has declared government-owned facilities related to its chemical weapons program, but we have yet to declare commercial industrial facilities required for the treaty. This is an important matter to which I hope the administration is devoting priority attention. If the treaty is to be an effective vehicle as we intend it to be, our leadership in implementation efforts will be critical to its ultimate success.

There are two other matters I want to mention here. The first concerns

section 234(f) of this treaty, of this implementing language in H.R. 2709 regarding the analysis of chemical samples that may be taken during an inspection. The provision contained in the legislation before the Senate, though perhaps desirable for our purposes, our limited purposes, could result in a circumstance that we would not want to see happen.

Let me explain. Provisions in the treaty regarding permissible equipment to be brought in by an inspector restrict their qualitative analytical capabilities. These restrictions could quite feasibly lead to ambiguities in analysis. It could require that a sample receive additional examination. Under the treaty's provisions, the analysis should be conducted at three laboratories designated by the Technical Secretariat. Only one of those laboratories is located in the United States and the other two lie outside our borders.

Section 234(f) in this implementing legislation would require that no sample taken in the United States is allowed to be examined out of our borders. So clearly we are putting in law here a provision which contravenes the terms of the treaty. It is evident to me this is a problem that needs to be addressed at some stage in some way.

The second matter that I want to bring to people's attention is the right to refuse challenge inspections. During the early days of negotiating the Chemical Weapons Convention, members of President Reagan's team insisted that all countries must allow challenge inspections to occur at any time in any place. They did so in order to ensure that this very difficult treaty could have some real teeth in it. Unfortunately, the legislation that we have before the Senate today would give the President the power to deny a request for a challenge inspection if he determines that the inspection could pose a threat to national security interests of the United States.

The problem with this provision is that assigning ourselves the right to refuse a challenge inspection obviously raises the prospect that others may also choose to refuse a challenge inspection, and that guts a key provision of the treaty that we intended to see enforced.

I hope that these are matters that can be corrected. I think it is unfortunate that this legislation has come to us on the floor with these particular two provisions in it. I hope very much that we can find some solution to this either in future legislation or in some action by the administration.

The Chemical Weapons Convention is a very important treaty that we have entered into. We have every reason to want to see it be effective. These two provisions that I have pointed to undermine the effectiveness of it and also undermine our credibility in trying to urge other states to comply with the treaty.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon is recognized.

Mr. WYDEN. Madam President, I ask unanimous consent to speak up to 8 minutes on the Iran Missile Proliferation Act and have that time charged to Senator LEVIN who will be offering an amendment. That is pursuant to Senator LEVIN's desire, as well.

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

Mr. WYDEN. Madam President, it is hard to imagine a greater threat to international stability than the rogue nation of Iran coming into possession of weapons of mass destruction.

There are three important reasons why the Iran missile proliferation act should be passed at this time.

First and foremost, the Iran missile proliferation act is, above all else, a nonproliferation measure. It is intended to halt the spread of missile technology to Iran. With the alarming news that India has tested nuclear weapons and, in reaction to this, Pakistan is now considering testing its own weapons, we see the prospect of a dangerous spread of nuclear technology that only underscores the need for further U.S. resolve in combating the proliferation of weapons of mass destruction.

The second reason this legislation is important now is because of the lack of cooperation on the part of the Russians. Generally, the United States and the Russians have a clear, common interest in halting the spread of advanced weapons technology, including missiles. Although there has been some movement within Russia to halt the spread of missile technology to Iran, there is clearly not enough being done. Coupled with reports that Iran may be actively acquiring biological, chemical, and even nuclear weapons, the case for this legislation is clear.

Finally, this legislation is needed to bolster our Iran policy and to send a clear signal that the United States will not tolerate the spread of missile technology to Iran. Earlier this week, President Clinton decided to grant a waiver from the Iran and Libya Sanctions Act to a huge energy project by a French firm and others. Many of my colleagues and I urged the President not to grant this waiver; yet, a decision was made to do so. I believe that this sends the wrong signal to the international community with respect to investment in Iran.

Foreign investment could enable Iran to rebuild its energy sector and vastly increase its economic strength, allowing it to acquire vast assets that it could use to re-arm and acquire terrible weapons of mass destruction. While I disagree with the President's decision to grant the waiver for the French and Russian energy project, I feel even more strongly about the transfer of missile technology to Iran.

Let us make no mistake about it, Iran has become the most serious threat to stability in the Middle East. Israeli and American intelligence have recently discovered that, due largely to technology obtained from Russia, Iran may soon have the capability to begin assembling and testing ballistic missiles capable of reaching Israel and other vital targets in the Middle East.

Russian companies are providing Iran with crucial technologies, including wind tunnels for the design of missiles, lasers, and special materials for missile construction. There are even reports of over 9,000 Russian advisers working in Iran on a variety of military projects, and Iran tested a Soviet-designed rocket engine last year.

Iran, one of America's foremost self-proclaimed enemies, has been linked to numerous terrorist attacks, ranging from taking hostages and hijacking airlines to carrying out assassinations and bombings.

Now is the time to send a clear signal to the world community that selling missile technology to Iran is totally unacceptable. I urge my colleagues to support this vital measure, which takes concrete steps to halt the spread of ballistic missile technology to Iran and will act to support the preservation of peace and stability in the Middle East.

Madam President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. KYL. Madam President, I am informed the yeas and nays have not been requested.

At this time, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. KYL. Madam President, Senator LEVIN has time, and he is prepared to proceed.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. LEVIN. How much time do I have?

The PRESIDING OFFICER. The Senator has 25 minutes 40 seconds.

Mr. LEVIN. Madam President, the amendment that I will be sending to the desk will change the trigger date for sanctionable activity from August 8, 1995, which is currently in the bill, to January 22, 1998. I will explain why I am seeking to do that in the next few minutes.

The bill the Senate is debating requires the President to submit periodic reports on foreign persons who, on or after August 8, 1995, have provided or attempted to provide material, technology, technical assistance, or facilities that contributed to Iran's efforts to acquire, develop or produce ballistic missiles. Those who are identified as assisting Iran's ballistic missile effort will be subject to sanctions for at least two years, preventing them from buying military equipment and technology, and controlled dual-use goods and technology, and from receiving U.S. economic aid.

The bill includes two waiver provisions, one in case the President learns of new information that shows that a foreign person did not provide assistance initially included in one of the required reports, and one in case the

President determines that imposing sanctions would not be in our national security interest.

I am a cosponsor of this legislation, and I strongly support the legislation's goal, Mr. President—to stop assistance to Iran's ballistic missile program by foreign entities.

I am concerned, however, about the bill's use of August 8, 1995 as the trigger date for determining behavior to be sanctioned.

My amendment would change the trigger date in the bill for determining behavior to be sanctioned from August 8, 1995 to January 22, 1998. This is the date on which the then-Prime Minister of Russia, Viktor Chernomyrdin, signed a government decree to strengthen Russian export controls on dual-use items that could be used either for weapons of mass destruction or for missiles to deliver such weapons.

Madam President, we need to strengthen the President's ability to apply sanctions to foreign entities—whether individuals, companies or educational institutions—that provide assistance of any kind to the current efforts of Iran to develop ballistic missiles that could threaten their neighbors.

But I believe that the more appropriate trigger date for the behavior subject to sanctions is January 22, 1998 rather than August 8, 1995 for the following reasons:

The United States Government has been working with the Russian Government intensely for the last few years to encourage them to stop all assistance by any entity in Russia to Iran's efforts to develop a ballistic missile. Our government has engaged the Russian Government at the highest levels—President Clinton directly to President Yeltsin—and at numerous levels below the Presidents. Vice President GORE made this a crucial and central issue in the Gore-Chernomyrdin Commission, and put this on then-Prime Minister Chernomyrdin's agenda for immediate attention. In addition, the Administration appointed Ambassador Frank Wisner to work with his specially appointed Russian counterpart, Yuri Koptev, the head of the Russian Space Agency, to seek progress in stopping assistance from Russian entities to Iran's ballistic missile program.

Ambassador Wisner was recently succeeded by Ambassador Robert Gallucci, the diplomat who negotiated the North Korean Agreed Framework and led UNSCOM inspection teams in ferreting out Iraqi weapons of mass destruction after the Gulf War. So our government has been highly energized and motivated and they deserve credit for their efforts, which are continuing still.

These efforts have met with mixed success. In some cases, the activities have stopped. In other cases, the activities have continued. And in other cases, the information is inconclusive as to whether or not the activities that the Russian Government has said they are trying to stop and which we surely want stopped, and which the world needs stopped, in fact have stopped.

However, in January of this year, the Russian Government took an important step that we had been encouraging them to take for some time. On January 22, then-Prime Minister of Russia, Viktor Chernomyrdin, issued a broad decree, known as the ''catch-all'' decree, to strengthen export controls over all dual-use goods and services that could be used to proliferate either weapons of mass destruction or the missiles to deliver them.

This decree states that Russian entities engaged in foreign trade ''shall refrain from export transactions involving any dual-use goods or services not subject to Russian Federation export control regulations should such entities be aware that such goods and services will be used to develop or employ nuclear, chemical or biological weapons or missile means of delivery . . .''. The decree goes on to state that ''Should Russian entities engaged in foreign trade have reason to believe that such goods and services may be used for the aforesaid purposes, they shall submit the pertinent application to the Russian Federation Governmental Commission on Export control.''

Madam President, this Russian decree is a broad and sweeping prohibition on the export of any goods and services, if there is reason to believe that those goods or services could be used to develop or employ a weapon of mass destruction or the missiles to deliver them.

Our Government strongly encouraged the Russian Government to issue that decree.

And of great significance, the January 22 decree is broader and stronger than the Missile Technology Control Regime. The Missile Technology Control Regime deals only with the proliferation of missile technology for certain classes of missiles. The January 22 decree is an effort by the Russian Government to strengthen controls over the export of technology, goods, and services that can lead to the proliferation of all weapons of mass destruction as well as the missiles to deliver them.

So this decree covers the weapons of mass destruction and their components and the materials that go into them. It is much broader than the Missile Control Technology Regime, which just relates to missiles. The Missile Technology Control Regime, to state it more correctly, covers just missiles, whereas the Chernomyrdin decree of January 22 covers the weapons of mass destruction that we are trying to preserve and protect the world from, as well as the missiles that could deliver them.

This is an important step by the Russian Government. That decree, which we pleaded with them to adopt and to publish, deserves to be supported and deserves to be encouraged.

My amendment uses their decree as the basis for our action—their decree—and that reinforces its effectiveness instead of ignoring its issuance.

Madam President, it is not clear to me that all the activities of the Russian entities that have or could contribute to Iran's ballistic missile program would even be proscribed by the Missile Technology Control Regime that the Russians signed in August of 1995. But the January 22 decree, being much broader, would prohibit those activities because they fit under the decree's broad category of ''export transactions involving any dual use goods or services'' that ''may'' be used to develop or employ nuclear, chemical, or biological weapons or the missiles to deliver them.

So, summarizing the amendment, the amendment strengthens the original intent of the bill. It recognizes the efforts of the Russian Government to address the problem of assistance to Iran's ballistic missile program through the January 22, 1998, decree. By using that decree as the trigger date for behavior that is sanctioned, the bill reinforces that decree, both recognizing the action that the Russians took at our request and using the restrictions in that decree which are more comprehensive than those entailed by the Missile Technology Control Regime.

Our Nation shares a common goal with Russia of trying to stop all assistance from Russian entities to Iran's missile program. Russia has taken some steps, but more steps and more cooperation are needed. I believe that if we acknowledge the efforts they have taken and encourage them to continue, we can avoid a counterproductive result. That result could make it harder for Russia to succeed in its efforts to stop such assistance. And our goal should be just that—to do what works, to do what leads to a better result.

In all likelihood, if this legislation becomes law with my amendment, it will still require sanctions to be applied, because there is evidence that some Russian entities have provided assistance to Iran's ballistic missile program since January 22, 1998.

Finally, I note that the bill before the Senate contains two Presidential waivers. They are there for important reasons. The more significant of the two waivers is a national security waiver which the President can use to waive the imposition of sanctions if doing so ''is essential to the national security of the United States.''

This legislation is not intended to force the President to impose a sanction if doing so would harm U.S. national security. If the President determines that it is necessary for him to waive the imposition of sanctions in the interest of national security, then under this bill he may do so. That is in the bill itself. That is not touched by my amendment. But that is why the waiver is included in the bill before us.

Madam President, I believe that the sponsors of the bill have indicated support for my amendment. Senator KYL

is on the floor. I will let him speak for himself in that regard.

I yield the floor. I appreciate their support.

Mr. KYL. Madam President, the amendment is acceptable to everyone on this side that I know of. Therefore, we can move the process along and have it accepted formally and conclude the debate. I think our colleagues would appreciate having the opportunity to vote.

AMENDMENT NO. 2444

(Purpose: To change the date of behavior subject to sanctions relating to Iran missile proliferation)

Mr. LEVIN. Madam President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Michigan (Mr. LEVIN) proposes an amendment numbered 2444.

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

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

The amendment is as follows:

On page 2, beginning on line 15, strike out ''August 8, 1995—'', and insert in lieu thereof ''January 22, 1998—''.

On page 6, beginning on line 24, strike out ''August 8, 1995—'', and insert in lieu thereof ''January 22, 1998—''.

Mr. KYL. Mr. President, there is a reason why this bill picks August 8, 1995, as the date after which Russian companies should be sanctioned for their proliferation behavior. The reason for this is very simple: August 8, 1995, was the date upon which Russia joined the Missile Technology Control Regime (MTCR). In so doing, the Russian Government undertook an international obligation to curtail its proliferation behavior. Unfortunately, as we have seen, the Government has not lived up to that pledge.

At the time that the United States favored Russian membership in the MTCR, the Senate was assured by the Clinton Administration that Russia had all of the necessary, effective export controls in place. Well, we see just how accurate that claim proved to be. Two years later the United States began uncovering evidence of the degree to which Russian assistance has sped up Iran's missile program.

In retrospect, clearly the United States should have waited until an effective, Russian export control regime had been established before favoring Russian membership in the MTCR. As an aside, I hope the Clinton Administration will learn from this experience. There has been a great deal of talk lately about encouraging China to join the MTCR. I would hope that the United States would wait an appropriate period of time to see whether China's export controls are truly effective enough to warrant membership in the MTCR.

Finally, I have reservations about the Levin amendment, because it seeks—at a minimum—to ''grandfather'' Russian missile proliferation activities before January 22, 1998. But I will not oppose this amendment because, among other things, proliferation on the part of these companies has been so rampant even since January 22, 1998 that few companies in Russia, if any, will benefit from this shift in dates.

Mr. LEVIN. Mr. President, I yield the remainder of my time so we can, hopefully, adopt this amendment.

The PRESIDING OFFICER. All time is yielded. The question is on agreeing to the amendment of the Senator from Michigan.

The amendment (No. 2444) was agreed to.

Mr. LEVIN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

Mr. SHELBY. I rise in support of the Iran Missile Sanctions Act, H.R. 2709.

Mr. President, I would like to make three important points regarding this legislation.

First, the Administration's efforts to get Russia to stop assisting Iran's ballistic missile program have been an abysmal failure.

Second, there is a broader failure of United States proliferation policy—a failure of monumental and potentially deadly proportions.

Finally, the Senate must now take a greater role in addressing the proliferation crisis. Passage of the Iran Missile Sanctions Act is a first step.

Since the fall of the Soviet Union, many in the United States have been greatly concerned that Russian entities were providing assistance to other state's ballistic missile programs. As evidence mounted, the Clinton Administration responded with diplomatic efforts from the working level up through the high level Commission chaired by Vice President GORE. Diplomatic efforts were supplemented with economic incentives.

When additional reports of new and ongoing assistance emerged, including transfers to Iran in probable violation of the Missile Technology Control Regime, Congress waited for the Administration to impose the sanctions required. When sanctions were not imposed, some in Congress sought additional legislation to ''encourage'' the Administration to impose sanctions.

The Administration again urged the Congress to wait—to give the diplomatic process more time, to give the Russians time to get an enforcement mechanism in place. Administration officials have repeatedly assured us that they have the problem under control.

They are wrong.

The Congressional Research Service summarizes the situation aptly when it reports that:

Despite official denials from Moscow through 1997, evidence is growing of a pattern of missile technology transfers to Iran by Russian enterprises, institutes, and individuals, with direct and indirect Russian Government involvement, in violation of Russian commitments under the Missile Technology Control Regime (MTCR). Russian assistance could significantly accelerate Iran's indigenous missile program . . .

There is ample intelligence information that supports this assessment, and I believe it is important for Senators to have the opportunity to review this information. Therefore, Senator KERREY and I directed the Select Committee on Intelligence staff to prepare a compendium of the classified intelligence reporting on this subject and it is available for Senators to review in S–407.

My second point is that the Administration's failure to stop Russia from providing assistance to Iran's missile program is only part of the broader failure of the Administration's nonproliferation policy.

There is an ongoing pattern of assistance by Russia, China, and North Korea to rogue states and to other states such as India and Pakistan. There is also a pattern of weak Clinton Administration response to this proliferation. There is a connection. The Indians cited the weak Clinton Administration response to China's proliferation of missiles and nuclear assistance to Pakistan as one of the reasons they decided to test nuclear weapons.

Some states seek weapons of mass destruction for prestige or in an attempt to enhance their global role. Countries like India and Pakistan justify their efforts by citing regional security concerns.

Others like Iraq, Iran, and North Korea seek these weapons to threaten and intimidate their neighbors, in particular U.S. friends and allies, to threaten forward-deployed U.S. forces, and ultimately to threaten the United States itself.

Such states do not wish to confront U.S. conventional military forces—the best in the world—with conventional weapons alone. They prefer to threaten our forces, or our cities, with asymmetric weapons of mass destruction to deter us from carrying out policies to protect our global interests.

If states believe they can change the calculation of risks and benefits, they have a strong strategic incentive to acquire these missiles. Our near-total vulnerability to the ballistic missile threat only furthers their incentives.

Without stronger disincentives, other states will continue to seek the financial, political, and strategic advantages that may be gained through proliferation, and through taking advantage of our patience and vulnerabilities.

They have repeatedly offered carrots without wielding or credibily threatening the stick.

Indeed, in many disturbing ways, the Administration's policies toward Russia and China may have enabled or

even encouraged proliferation. By failing to respond to dangerous proliferation acdtivities to the maximum extent possible under domestic and international law, they have led others to question the will and ability of the United States to take strong measures to punish proliferators.

Unfortunately, the Executive Branch has not yet come to this realization.

It appears to be difficult to get this Administration to act with resolve, either by adding backbone to its proliferation policies or by responding to existing and future threats by developing additional means of deterrence and defense. It is difficult to persuade them to make diplomacy and arms control agreements tools of policy rather than policy objectives in-and-of themselves.

However, the Congress can not simply stand back and point our fingers at the White House. We must do all that we can do to demonstrate that America has the will and the ability to respond.

We must provide adequate funding to the Intelligence Community and to our military forces to detect and deter, and to prevail when deterrence fails. We must put in place the legislative mechanisms to enforce a robust counter-proliferation policy. We must continue to force the Administration to disclose dangerous proliferation activities. And we must make sanctions mandatory.

Challenging, deterring, and defending against proliferation won't be easy or cost free. But it is the right thing to do.

Mr. President, American lives are at stake.

The Senate must act. Mr. President, I urge the adoption of the bill before us.

Mr. DASCHLE. Mr. President, I come before the Senate today to indicate my support for H.R. 2709, the Iran Missile Proliferation Sanctions Act.

The message this bill sends to the international community is clear. The patience of the American people and their elected representatives is not infinite. If diplomacy fails to produce satisfactory results, the United States is prepared to take decisive action to protect our security and that of our allies by imposing sanctions on those who violate international agreements restricting the transfer of ballistic missile technology.

In my judgment, it is time for Congress to send this message. And it is long past time for those who violate international agreements to heed the message.

I appreciate that diplomacy has produced some positive results in this area and may ultimately yield more progress. Nonetheless, these efforts fall short of what is needed to halt the illegal transfers. In the absence of immediate and conclusive evidence of a dramatic reversal of Russian behavior, stronger measures are needed, and H.R. 2709 is an appropriate vehicle.

The end of the Cold War has affected our national security policies in many ways. It has reduced the likelihood of a large-scale conventional conflict on the European continent. It has made it much less likely that either the United States or Russia will intentionally use nuclear weapons against the other. And it has allowed us to meet the remaining threats to our security with slightly smaller defense budgets. These are obviously positive developments.

On the other hand, the post-Cold War period has been marked by the emergence of a new threat—the spread of weapons of mass destruction and the means to deliver them. Let me run down the current state of affairs with regard to weapons of mass destruction.

First, at the end of the Cold War, five countries—the United States, Russia, China, Great Britain, and France—had declared themselves nuclear weapons states. Unfortunately, as proven by India's actions just last week, the true number in the nuclear club is much larger.

Second, the Pentagon suspects that as many as 20 countries have chemical weapons programs, and that a slightly smaller number have biological weapons.

Third, the Defense Department believes that about 15 countries currently possess ballistic missiles, and that the number could grow to more than 20 by 2000.

It is these disturbing trends that the United States and many other nations in the international community are trying to combat.

Reversing these trends is a daunting challenge. If there is to be any chance of even slowing the spread of this threatening technology, the United States must act decisively and firmly when confronted with actions that violate existing agreements designed to proscribe this type of behavior. It is in this context that we must view efforts by several Russian entities and individuals to assist the Iranian ballistic missile program.

The status of the Iranian missile program should be of particular concern to U.S. security officials. Iran is located in a critical region of the world. Vital U.S. economic, political and military interests are at stake.

Tens of thousands of U.S. troops are within easy reach of the Iranian missiles speeding through their development stage.

The entire state of Israel, a staunch ally and friend, would be well within range of the Iranian missiles.

Concern about Iran's intentions are further heightened by the fact that many intelligence analysts believe the Iranian government has repeatedly supported and sponsored terrorist activities.

Both supporters and opponents of H.R. 2709 agree on one fact: Russian entities and individuals have played an important, if not crucial, role in the Iranian ballistic missile program. Even Russian officials acknowledge the involvement of Russian companies in these illegal activities. It has been publicly estimated that, largely as a result of this assistance, Iran could soon field missiles with sufficient range to threaten the entire Middle East.

Where people differ is over what to do about this assistance.

Opponents of H.R. 2709 argue the bill's sanctions are a blunt instrument that will not achieve the intended result of stopping Russian assistance. They prefer to allow more time for the Administration's diplomatic efforts to bear fruit.

Mr. President, I take a back seat to no one in my appreciation for the negotiations the President and his advisers have conducted with their Russian counterparts on this complex issue. These negotiations have produced positive tangible results. Russian cooperation with Iran has ended in a few specific cases. In addition, the Russian government has issued and agreed to enforce decrees intended to stop the missile trade.

Yet, despite the Administration's best efforts and the progress they have engendered, and notwithstanding a score of Russian promises, the fact remains that Russian assistance to the Iranian missile program continues. After months of negotiation, it appears that talk alone is not going to be sufficient to end Russia's involvement with Iran's ballistic missile program.

If we are to convince Russia and the world that we intend to protect ourselves and our allies, the time has come for more than talk. If we are to enforce international law prohibiting transfer of ballistic missile technology, it is time for action.

Mr. President, passage of H.R. 2709 is the appropriate action to take at this time. However, Senate passage of H.R. 2709 need not be the final word on this critical issue. If we adopt the Levin amendment, the bill will go back to conference with the House. There is still a very limited amount of time for the Russian Government to convince this Congress that it has heard our concerns and moved to end cooperation with the Iranian missile program. Failing an immediate and dramatic reversal in Russian behavior, it is time to redefine the playing field for those currently violating these laws and those contemplating future transgressions.

To those parties, enactment of the Iran Missile Proliferation Sanctions Act will underscore that the United States stands ready to defend its own security interests and those of our close allies; that the United States will do all it can to stem illegal efforts to spread ballistic missile technology; and that the United States will ensure that violations of international law will not go unpunished.

I ask my colleagues to join with me in voting for H.R. 2709.

Mr. ALLARD. Mr. President, I rise as a strong supporter and a cosponsor of the Iran Missile Proliferation Sanctions Act of 1997. This bill addresses the very serious concern of proliferation of ballistic missiles. While this bill is directed at Iran, the problem of

proliferation is one of the United States' most serious problems. The problem must be addressed.

Iran has been actively pursuing better and more sophisticated ballistic missiles. If the Iranians acquire more long range missiles with a range of at least 1300 miles, then many of our troops and allies in the Gulf region will be seriously threatened. While we know that Iran has already received some of the missile components, we must stop them from receiving the critical support and know-how to move forward.

There have been many reports of technology transfers between Russia and Iran. Russia has been actively assisting the Iranians in their efforts in not only technology, but also in their research and development programs. While Russia has promised the Administration that they are not doing this, even the Administration states that there is a real disconnect between their words and their actions.

I believe that this bill is important to stop this disconnect and let the world know that this activity can and should not be tolerated. If we do nothing, then who will. I believe nobody will. And, if we do nothing, within a year Iran could be capable of being able to deploy missiles that could deliver nuclear or chemical warheads about 850 miles. These missiles could reach Tel Aviv Israel, Turkey, Saudi Arabia and many of the air bases where our Armed Forces are located.

But let me also address a problem that is not being discussed concerning serious military activity between Russia and Iran, with the assistance of the United States. Last year, the Overseas Private Investment Corporation became involved in an office complex project in St. Petersburg, Russia, the Nevsky 25. This project is jointly owned by a main U.S. investor in Golub & Company from Chicago with 10 percent ownership, the St. Petersburg Property Fund with 10 percent, European Bank for Reconstruction and Development with 40 percent, and the Rubin Central Design Bureau for Marine Engineering with 40 percent.

My concern is that the Rubin Central Design Bureau is a Russian state-controlled military company whose main product line is military submarines. Rubin is the builder of the Russian Kilo-class submarine and has sold 4 Kilo submarines to Iran, 4 Kilo submarines and 2 Project 636 Kilo submarines to China, and counts Algeria as one of its customers.

Rubin got involved in commercial activities to supplement their submarine production. They have become active in the field of oil and gas, high-speed rolling stock, power generation, and marine ecology.

Igor Spassky, the Rubin Bureau head, is quoted as saying,

> The main reason for these commercial ventures is to help us survive. There is a major responsibility for the company to preserve its intellectual potential and capability for the design and development of submarines. (Janes Navy International 11/1/96)

Even with these commercial interests, defense work still accounts for 60–65 percent of Rubin's work.

OPIC has tried to assure me that Rubin does not have access to assets of the property until the OPIC loan is paid in full and that they are monitoring the situation. The problem is even after the loan is paid, OPIC will have assisted in providing a flow of income for Rubin to continue to build its Kilo class and nuclear ballistic missile submarines. Also, knowing Russia's record in proliferation and this legislation addresses this problem, I am afraid that this project can only help Rubin in providing future funding for these submarines.

Also, OPIC has said that they are assured that only commercial activity is taking place in this office complex. Again, while this may be the case, the activity of concern is being used with the funds becoming available to the company to engage in their military activities.

OPIC did say that this is a concern and that they are monitoring it but that this is not a high priority. I believe if this bill to stop missile proliferation is important enough to vote on then sales of submarines which can deliver ballistic missiles, which may be assisted with U.S. funds is just as important.

Mr. President, before I end I want to encourage all my colleagues to vote in favor of the Iran Missile Proliferation Sanctions Act of 1997 and to take serious the problems of proliferation and the problems of being involved with state controlled military complexes who are engaging in commercial activity in order to supplement their military activity and sales.

Ms. MIKULSKI. Mr. President: I rise in strong support of the Iran Missile Proliferation Sanctions Act. I am proud to be a cosponsor of this legislation.

This legislation is very simple. It says you can have normal economic and political relations with the United States—or you can join America's enemies in building weapons of mass destruction. You cannot do both.

This bill applies sanctions to organizations that transfer missile hardware or technology to Iran. It would ban U.S. economic assistance and the export of technology to anyone who is helping Iran develop the means of using weapons of mass destruction.

Iran has a robust chemical and biological weapons program. As we debate this legislation, Iran is building the Shihab 3 missile. This ballistic missile could carry conventional, biological or chemical weapons to Israel, to the Gulf states or to American interests within 800 miles of Iran.

Imagine these weapons in the hands of a country that is our sworn enemy. A country that supports the most radical, anti-American terrorist organizations on earth. A country that does everything it can to derail the Middle East peace process.

These missiles could destroy Tel Aviv. They could reach our NATO allies. They could threaten the thousands of American troops in the Gulf.

Russia has played a central role in helping Iran to develop these weapons. Despite past assurances, Russian scientists and engineers are using their skills to threaten America's national security.

The United States has done a lot to help Russia build a prosperous democracy. Since 1991, we have given Russia over four billion dollars in assistance. We have done a great deal to build a cooperative partnership with Russia.

As the ranking member of the VA-HUD subcommittee that funds the space program, I have been a strong supporter of US-Russian cooperation with the space station.

I supported Russia's participation in the space program for three reasons:

1. Their technical expertise
2. To build stronger links between the United States and Russia
3. To ensure that Russian scientists and engineers had civilian work—so they would not sell their skills to rogue governments

Russia has failed to live up to their promises on the space station. I have no question of their technical competence. But I have strong concerns about their failure to meet their end of the bargain. They have not adequately funded their share of the space station, resulting in delays and a cloud of uncertainty that hovers over the entire program.

Even more troubling is Russia's role in the proliferation of weapons of mass destruction. Russia has exported technology, material and expertise to help Iran develop ballistic missiles. They can't do this—and expect to have business as usual with America on the space program.

Mr. President; our foreign policy must reflect our values. We cannot stand by while any country threatens our national security, or the very existence of our closest allies. I urge my colleagues to join me in supporting this legislation.

Ms. SNOWE. Mr. President, I rise in support of the Iran Missile Proliferation Sanctions Act of 1997.

Last week, our nation's intelligence apparatus was surprised by the Indian government's decision to test a hydrogen bomb. Pakistan may follow suit with a retaliatory test. The fact that last week's test caught our intelligence community by surprise raises serious questions about our ability to monitor such developments. However, while the prospect of a nuclear arms race on the Asian subcontinent could threaten our long-term security interests, the United States enjoys productive relations with the two regional adversaries.

Iran, however, is neither a democracy nor a friend. While the new President, Mohammed Khatemi, is seen by some as a ''moderate,'' his government continues a twenty year tradition of bitter

hostility towards the United States. Iran remains opposed to the peace process, its role in the bombing of the Khobar Towers in Saudi Arabia in 1996 is still not known, and it is still vigorously pursuing efforts to acquire weapons of mass destruction, including a nuclear capability. We must not be caught off guard with Iran as we have been with India and Pakistan.

When this measure was introduced last fall, I had hoped that events would prove it unnecessary. I furthermore remained optimistic that the meetings of the Vice President with then Russian Prime Minister Viktor Chernomyrdin would have convinced Russia of the seriousness of the issue of Iran's efforts to develop weapons of mass destruction.

I had hoped the Administration would have done a better job of convincing the Russians of the seriousness of this matter. I had hoped that the Russian government would have realized that whatever financial benefits they get from such help to Iran are far outweighed by the loss of investment from the United States. Even more importantly, I had hoped that Russia would realize that such assistance to Iran does not contribute to political stability in such a turbulent part of the world. Unfortunately, none of these developments have come to pass.

I was disturbed to learn that Iranian nuclear officials just visited Moscow to view a demonstration of gas centrifuge technology—which if successfully mastered will provide Iran the easiest type of material to use in a nuclear weapon. If such a sale occurs it would be a gross violation of a promise made by President Yeltsin to the President in May 1995 when the Russians agreed not to sell centrifuges to Iran. This follows the sale of a radioactive gas called tritium which can be used to increase the size of nuclear warheads and that a second sale is being discussed.

In addition to this development, I was disturbed to learn how close Iran came to obtaining some 22 tons of missile-grade stainless steel from Russia as reported in the April 25th edition of the New York Times. While I do not believe Russia supports the further development of weapons of mass destruction, I am concerned about the Yeltsin government's ability to stem the proliferation of dangerous weapons technology and equipment. When this shipment of steel can be halted by customs officers in Azerbaijan but not in Russia, we are entitled to ask serious questions about Russia's ability to cooperate in limiting the global spread of weapons components.

Mr. President, I understand that Iran has begun a program to build a missile called the Shahab 3 which has an 800 mile range. This range is double the capacity of a SCUD missile and is long enough to reach Israel and Saudi Arabia. This type of missile would give Iran more power with which to threaten the West's strategic interests in the Middle East only seven years after we fought a war with Iraq—another state that may still be trying to acquire weapons of mass destruction. We cannot allow Iran, just as President Bush did not allow Iraq, to assert control over the majority of the world's oil supply.

Mr. President, we should not view this bill as an anti-Russian statement. This bill does not detract from our support for Russian democracy or Moscow's efforts to build a strong free-market economy. However, it does reflect our concern over the actions of many firms in Russia that have an interest in trading with either rogue states or nations that are inclined to develop the ability to deploy weapons of mass destruction. Under this legislation, Russian firms will have to choose with whom they want to do business—the United States or an Iranian regime that has yet to show the moderation promised by the election of President Khatemi. Since persuasion and shared intelligence with Russia may not be sufficient to stop Iran from acquiring dangerous weaponry, this bill has become regrettable but necessary. I urge my colleagues to support it today before this menacing military threat from Iran grows even larger tomorrow.

Thank you and I yield the floor.

Mrs. BOXER. Mr. President, as an original cosponsor of the Iran Missile Proliferation Sanctions Act, I cannot stress enough the importance of this legislation and I am grateful that it is now being considered before the full Senate.

Iran's desire to obtain ballistic missiles is a direct threat to peace and security in the Middle East, and therefore, a clear threat to U.S. national security. Limiting the spread of weapons of mass destruction and ensuring stability in this strategic region must remain among the highest priorities for the U.S. and our allies.

Iran is a leading sponsor of international terrorism and has been linked to numerous bombings, hijackings, and assassinations. This rogue nation provides financial support and political training for terrorist groups such as the Islamic Jihad, Hamas, and Hezbollah. Just this week, the Argentine government announced they have proof that Iran was behind the 1992 bombing of the Israeli Embassy and the 1994 bombing of the Jewish Community Center in Buenos Aires.

According to news reports, Iran is months away from developing missiles that can reach Israel, Saudi Arabia, or the frontiers of the NATO alliance. Considering that Iran is already suspected of possessing chemical and biological weapons and is trying to acquire nuclear weapons capability, the threat of Iran possessing missiles capable of reaching U.S. forces in the Middle East is truly frightening.

This legislation would require the President to report periodically on individuals, companies, and research facilities who have provided material, technology, or technical assistance that could help Iran develop ballistic missiles. Once these suppliers have been identified, they would be subject to sanctions making them ineligible for export licenses and U.S. aid.

I believe this legislation will be a valuable tool in slowing Iran's program to develop ballistic missiles. I hope that the Senate overwhelmingly passes this legislation, and I want to thank the Majority Leader, Senator LOTT, for all his hard work on this important issue.

Mr. LAUTENBERG. Mr. President, I rise to support the Iran Missile Sanctions Act. I am a cosponsor of this legislation, and I hope the Senate will approve it without delay.

This legislation will impose sanctions against entities—individuals, companies, and research facilities—that have provided Iran with the technology and materials required to develop ballistic missiles. Those identified as assisting Iran —or as attempting to do so at least once—will be subject to sanctions for two years. These entities will be ineligible for export licenses for arms or controlled goods and technology. Additionally, they will not be eligible to receive U.S. assistance. The President would be authorized to waive sanctions if he determines that it would be in the U.S. national security interest to do so or if additional information which demonstrates that the alleged acts were not committed by the sanctioned person is available.

The need for this legislation is clear. There is growing evidence that Russian companies and research facilities continue to provide Iran with the technological assistance and the materials necessary to develop ballistic missiles capable of reaching U.S. forces in the Middle East and our stalwart ally Israel. According to public reports, with the help of Russian entities, U.S. officials estimate that Iran could deploy the medium range Shahab 3 missile within 12 to 18 months. That missile is capable of targeting Israel, other Arab countries in the Middle East, and U.S. troops in the region. According to public sources, Iran could also deploy the Shahab 4 missile within three years. That missile reportedly would be able to reach targets in Europe.

The Russians are not building these missiles for the Iranians. Rather, Mr. President, they are providing the material and training necessary for the Iranians to develop an indigenous capability. Make no mistake about it. The development of these Iranian missiles will be very destabilizing in the Middle East.

Mr. President, to its credit, the Administration has made the transfer of missile technology a very high priority in dealings with Russian officials, including the recent talks between Vice President Gore and former Prime Minister Viktor Chernomyrdin. Special Envoy Wisner has worked on this issue aggressively, and the State Department's Robert Galluci has been doing the same. I commend them for the attention they have focused on this very

sensitive matter and the effort they have made to persuade Russia to clamp down on exporters.

Clearly, some progress has been made. On January 22, Prime Minister Chernomyrdin issued an Executive Order stating the Russian government's intention to set policies that will more effectively control the exports of technology to Iran. Nonetheless, public reports indicate that the cooperation is ongoing and that the transfers continue.

Because the stakes are so high, we don't have the luxury of time. And while I hope the Administration's efforts will succeed in persuading the Russians to clamp down on these technology transfers, this Senator believes time is running out. The missiles being developed by the Iranians are capable of delivering chemical weapons throughout the Middle East. They are lethal. They threaten U.S. troops. They threaten our ally Israel. And in the long run, they will threaten our European allies. America needs to use every appropriate tool in its arsenal to prevent the Iranians from developing these missiles which will threaten our interests in the region. And we need to use those tools now.

Mr. President, the sanctions in this legislation provide another tool. They are appropriately targeted against the entities—the companies, individuals, and institutes—that are cooperating with the Iranians. They are not targeted at the Russian government. If used effectively, these sanctions—or the threat of these sanctions—can help the Administration in its efforts to clamp down on those entities that are cooperating with the Iranian government.

For the stake of promoting stability in the Middle East, I urge my colleagues to approve this legislation.

Mr. DOMENICI. Mr. President, I rise in strong support of Iran Missile Proliferation Sanctions Act before us today. At the same time, I am uncomfortable about the implementing legislation for the Chemical Weapons Convention attached to it.

Proliferation of weapons of mass destruction poses the gravest risk to domestic and international security in the post-Cold War era. Based on this assessment of U.S. security concerns, it makes sense for the Senate to pass legislation designed to prevent or, at a minimum, curb proliferation threats in every possible instance.

The Iran Missile Proliferation Sanctions Act will help to attain our nonproliferation objectives. A very important national security objective is to prevent Iran from obtaining and improving its weapons of mass destruction. A critical concern is Iranian acquisition of ballistic missiles, especially those with a range of 1,300 kilometers or more. Such capability would pose an unacceptable threat to U.S. forces in that area, not to mention our allies throughout the region.

This Sanctions legislation is a careful and sound approach to non-proliferation. The legislation should offer the Administration additional leverage in curtailing Russian assistance to Iran's missile programs, and I applaud those objectives.

Ideally, the implementing legislation for the Chemical Weapons Convention would have similar objectives—stemming the threat of proliferation. The goal of the Chemical Weapons Convention is to create a sufficient web of deterrence and detection capabilities so as to minimize the potential threat that chemical weapons pose to U.S. and global security. In order to attain this objective, the CWC relies on the most stringent verification regime ever before codified in an international arms control instrument.

The verification measures set forth in the CWC were carefully crafted over many years to ensure that the attained transparency in no way impedes private industry's ability to protect proprietary information.

In addition, measures for ''challenge inspections''—a verification measure initially proposed by the Reagan Administration in negotiations over a decade ago—allow for inspection at any time and in any place. Otherwise, the CWC is rendered incapable of ferreting out undeclared activities. I remind you that this was a weakness of the nuclear nonproliferation regime that Iraq successfully exploited to hide a covert weapons program.

The proposed CWC implementation legislation, attached to H.R. 2709 ''Iran Missile Proliferation Sanctions Act of 1997,'' seriously weaken the Chemical Weapons Convention in such a manner as to pave the way for rogue nations to capitalize on U.S. short-sightedness.

There are several aspects of the proposed legislation that are problematic. First, however, the following is clear: if the U.S. Senate ratified an international ban on poisonous gases, it makes no sense for the Administration to have negotiated legislation that renders the Convention impotent. Secondly, the U.S. Senate cannot ratify a treaty and then renege on its own commitment to provide effective and reasonable measures for implementation.

Mr. President, this legislation includes three provisions that are of concern:

(1) First, there is a measure that allows for the President to refuse a challenge inspection on the grounds that it ''may pose a threat'' to U.S. security interests. Presumably, Hussein did not want UNSCOM in his Presidential palaces for similar reasons. Other countries would no doubt follow suit. The White House is claiming that this is ''harmless,'' because they do not intend to invoke it. If there is no intention to use it, then including this provision merely opens the door for other nations to follow our lead and diminishes our capacity to catch cheaters.

The CWC provisions on challenge inspections preclude abuse of the challenge inspection option. The treaty incorporates stringent measures to ensure that confidential or classified information remains secure. Moreover, the CWC provides penalties for any state that might opt to invoke a frivolous challenge inspection.

(2) Another dangerous aspect of the legislation is found in the provisions on routine inspections and sampling. Again, the verification measures and procedures of the CWC were painstakingly crafted to ensure privacy and confidentiality. Also, the ability to detect cheating at both declared and undeclared facilities is critical to the viability of the regime.

The proposed implementing legislation before the Senate allows for only one inspection per year at industrial plants. The treaty allows for two. This is a critical point. Given the number of facilities worldwide that will require inspection by a relatively small, highly qualified cadre of inspectors, most facilities will only be inspected once a year. However, the treaty allows for two routine inspections in case something suspicious or inexplicable is unearthed in the results from the first inspection.

The persons drafting this legislation may have assumed that they would be sparing U.S. chemical facilities from the tedious drill of coping with more inspections than necessary. However, this view is short-sighted and will hinder the inspectorate's ability to identify cheaters. Again, other countries will follow the U.S. lead.

Should inspectors come across suspicious evidence in another country and desire more information to clarify the activities at a foreign facility, the only option at that point would be to wait a year OR invoke a challenge inspection. A lot of deadly chemicals can be produced in a year.

In addition, challenge inspections were thought to be necessary to unearth undeclared clandestine activities. In all likelihood, invoking a challenge inspection will be fraught with tension. Do we want to escalate every unclear circumstance at any facility in any country to the level of a challenge inspection, when the original provisions of the CWC provide the means necessary to avoid this?

(3) One last provision within this legislation requires adjustment. I remind you, once again, CWC was carefully crafted to provide measures for stringent and comprehensive verification. The redefinition found in the implementing legislation would undoubtedly narrow the number of U.S. facilities required to make declarations. Please bear in mind, the U.S. cannot hold other countries to standards that we ourselves are not willing to meet.

Most commercial products have a mixture of chemicals in them. For example, a ballpoint pen contains a chemical that could be extracted and used to make poison mustard gas. Under CWC provisions, chemical manufacturers are required to include in their initial and annual declarations the production of mixtures with a low

concentration in so-called Schedule 3 chemicals. U.S. chemical industry representatives and U.S. government officials agreed that 30% or less of a Schedule 3 chemical in a mixture constitutes a low concentration.

The U.S. implementing legislation changes that figure to 80%. In other words, substantially fewer U.S. facilities will be subject to completing annual declarations or inspections. The same will hold true for other countries that follow our example of assuming that 80% is a low concentration. We thereby increase the likelihood that proliferators will use industrial facilities to mask chemical weapons activities, averting detection.

The Chemical Manufacturers Association was extensively involved in designing the CWC verification measures. Chemical Manufacturers in this country were a strong and vocal group in support of this treaty. They consistently urged that stringent and comprehensive verification provisions be included in the treaty. The U.S. chemical industry did not ask for these provisions to protect their interests so who, then, do these provisions protect? The answer is simple: The provisions in the U.S. implementing legislation protect those who want to cheat on this treaty.

These restrictions on routine and challenge inspections will inevitably backfire on U.S. security interests. Keeping in mind that the U.S. is setting an example with its implementation of the treaty's provisions, these restrictions provide a great deal more latitude within which a rogue nation can maneuver to hide a chemical weapons program.

Intelligence sources repeatedly identify over two dozen states that either already have or are attempting to attain chemical weapons capability. In its first year, the CWC has begun to reverse that trend. In view of our most recent experience in Iraq, there is little reason to assume that lax verification measures for detecting or deterring weapons of mass destruction designs or capabilities will serve U.S. interests.

At this time, the U.S. itself is already in violation of the CWC, because it has failed to pass implementing legislation and commence with declarations and inspections. The U.S. Administration has come under intense pressure from Japan, China, Australia and the European Union to proceed.

The U.S. chemical industry is confronting pressures from their trading partners overseas, because it has not yet been subject to inspection. States that are complying fully with the CWC's reporting and inspection requirements are threatening to stop inspections on their territory if the United States, which has the world's largest chemical industry, does not soon allow inspections of that industry to proceed.

Due to these pressures, the U.S. chemical industry and the Administration want action now. However, we cannot allow these pressures to distract us from the fundamental problems with this implementing legislation. Short-sightedness on issues of U.S. and international security can be very dangerous over the long haul.

Proliferation of weapons of mass destruction and the means to deliver them are the most serious threat to U.S. security today. The aims of the Iran Missile Proliferation Sanctions Act are laudable and I fully support them. I supported the Chemical Weapons Convention last year, and I would wholeheartedly support passage of reasonable and effective implementing legislation for that treaty. Due to the pressures that our chemical industry is confronting and our current violation of the Convention, I will also support this legislation.

However, I will not do so without pointing to the hypocrisy of sanctioning entities who proliferate missile technology to Iran, and, at the same time, passing implementing legislation that opens the door for chemical weapons proliferators.

It is essential that we impede the flow of missile technologies to Iran. It is also critical that we pass implementing legislation and join the international community in eliminating chemical weapons and detecting defectors. However, it is critical that we do it right. This CWC legislation is all wrong. I would like to work with my colleagues to improve this implementation regime in the near future. Otherwise, our overzealous desire to shield ourselves will ultimately be used by those we would like to protect ourselves against.

Mr. KYL. Mr. President, I inquire, if all time has been yielded back, the amendment has been accepted, are we not ready to proceed to the vote on final passage?

The PRESIDING OFFICER. If all time on the bill is also yielded back, we are prepared to do exactly that.

Mr. KYL. There is no time on this side. I do not know about the other side.

The PRESIDING OFFICER. The Chair will observe the Senator from Delaware has 8 minutes remaining on the bill.

Mr. BIDEN. Mr. President, I will, in a moment, yield back the time I have left.

Mr. President, I will conclude by suggesting, again, I think this is the wrong time to do this. I think it has its greatest value held in abeyance, as long as significant progress is being made. I am fearful if this is signed into law by the President, in the near term it is going to have the exact opposite impact. But in the interests of accommodating people's schedules—although I am not sure how much we are going to accommodate because I am told there will be insistence there be a vote on the highway bill, and if that is true, we are not being able to accommodate anybody's time. But I am delighted to yield the remainder of my time.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. BIDEN. Mr. President, I yield the remainder of my time. We are prepared to vote.

The PRESIDING OFFICER. The question is on the engrossment of the amendment and third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read a third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass?

The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Arizona (Mr. MCCAIN) and the Senator from Alaska (Mr. MURKOWSKI) are necessarily absent.

Mr. BREAUX. I announce that the Senator from Arkansas (Mr. BUMPERS), the Senator from Kentucky (Mr. FORD), the Senator from Hawaii (Mr. INOUYE), the Senator from Massachusetts (Mr. KENNEDY) are necessarily absent.

I further announce that, if present and voting the Senator from Massachusetts (Mr. KENNEDY), would vote ''yea.''

The result was announced—yeas 90, nays 4, as follows:

[Rollcall Vote No. 146 Leg.]

YEAS—90

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

NAYS—4

Biden	Lugar
Chafee	Rockefeller

NOT VOTING—6

Bumpers	Inouye	McCain
Ford	Kennedy	Murkowski

The bill, (H.R. 2709), as amended, was passed.

MORNING BUSINESS

Mr. LOTT. Mr. President, I ask unanimous consent there now be a period for the transaction of routine morning business with Senators permitted to speak for up to 10 minutes each.

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

THE HIGHWAY BILL

Mr. STEVENS. Mr. President, I want to announce that the Appropriations Committee will hold a meeting at 2 o'clock to discuss ISTEA, and until that meeting is over, I will object to any proceedings on ISTEA.

Mr. LOTT. Let me say, because I know everyone is interested in this, this is a critical moment on a very important bill. The managers of the ISTEA II legislation have labored late into the night and all morning trying to make sure Members are aware of what is in the bill. I think they have done a good job. It might not be perfect in anybody's eyes, but we need to get it done. We need to get it done this afternoon.

There will be an opportunity for Members to express themselves, but I believe for all concerned the wise thing to do is to go to this bill as soon as we can, have a limited debate, and vote. It won't be easier on Sunday afternoon at 4 o'clock. It won't be easier in a week or a month.

I think we need to complete this legislation. We will work on both sides, as we have all along, to make sure that Members are satisfied with what we try to do.

Mr. DASCHLE. Mr. President, I concur with the remarks just made by the majority leader. We have 20 or 25 Senators, all of whom have planes to catch this afternoon, who don't want to miss this vote. I certainly hope that we wouldn't inconvenience a third to half of the Senate as we get to this crucial time.

I hope everybody will cooperate and work with us. We have to get this legislation done. My hope is that we won't leave until we get it done. I hope we could seek cooperation on both sides.

Mr. STEVENS. Will the Senator yield?

Mr. LOTT. I am happy to yield.

Mr. STEVENS. Where is the report?

Mr. LOTT. Mr. President, we have the managers here on the floor that have worked on this legislation who are prepared to begin to discuss the legislation, to answer questions, and be prepared to go to a vote when the Senators are ready to do that.

I don't know the physical location. I presume that will be available.

Mr. STEVENS. As I understand, no one lives further from the Senate than I do and I have a wife waiting for me halfway home.

However, I am also a conferee. I have not seen the conference report. I was not given even the privilege of deciding whether I should sign the conference report. I do not know for sure what is in the bill as far as the jurisdiction of the committee I happened to chair at the time. I have not waited almost 30 years to be the chairman of this committee to see it emasculated in 5 minutes because people have to get a plane home.

Mr. LOTT. In response to the Senator from Alaska, I understand that he wants to see what is in it. I think he will like what he sees in it, both for him and his constituency and the country as a whole.

This is over a $200 billion bill that is needed in this country for safe, decent roads, bridges, and mass transit. We have drug it out for weeks and months and it is time to act.

Now, does every Senator deserve a right and an opportunity to see the formula and see how each State does and look at what it means for the Appropriations Committee and every committee? Yes, let's do it. Let's do it now. You will have an opportunity to look at this, and others should. But it is time that we get serious and get it done in a reasonable time in the best interest of America.

My father died on a narrow, two-lane road that wasn't safe and I am not going to stand any longer for us having inadequate roads and bridges in this country and for money to be sometimes spent in other places.

I am bending a little bit here, but I think everybody in this Chamber knows I tried to listen to everybody's needs, concerns on both sides, on tough legislation this week and this year. I am sympathetic. I wanted to look at the numbers. I have. I haven't seen the report. I don't know whether it is perfect. But it has been a laborious, tough, involvement and it is time that we bring it to a conclusion. Help me do that.

Mr. STEVENS. Mr. Leader, I regret deeply the death of your father. I have similar feelings when cancer comes before the Senate because my grandfather, father and brother all died from cancer. I understand those feelings.

However, I also understand that our committee has responsibility for the controllable expenses. This bill reduces controllable expenses, if I am told right, by at least 2½ to 3 percent. It further will require, if I am informed right, that if there is an increase in the highway tax revenues, we must spend them, even if it means changing the budgets for other subcommittees. If there is a decrease and the estimates are not met, I am told we will take the money from controllable accounts and put it in this account to pay for highways at the cost of all the other functions that are controllable.

Now, I think that is something that I have a right to look at and Senators have a right to debate if they want to do that. I regret deeply being in a position of apparently opposing my leader who I do support and am committed to, but I feel this process needs to be understood.

Again, I am only reporting what I have been told because I have not been privileged to have a copy of this yet, despite the fact that I am on that conference committee. Now, I have been here almost 30 years, and I have never seen this happen before. Never.

Mr. LOTT. If I could respond.

Mr. STEVENS. And it is not going to happen now without me seeing that report.

Mr. LOTT. I have been here 25 years as a Member of the House and Senate and 4 years before that as a staff member. I have never seen a highway bill that was done any differently than this. Maybe this one is even a little better.

I was getting calls at my home last night until 11:30. Senators were involved, Congressmen—negotiations going on right downstairs. There have been staff members and Senators and Congressmen coming in and out of there.

I know the Senator from Alaska, as chairman of the Appropriations Committee, has seen the computer runs previously.

Mr. STEVENS. Not one. You had my staff's estimate of that run. I asked repeatedly for a copy of it and the Senator from Rhode Island will tell you, he told me the other day they were not available yet. We had an estimate of the run, and it was run on our own computers.

Mr. LOTT. I would like you to meet Senator CHAFEE.

Mr. STEVENS. I met him at Harvard Law School in 1947.

Mr. LOTT. And Senator WARNER. We would like you to get together and look at the numbers and the language and I believe you will be happy.

Mr. STEVENS. Respectfully, Mr. Leader, there have been meetings all over this Congress for the last 2 weeks and I have tried to get into them and I was not allowed in. Now, we are going to have a meeting of our committee to find out how this affects the appropriations process. Until we know how it does, I hope you will understand, I respectfully object to proceeding with this bill until we have seen a copy of the report.

Mr. LOTT. I think the easiest thing to do to resolve this problem is for you all to go meet, stop talking about it, get what you need, and then we can go ahead.

Mr. STEVENS. Parliamentary inquiry. Is the report before the Senate yet?

The PRESIDING OFFICER. The report is not before the Senate.

Mr. CHAFEE. Will the majority leader yield?

Mr. LOTT. This applies to the Senator from Rhode Island. While the appropriators are meeting and having a chance to review the documents, I think this would be a good time for the managers to begin to talk about and explain what is in the bill, what the policies may be, answer questions of Senators. We can begin the process

right now. I believe Senator DASCHLE thinks that would be a wise move. I believe that would be the thing to do at this point.

I yield the floor.

Mr. CHAFEE addressed the Chair.

The PRESIDING OFFICER. The distinguished Senator from Rhode Island is recognized.

Mr. CHAFEE. Mr. President, we have charts here and we will make them available for anybody who wishes to see them. I know that most of the Senators' staffs have been briefed already today on this. Those Senators who have not, we certainly would be delighted to meet with them and go over this chart and give them a copy. I think that is the way to do business. It is true that the report is not yet before us, and that was understood when we commenced this discussion, with the idea to save as much time as we could. The report will be along. Certainly, it is a massive report. People are going to have difficulty absorbing it, but those are the time exigencies we are working under at this time.

Mr. President, pursuant to what the majority leader said, at this time I will discuss the philosophy behind this legislation and some of the difficulties that we encountered as we proceeded. The philosophy we had in this legislation was to repeat what took place, as far as the general philosophical approach in ISTEA I, which passed in 1991. Now, in 1991, the first time, we passed a measure that was truly a transportation bill rather than solely a highway bill. In other words, the philosophy in 1991 was to do the best we could to devise a system to move people and goods from point A to point B in the most efficient and safe manner. So, as I say, it was more than just a highway bill; it was a transportation bill.

Mr. President, so thus we have this legislation, which deals not solely with highways, as I said, it deals substantially with mass transit. Likewise, indeed, it encourages what they call ''intermodalism,'' which is the blending of various methods of transportation. That is where the ''I'' comes from in Intermodal Surface Transportation Efficiency Act. That is where the original ISTEA acronym came from. We believe we followed out that philosophy in connection with this legislation, which sometimes we call ISTEA II.

Mr. President, we then came to the always-difficult part of determining how to divide up the funds. You have a limited amount of funds, and how do you divide them? So we have a formula that is worked out. In that formula, you take into account vehicle miles traveled, number of lanes, mile lanes in the State, you take into account bridge problems, and a host of other factors, and that becomes the formula.

When you run something like that, you frequently end up with difficulties. Not everything comes out just the way you want it. So we made adjustments to the best of our ability. One of the points that was cardinal in our approach on this legislation was that all the donor States—that is, the States putting in more than they get back—should at least receive— originally, we strived for 91 cents back on the dollar. In other words, every dollar a donor State put in, the effort was made to get 91 cents back because, in ISTEA I, we have a series of States who received back 88 cents, or even less than that in some instances.

Now, when you try to bring States up from below 90 cents or 88 cents, wherever it might be—for example, California, under ISTEA, was at 89 cents. You would think just bringing California up 3 cents for every dollar put in would be a simple thing. Well, mechanically, it is; but cost-wise, it is very expensive. So despite our sincere efforts to get everybody 91 cents back on the dollars contributed, the best we could do was 90.5 cents. Therefore, if you look down the list of those receiving moneys, you will find there is no State below the 90.5, and that is a very, very significant achievement. Now, do we have some States who are getting back more than a dollar? Of course, we do. Those are the donee States. But we believe that, taking into consideration all the factors, we ended up with a fair deal.

The average increase that was received across the country was 43 percent. That is the increase over ISTEA I. In some instances, States go to more than that. Alabama is at 60.6 cents in increase, for example. Some States were less. But that is what comes about when you strive to reach as much fairness as possible.

Let me say, there are frequently distorting factors that get into these equations. What would be an example of a distorting factor? A distorting factor would be a State that had received very, very significant additional amounts in a prior year—that is, when the formula was worked out under ISTEA I. Pursuant to that, that State received either a monstrous amount of projects, or very significant amounts of other moneys coming from various sources that distorted the picture of that State, so that you could not take that State with the very high additional amounts that it had received through projects, grants, project moneys, and expect to get a 40-percent increase on top of it. So that accounts, in some instances, for the fact that some States would be considerably lower than the 43-percent increase over ISTEA I.

So, Mr. President, I am prepared to talk with anybody about this. As I say, I think many staffs have been briefed. We have tried to keep certainly the conferees from the Environment and Public Works Committee briefed as we went along. We had a whole series of meetings to try to keep them briefed. It is true that when you do negotiations like this, you don't have 65 people from each side in the room. There has to be a limited number of negotiators in order to get moving along. We were fortunate in our negotiations. We always included, every step of the way, the ranking member and representatives from his side of the aisle. Likewise, I was tremendously assisted in this by the chairman of the subcommittee dealing with this subject. That is, the Infrastructure Subcommittee of the Environment and Public Works Committee, Senator WARNER of Virginia. It so happened that the ranking member of the full committee is also the ranking member on that Infrastructure Subcommittee. So that Senator BAUCUS was, in fact, wearing two hats.

Mr. President, I think the result is not everything all our way. No; it isn't. But that is what happens when you get into negotiations.

One of the things I am very glad about is that some of the language that was in the House bill was not accepted. In other words, it was dropped. Of course, there are some things that we had that were likewise dropped. But some of the provisions—for example, the so-called ''mid-cost correction''—which would reopen this whole subject in 3 years we felt was not constructive. To go through all of this another 3 years from now would not be something we would countenance.

Mr. President, I am glad to yield to the distinguished ranking member and have him address his remarks to what we have been undertaking.

The PRESIDING OFFICER. The Chair recognizes the Senator from Montana.

Mr. BAUCUS. Mr. President, I want to first compliment the chairman of our committee, Senator CHAFEE, who has done, I believe, an extraordinary job. I wish Members of the Senate who were not in the conference committee could have watched the proceedings. They would have seen the chairman set a very civil, gracious, and respectful tone. That was the tone of the conference. Sometimes conferences get pretty acrimonious. This one was not at all.

Just a brief summary of the bill, Mr. President, on where we are.

This is truly a historic bill. That is a term that many Members of Congress use somewhat loosely around here. But this one really is. And I think even compared to the last ISTEA bill, this is historic. Let me tell you why.

For the first time, all the dollars that we as citizens pay in fuel taxes when we put gasoline in our cars, or diesel fuel in our pickups, will go into the highway trust fund. And all the dollars that come out of that trust fund will go back in the form of highway allocation, or mass transit allocation. We are not changing the distribution between mass transit or highways. But, again, all the dollars that come into the trust fund paid for by gasoline taxes will come out of the trust fund through to the State's allocation for their various highway programs, or, in the case of the mass transit account, to

the mass transit account. That is a major change from the current practice. The current practice, for those of us who fill the gas tank and put dollars into the highway trust fund through our gasoline taxes and are not sure that those dollars are going to come back in the form of highway allocations, sometimes those dollars at the will of the Congress and the President are used for other purposes. That will no longer be the case. Dollars in, dollars out.

We also wrote into this legislation a guarantee called a ''firewall'' to make sure that happens. It is not totally 100 percent guaranteed, but for all intents and purposes, it might as well be.

After that huge increase, we have a lot more highway dollars coming out, not only because of the guarantee I mentioned but also because just recently Congress enacted legislation to ensure that the 4.3 cents-per-gallon gasoline tax previously used for deficit reduction is now going into the highway trust fund, which means 4.3 cents more than previously was the case. The rule of thumb basically is that 1 penny of gasoline tax—about $1.6 billion, or $7 billion—goes into the highway trust fund. This is a big increase. On average, States will receive about a 43-percent increase in highway funds for each of the next 6 years compared with what they have received in the past 3 years. It is again for those reasons.

I might also say that the attempt of the conferees, which I think was met, was for regional balance. This process started in the Senate about a year ago. Senator WARNER from Virginia, myself, Senator CHAFEE, and Senator MOYNIHAN, also for all intents and purposes, introduced separate bills representing different parts of the country, each part having generally a different point of view. Senator WARNER was essentially concerned proportionally more about the donor States; that is, those States which historically have been receiving from the trust fund considerably fewer dollars than they have been putting in.

Then there are the Western States, and small States which have unique circumstances because of low population density, and sometimes wide spaces, which also have a certain point of view.

Then, third, there are the Northeast States by and large—I grant you these are very rough estimates and a very rough explanation. But the Northeast States, which are more densely populated historically, receive quite a bit of highway funds as well as mass transit funds.

We try to give balance in this bill, first by ensuring that the donor States, those that would put so much into the highway trust fund but receiving a lot less, are guaranteed essentially 90 cents on the dollar—90.05 cents. There are some adjustments. That is basically it.

In addition, small States receive what small States believe would be a fair share. It is true that the Northeastern States don't get the same, on average, percent increase. But that is, to be honest about it, because those States in the previous ISTEA bill got quite a large chunk of money compared with other portions of the country.

So this is a guarantee to even things out.

For those who are concerned about the environmental provisions, let me say that this bill is environmentally sound.

There is the congestion mitigation account, which has more dollars in it than the previous ISTEA bill.

So the dollars are there for cities which do not meet the Clean Air Act standards—additional dollars—to undertake the various expenditures to reduce air pollution in their cities. That is there.

The enhancement provision is still fully funded. Those who are concerned about bike paths and trails are also going to be, I think, happy with the provisions in this bill.

We also rejected in the final hours some provisions which I think would have been very harmful to the environment.

There has been some talk about the PCB problem in New York. That was rejected. It is not in here.

I can list other attempts. I know some of the environmental conservation committees are worried about what was attempted to be put in this bill and the conferees rejected.

I might also just outline and remind us that each of us, as a Senator, is worried about fighting for our respective States. That is our job, that is what we ran for office for, and that is what we hired out to do—to represent our States the best we possibly can.

As you know, Mr. President, most Senators are not wallflowers. Most Senators are good advocates for their States. They are fierce advocates for their States, which obviously means that it is hard to get 100 points of view all accommodated, particularly when each State thinks it has a unique point of view that makes it a little bit different from other States. Add to that the further complication that there is another body; there is a House of Representatives. We in the Senate pass what we think is the best legislation for our States. The highway bill that passed the Senate passed by a very large margin. Senators liked the bill. It was good for our respective States and was a good compromise for all our States. But House Members have a very different view on the highway program compared to Senators. It is, very simply, because we Senators represent entire States; House Members don't represent entire States, except for a very few. There are about five or six very-low-populated States, like my State of Montana, which has only one Member of Congress. But most Members of Congress, who tend to be from populous States, such as New York, California, and Florida, for example, are really much more interested in their districts; what is the highway bill going to do for their districts, rather than for their States? Of course they care about their States. They care deeply about their States. But I dare say they probably care a little bit more about their district. After all, they run for reelection every 2 years. They want to show, legitimately and properly, to their constituents, the people who voted for them—or perhaps didn't vote for them—that they are doing the best job they possibly can for their district, which means the formulas, as the allocations, somewhat clash.

Senators are worried about Senate distribution. Senators are worried about State distribution. House Members are worried a little bit about State distribution, but quite a bit about how much their districts get. Hence, we have this phenomenon called demonstration projects. It is difficult to meld these two competing points of view together.

I mention all of this because as we in the Senate are here, now, voting on this conference report which is about to be before us—as we look at it, we might find it is not exactly what we would have preferred. It is not exactly the bill that passed the Senate. But when Members of the Senate look closely at what is in this conference report, I think they will find it is very close to the provisions that passed the Senate and should not be distressed. Certainly, it is important to point out that every State but for one, which is a very, very special case, will receive a significant increase in dollars per year allocated to the State. The average increase, and I must underline the word average, is about a 43-percent increase for all the States. That is not a small number. It is a large number. It means, for example, that it is increased from 28——

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

Mr. BAUCUS. I ask unanimous consent to speak for 2 more minutes.

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

Mr. BAUCUS. So it, the current program, is roughly $18 billion, the current ISTEA which expired. This bill is $26 billion, roughly; hence, roughly a 43-percent increase. And a State, on average, will receive that 43-percent increase. So, while there are little ''i's'' that are not dotted properly according to some Senators, or ''t's'' that are not crossed properly according to some, I submit this is a good bill. It is good for the country. It repairs a lot of needed repairs. There are a lot of roads in our country that need repair and curves that need to be straightened out—in addition to our very good environmental programs in this bill. I just hope the Senate, when we see the conference report from the House, acts on it very quickly because then we will have finished our business, people home will be proud of what we have

done, and we can get on to other business when we come back after recess.

I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the distinguished senior Senator from Wyoming.

Mr. THOMAS. Mr. President, I would like to speak on this highway bill. Seeing there is no one else here, I will not limit time. But I want to, first of all, congratulate the chairman of the committee and the Senator from Montana, the ranking member, at having done what I think is an excellent job with a most difficult issue, an issue where you take a vast amount of money that comes in from gas taxes and seek to put it into a formula that is fair to all the States, and yet adheres to the purpose of the thing, which is an interstate highway program that runs from coast to coast, that runs from Mexico to Canada, and that does all the things that an interstate program is supposed to do. So there does need to be some adjustment, in terms of the dollars, with respect to the various States.

It is most difficult. I am here to support the bill. I think it is well done. Also, to remind Members that this committee has been working in this area for more than a year. This bill was brought to the Senate more than 2 months ago and passed, I think almost unanimously, and this proposition that comes before us today is very similar to what was passed here in the Senate.

One of the difficult parts, procedurally, of course, is that something quite different was passed originally in the House. In order to get this done, there has to be some conference. There has to be some communication. There has to be some allocation of differences between the House and Senate, and they were extreme, those differences, particularly in the area of the so-called demonstration projects, all above the formula line.

So it has been a very long process and one that has been tedious, one that has been difficult. I sympathize, I think, with the chairman of the Appropriations Committee in his feeling of not having been as involved as he would have liked to be. I suspect that is probably true of all of us. This is a large bill. It will be out here soon. We are saying, my gosh, we are being asked to vote in an hour or two on a bill of that kind? But the fact is, the real issues have been known for some time. The real issues have been talked about. The real issues have been in the daily reports. The real issues have been done by our staffs. So it is not a surprise.

Of course we don't know all the details, and unfortunately I have to say: How many of these bills that are 18 inches high has everybody read on the other issues? But the principles are there. And the principle is to try to spend about the amount of money that comes in on gas tax for highways; that is fairly reasonable—or for transportation. The idea of guaranteeing that each State will have 90.5 percent of what they paid in, that is pretty basic. We know that.

We have some things in there that I think are very important to all of us. We have increased the money that goes to national parks. All of us have national parks. And certainly if we don't have them in our State, we all use national parks and enjoy national parks. They have no other source for funding, and that is good. For Federal lands, of course, to the Presiding Officer and I, representing a State that is 50 percent Federal ownership—and some others are substantially higher—Federal land money is very important.

So these are the principal things that are there. These are the things that we know about. I think we have to remember that the deadline for reauthorization has passed. It passed last January. We had a temporary bill that went into place until the first of May. This is something that makes it impossible, if we do not have a bill, for States to go ahead and plan. And that is particularly true for those of us who live in the northern part of the country where we have a relatively short construction time, and States need to know what kind of money they will have to deal with. So I think it is vital that we get into this bill, that we find out the basic points that we need to be informed on, and that we move forward and, frankly, do this before we go on this recess.

I guess, as a practical matter, we can go on the recess and we will not know a great deal. The issues will still be about the same when we come back. The issue is not so much a matter of understanding as it is a matter of not everyone is going to be perfectly happy. In Massachusetts, for example, they had a huge allocation before, for a special project, so their formula this year looks a little strange because they don't have that huge project in.

So there is an effort to make it that way. So I hope we move forward. We have really been through this business of talking about whether we are going to spend the gas tax on highways or not. We went through that. We voted on that. We are ready to move forward. This is a very complicated program. I believe it is a good one. I believe the committee has done very well, and I urge my friends in the Senate to move forward and complete this discussion today.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CONRAD. 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 Senator from North Dakota.

Mr. CONRAD. Mr. President, I have been a member of the conference committee on the ISTEA bill, and I want to express my appreciation to all those who played a leadership role in writing this legislation.

North Dakota is profoundly dependent on Federal support to maintain a strong road system in our State. As all of my colleagues know, we have a big area and we have a sparse population. If we are going to have a national road system, we have to have a national program.

I can tell my colleagues, it would be pretty grim going across North Dakota without the Federal Highway Program. Instead, we really have an outstanding network of roads across our State, although they are in deteriorating condition. You cannot drive around my State without noticing that the condition of our highway network is deteriorating, and deteriorating markedly. That is why it was so critically important that there be additional resources for the road and bridge program in the country and why I am so pleased at the result of the conference committee.

We have seen a very significant increase in funding. On average, States will receive a 44-percent increase. I am pleased my State will do somewhat better than that, but it is very much needed. Our State will receive $171.5 million a year. Under the previous program, we have been getting $111 million a year. So that is a substantial increase. It is very much needed in order to catch up with the maintenance conditions that currently exist in the State.

I will say, Mr. President, that there is a part of this funding mechanism that does concern me, and that relates to the question of the funding. I am concerned about that part of the funding that comes out of the veterans' program. There is a group of us who opposed that funding mechanism in the Budget Committee and who opposed that funding mechanism on the floor of the Senate when we had an amendment to try to change it. I assure veterans in my State that we will take further steps to try to redress the wrong that is done with respect to that funding source in the highway legislation.

With that one exception, I think it is very important to thank those who have been the leaders on this matter. The Senate bill was far superior to the House bill, and we should thank Senator CHAFEE and Senator BAUCUS for their very strong leadership in allowing us to have a bill that is much closer to the Senate bill than to the House bill.

I thank our colleagues who were members of the conference committee, and I especially thank Senator CHAFEE and Senator BAUCUS. I thank the Chair and yield the floor.

Mr. DORGAN addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from North Dakota.

Mr. DORGAN. Mr. President, I add my congratulations and my thanks to Senator CHAFEE and Senator BAUCUS especially. My colleague, Senator CONRAD, has described how important this piece of legislation is. I know both the chairman and ranking member

worked very hard for a long, long while to make sure that the result was a result that is fair to all parts of this country.

A lot of people don't think much about road issues. Not many people think about roads when they are driving on a good road. They don't think about roads much until they hit a bad road. They don't think about bridges until they read a story or see a bridge that is in disrepair or has fallen down and caused a loss of life.

The investment in this country's infrastructure—roads and bridges—is critically important. In a State like North Dakota, that is 10 times the size of Massachusetts in landmass, yet with only 640,000 people living in the State, it is very difficult for us to maintain a broad network of roads and infrastructure without the kind of investment that will be made possible in this legislation.

The Senator from North Dakota, Senator CONRAD, mentioned the increase in funding that will exist with this legislation—from $111 million a year to about $170 million a year, just in excess of a 50-percent-per-year increase. That comes from the gas taxes that people pay when they drive up to the gas pumps and fill their car. That gas tax is used to invest in this country and invest in its infrastructure—roads and bridges. That is what makes possible this kind of legislation.

This is a wonderful step forward. I know some debated the size and debated the formula, but the fact is, this is the kind of investment that makes you feel this is a better country because of it. If you go to other countries—I won't mention them—if you go to a half-dozen or dozen other countries and drive on their roads, you immediately understand that they have trouble financing their infrastructure. Their roads are in disrepair, full of potholes, some barely built, some not graveled.

All you have to do is look at a country's infrastructure to see what kind of country it is. Is it a country which devotes the resources to roads and bridges and the things that make transportation possible and the transportation of grain and commodities and items of commerce back and forth possible? The answer is yes. One of the important things about this bill is, we decided long ago that transportation should be national in scope. If you are going to haul fresh fish or frozen shrimp from the State of Washington to the State of Maine, you are going to need roads across the center of the country, even if it is not very populated. Yes, you might drive through Wyoming and North Dakota. There aren't many people there. It is a lot less crowded than New York and California. But the roads to get from here to there are just as important as a mile of road in New York City. That is what the need of a national highway program is all about.

When Dwight D. Eisenhower decided to build an interstate highway system, he didn't say, let's spend all that money just where people live; he said, we are going to build an interstate highway system and we are going to build it to connect the entire country, and we are even going to make that investment in sparsely populated States because that is what allows people to move around this country.

That is the long way of saying this is a good bill and advances the interests of our country.

Let me make one final, quick point.

I have worked 5 years on a small piece of legislation that probably will not mean much to some, but it is in this piece of legislation we will consider this afternoon. In five States, it is perfectly legal in America to put one hand on the driver's wheel of a car and another on a fifth of whiskey. Drink and drive and you are perfectly legal. You just can't be drunk. No problem drinking while you drive. In 22 States, if the driver can't drink, it is fine for the people in the back seat or the person in the front seat next to the driver to drink while you drive.

For 5 years, I have tried to get that changed. Some say I have no right to tell some State that they have to have a prohibition on open containers in their State. Maybe they think I have no business doing that. I have a right to say to anybody anywhere in this country who drives into an intersection in any city, any State, that they ought to have some reasonable expectation they are meeting a car in which the driver isn't drinking or in which there isn't alcohol being consumed in the car. We have a right to aspire to that in this country as a sense of national purpose.

Drunk driving is a major problem in this country. Every 30 minutes, another family receives a call. My family received the call. A loved one was killed in a drunk-driving accident. Every 30 minutes, every hour, every day. This is not some strange and mysterious illness for which we do not have a cure. We know what causes it, and we know what cures it.

This piece of legislation today includes a provision that States will enact a prohibition on open containers, and it has a sanction if they do not. The sanction is not quite as strong as I proposed, but, nonetheless, it is still a sanction.

This advances some things that I have felt strongly about and worked on for 5 years. The Senate voted on this provision. It was somewhat controversial, but it passed the Senate, and I am very pleased that, in the conference with the House, we were able to keep this provision. I also know that because this provision exists and because this Congress took this step, lives will be saved. I commend those who worked with me to fight for that piece of legislation.

Finally, let me say thanks again to all of those who worked so hard. A lot of folks worked around the clock a couple days on this. Their names probably will not be called on the Senate floor, but thanks to them for their commitment.

Mr. President, I yield the floor.

Mr. GRAMM addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Mr. President, we are only going to have an hour when the bill comes over, if that. I know many of my colleagues are eager to start the Memorial Day recess. I thought I might do a good turn for some people who have tickets to go ahead and speak now on the highway bill rather than waiting for my assigned time, which has been previously reserved under a unanimous consent request, to speak on the bill. So as a matter of courtesy to my colleagues, I wanted to go ahead and speak now.

Mr. President, we have before us a highway bill that will have a profound impact on our country. I am very proud of this bill. I am proud to have played a small role in making this bill happen.

I started 2 years ago in an effort to convert our tax system on gasoline into what I would call honesty in taxation. We had a situation where for almost a decade Americans were being told that when they bought gasoline and paid taxes, that that money was going to build roads.

And yet last year, roughly 25 cents out of every dollar of gasoline taxes ended up going to general government to fund everything, except highways.

And yet, when Americans went to the filling station and stood there pumping gas in their car or truck, they could read right on the gasoline pump the bad news, that a third of the price of a gallon of gasoline was taxes, and the good news, that at least the taxes went to build roads. The only problem, as is often true with government, the bad news was true; the good news was not true.

I was able to get an amendment on the Finance Committee bill cutting taxes last year that shifted all revenues from gasoline taxes into the highway trust fund. Senator BYRD and I started a crusade at that moment to guarantee that the money collected in gasoline taxes that went into the trust fund was actually spent on highways. That crusade has reached a successful conclusion with the adoption of this bill. Under this bill, every penny collected in gasoline taxes over the next 6 years will be obligated to be spent on highways and on mass transit in this country.

The net result is a dramatic increase in resources to build new roads, to maintain the roads we have, and it is literally true that thousands of lives will be saved as a result of the adoption of this bill and the increased resources. It is true that millions of hours that people would have spent snarled in traffic will be saved so that they can spend more time at work earning a living, so they can spend more time with their families doing the things that

parents want to do, spending time with their families and enjoying the fruits of their labor.

A second achievement of this bill is that we have taken a long step—big step—toward eliminating inequity in the distribution of funds. We have a National Highway System. And I would not have it any other way. But part of the problem with the National Highway System is that when you are building certain sections of interstates or you are building big projects, it produces a situation where some States are donor States, that is sending more money to Washington than they are getting back, and other States are beneficiary States, getting more money spent in their State during that time period than they received back.

My State in recent years has been a donor State. When we were building the big east-west interstate highway systems, we were briefly a beneficiary State. But under the last highway bill, which lasted for 6 years, Texas averaged getting back only 77 cents out of every dollar we sent to Washington in taxes.

One of my goals—and a goal that was championed in this bill by Senator WARNER—has been a goal of trying to guarantee that no State in the Union will ever get back less than 90 cents out of every dollar they send to Washington to be spent on highways, no matter what national project is being undertaken. We actually did slightly better than that in this bill. But that was our objective. I think it is a major improvement in highway construction, and I think it is fairer to our States than the old system.

I am, obviously, proud of a provision of this bill which provides money for border infrastructure and for international trade corridors. We have entered into an international trade agreement with Canada and Mexico. It has literally filled up my State with trucks hauling goods and services back and forth. The good news is that it is creating jobs on both sides of the border. It has brought great prosperity to my State. The bad news is it has literally pounded our roads and highways into dust in many parts of the State. It has made I–35 in my State a parking lot for hundreds of miles. And we are looking at a doubling of the truck traffic over the next 7 years.

So one of my major priorities in the bill was to begin to provide funding to develop international trade corridors and border infrastructure. We provide $700 million in this bill for that purpose. I really see it as the beginning of something bigger.

If you look at a map of America and you look at our Interstate Highway System, and you stand back from that map, the plain truth is that we, with just a few exceptions, we have an east-west interstate highway system. And what we need to do over the next 50 years is to build a north-south interstate highway system to go with it. NAFTA will require that we do that. And I think this $700 million will be a major step in that direction.

There are many other provisions of the bill that I could talk about that I am pleased with—greater flexibility for mass transit in my State, other provisions that are of a parochial interest. But I will talk about basically the big picture on the bill. The big picture on the bill, in trying to sum it up, is every penny collected in gasoline taxes in the next 6 years will be spent for transportation infrastructure—by dramatically reducing discrimination against donor States, at least within the level you can achieve it, and have a National Highway System. The combination of those two factors—honesty in taxation and dramatically reducing the inequity in the distribution of funds—will mean that Texas will get 61 percent more money under this highway bill than we did under the previous highway bill. Our total level will be $11.3 billion.

That money is desperately needed in my State, as I am sure the money from the bill is needed in every State in the Union, to build the highways we need, to maintain the roads we have, to rebuild bridges that are structurally unsound. And obviously this is a very important day for me.

I want to especially thank Steve McMillin, who has been my staffer working on these issues. It is literally true that his involvement and dedication and the hours he has worked, the quickness of his wit, has really been the difference between many of these provisions being in the bill and those provisions not finding their way into the bill. I have been constantly amazed at how well he knows the details of these issues.

I would also like to say that I appreciate the assistance and the work of two staffers who work for Senator BYRD—Jim English and Peter Rogoff. I do not think we have any staffers who knew more about the substance of this issue or did more than they did.

Often people who serve in the Senate get great credit for work we do. And often much of that work is done by our staffs. I wanted to be sure to single out these two staffers for Senator BYRD, and Steve McMillin on my staff who has rendered great service to my State and to the country.

Let me also say it has been one of the great privileges that I have had in public life in working with Senator BYRD on this issue.

When we joined forces here I felt it was like having a team of good, solid, strong mules attached to a wagon that has been stuck in the mud for a very long time, stuck in the mud as funds were taken out of the gasoline tax and spent on general government, really cheating the taxpayer and deceiving the taxpayer in terms of where money was going.

We have worked together for over a year, literally had dozens and dozens of meetings with our staffs, together with outside groups. We have worked together to build a nationwide coalition. We have undertaken, I believe, the only true bipartisan effort in this Congress. We have been successful.

Senator BYRD obviously was a critical part of that. It has been a great privilege for me to have been partners with him on this issue and to have an opportunity, at least in this way, to link my name with the premier legislator of our generation.

Mr. President, I want to congratulate BUD SHUSTER on this bill. This bill, I am sure, in many ways is the culmination of his successful career in the House. I am sure he hopes to have many other successes. But for the chairman of the Transportation Committee in the House to have put together a bill which achieves one of his lifelong objectives as a legislator, to assure that funds that are collected in gasoline taxes end up being spent for the purpose they are collected, this has to be, at least to this point, the seminal achievement of his career.

I want to thank Senator CHAFEE for his leadership and his help in this bill. I want to thank Senator DOMENICI for working to see that we guaranteed money for highways, but that we didn't start a new entitlement program in the country.

Finally, I want to thank Senator LOTT for his leadership in pushing this effort forward. I do think this is an important bill and will certainly go down as one of the most important things we have done in this Congress, one of the most important things we have done in many Congresses.

Mr. DOMENICI. Will the Senator yield?

Mr. GRAMM. I am happy to yield to the Senator.

Mr. DOMENICI. Mr. President, I just wanted to say where you thank me, for whatever you did, I want to add to that statement to the best of our ability we have not sacrificed the other appropriated accounts to the increases in the highway bill. We have found offsets and other things. They could suffer at some time in the future, but what we put before the Senate when we approved this with the offsets already in there, even with the new programs for veterans that are in here, $600 million, we will not take the extra money out of the NIH and other accounts of government.

I told you I wanted to do that and you did not object on the floor, but this is the first time we could actually do it in the bill. We could think about it on the budget resolution, but we could do it on the bill.

Mr. GRAMM. My point, and I will yield the floor on this point, our objective was to guarantee that we spent money on highways, but we didn't want to start a new entitlement program. I think when you try to do something that has not been done before, it is often very difficult. But I think we can take pride in the fact that we do have all of the offsets in the bill. We are not going to bust the budget. We didn't start a new entitlement.

Mr. STEVENS. You said that for the third time. What is it, if it is not an entitlement program?

Mr. GRAMM. What it is is an earmarking of funds to be appropriated for the purpose that the tax was collected. The Appropriations Committee must still act for the money to be spent, but we have a guarantee that the money cannot be spent on anything else.

Mr. STEVENS. If the Senator will yield further, there are lots of programs where the taxes are collected for a particular purpose.

Take the airports and airways funds, for instance. There is a whole series of them. Those funds come from the appropriations process and they are appropriated.

You have created an entitlement in this bill, the most massive entitlement other than the Medicare trust fund entitlement, that I know. There is no discretion for anyone to change that except by an act of Congress, a subsequent act of Congress. There is no individual allocation of those moneys to meet needs.

The President will submit a budget in January. It will lay out what the highway department believes will be the return as estimated to have been brought into the Treasury from the year before and it will be spent. It will be spent according to this bill. There will be no review of what has happened in the year before, and we in the appropriations process would go over the budget request through the year and in September send a bill to the President to spend the money as we believe—that Congress believed, not the Appropriations Committee, but Congress believed—it should be spent.

That will not occur because this money will be spent according to the budget received from the Federal Highway Administration every year. That will be done by the Federal Highway Administration under their understanding of this law for 5 years. It will not be changed except by an act of Congress.

To this Senator, that is the most stringent entitlement that we have on the Federal laws in this country, that we have ever had.

Mr. GRAMM. Let me say this. We had a long, running battle over this issue. We had a long, running battle over this issue. Senator BYRD and I put before the Senate the proposition that the money collected in gasoline taxes ought to be spent. We thought it was wrong to have it diverted to other uses. We had a choice. The Senate voted overwhelmingly for it. We had two ways we could go. As the Senator knows, the House wanted to do an entitlement to take it completely out of the appropriations process and out of the budget. We rejected that.

We tried to find a compromise that would solve both objectives. One, not to take it out of the budget process, not to take it off budget, not to take it out of the appropriations process. But on the other hand, to be faithful to the commitment we made that the gasoline tax would be spent.

I think, given the commitment the Senate made overwhelmingly on the amendment that I offered with Senator BYRD, we did as well as we could do in meeting everyone's concern. I am proud of what we have done. I think it is a good compromise.

I conclude by again saying what a great privilege it was for me on this bill and my small involvement to work with Senator BYRD.

The PRESIDING OFFICER. The Chair recognizes the Senator from Alaska.

Mr. STEVENS. Mr. President, I appreciate what the Senator from Texas has said. This Senator supported the concept that moneys which come in through gasoline tax should be spent for the purposes the taxes were collected. We have not had an argument over that.

Where we have the argument is over whether there should be a bill passed every 5 years that sets absolute corridors for the spending of money, with no discretion on the part of appropriators or the Congress itself to change—6 years, I beg your pardon. That is even worse.

The real problem we have with it is flexibility. I still haven't seen the bill. I have come to tell the Senate that I have visited with the chairman of the Budget Committee, for whom I do share with the Senator from Texas our admiration of the Senator from New Mexico as the chairman of the Budget Committee. Based upon his understanding of the bill, there is not a great problem, at least in the first 2 years of 1999 and the year 2000 with regard to the nondiscretionary funds that are within the jurisdiction of the Appropriations Committee being reduced because of the expenditure of more moneys to highways that are currently estimated.

Now, that is our understanding. We haven't seen the language yet. To my knowledge, no one in the Senate yet has read that language. Under the circumstances that we have, I have come to this conclusion after having the meeting with our committee members and listening to the staffs of the Budget Committee and the Appropriations Committee with regard to the impact of this bill on the appropriations process.

I will not insist upon the delay of this bill. However, I believe it may set a new unfortunate course with regard to the flexibility and expenditure of taxpayers' money and the ability to use the money for the purposes that have the most need at the time the bill is passed annually. This is going to lock us in for 5 years. Again, I am saying to the Senate, with I hope at least the understanding of my great friend from West Virginia, this Senator, who is chairman of the appropriations bill, intends to look at this bill, examine it very closely, and if it does constrict us so that we do not have the flexibility we should have, we will bring before the Senate this year an amendment to this bill and we will have it out.

We are not arguing over whether the highway tax money should be spent for highways; we are arguing how it should be allocated and when the determination should be made as to what the priorities are for the use of that money. This bill will set it for 6 years now. If it went through the appropriations process, we would determine that annually.

I see my great friend here, Senator DASCHLE, who just went through that horrible flood up in his area. We have disasters in this country. We have earthquakes and floods, and we have enormous tornadoes. We have to have discretion to allocate funds in a way that meets the best needs of our people as a whole.

I do not think that the bill that is going to come before the Senate can be followed without an enormous spillover into the areas of other nondefense discretionary funds, which must be allocated by the Appropriations Committee annually. What I mean is, I think the effect of this bill will be that we will have to constrain other nondefense discretionary spending in order to accommodate the extraordinary demand here that if the revenues from the gas tax money exceed the caps, exceed the estimates, it is going to be spent anyway. And we have a 4-percent leeway, what I call a ''fudge factor.'' But if they go up to 10 percent, we are going to have to absorb 6 percent of that from other nondefense discretionary accounts. That is going to affect every single State in the Union adversely. It is going to affect the operations of this Government adversely.

I can't tell the Senate it will happen now. I can only tell the Senate that, as I understand the way the bill has been written, it could happen. And if it does, I do think that would be a disaster. Again, to a certain extent, I sense a feeling here, particularly from my friend from Texas, that the Appropriations Committee has not provided funds for highways. We have exceeded the amount that came in from the gas tax in the period of the last 5 years. We have spent more money through the appropriations process for highways than would be spent under this bill for highways, if we had had the allocation of funds that the Budget Committee has generously brought back into this process and made available for this entitlement.

This turf battle that I sense is not coming from our committee. All we are saying is that there is not flexibility here. If the authorizing committee wants to pass a law saying you are going to allocate this money, then pass a law saying you are going to allocate it every year. But don't sit around and tell people you have done a good job for the country when you have allocated for 6 years, based upon an estimate that the two organizations that really are most concerned—OMB and CBO—

disagree, as you know. They have about a $10 billion difference in the estimates of expenditures. We are taking the high one, of course; we are going to follow the high one. If we were wearing our budget-cutter hats, we would take the low one. But here we are spenders, so we are taking the high one.

The problem is that one section of this bill says—and I have not seen this yet—if the money doesn't come in, we have to make it up. I was just told by one of the staff that that probably is not true. He used the words ''flexible guarantees.'' I am going to be anxious to read how we write a bill that is flexible every year based upon the variations of one anticipated and estimated revenue, as opposed to estimated actual revenues, when either one is any more than an estimate. I have to adjust the budget and meet a total cap level under the budget agreement and be subject to a point of order if we are not right.

I say to my friends who have been involved in this, I wish you luck. Don't feel surprised if this Senator is back out on this floor this year with amendments to this bill to do it right.

Mr. DOMENICI addressed the Chair.

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

Mr. DOMENICI. I will not be long.

Mr. KYL. Will the Senator yield?

Mr. DOMENICI. Mr. President, I ask that the Senator from Arizona be permitted 1 minute.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, I ask unanimous consent that I may be recognized after the Senator from New Mexico. The Senators speaking now are more directly involved in the action going on here. Therefore, they will explain to the rest of us what is occurring. I wanted to ensure that they had an opportunity to speak. I would like the opportunity to speak after the Senator from New Mexico.

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

The Senator from New Mexico.

Mr. DOMENICI. Mr. President, let me first say that I think everybody knows that I have the highest regard for the distinguished Senator from Alaska, the chairman of the Appropriations Committee. There should be no doubt in this body of my very, very high respect and honor for the Senator. Let me repeat. Everybody knows I have the highest honor and respect for Senator BYRD, also. He has known that for a long time. I have to say that Senator GRAMM started off to do something and he didn't mince any words. He said what he was going to do. Joining together with Senator BYRD, he has done that.

Now, frankly, I believe I can say to my good friend, the chairman of the Appropriations Committee, that this is not what I would have done with reference to trying to minimize the way this fund looks. Does it look more like a real appropriations bill, or does it look somewhat like a mandatory program? I guess I would have to say, for all the accolades of trying to keep it from being an entitlement, it probably is a bit more on the mandatory side than it is on the appropriations side. But at least it does get appropriated every year. There is a firewall, much like the trust fund established for crime by the same distinguished two Senators. If you look in that appropriation bill where we set aside some of the savings that would be forthcoming from a reduction in Federal employees, as I recall, you will find it every year listed as an entrusted amount. If you don't spend it in that bill—Senator JUDD GREGG's bill now —you can't spend it for anything. So it is there every year.

On the other hand, there is some concern that if you put a 5- or 6-year program on track and it is not subject to appropriations review, which I submit—be it the most in-depth or not—is the only annual review we have around here. Others are done willy-nilly and some don't get reviewed for 10 years, and some do often. The truth is that you can't get away without appropriations review every year, because you have to appropriate every year. This is going to have to be appropriated every year. So that part is still there. But essentially, in the quest to see that every penny of the 4.3 is spent, there is a recognition and a very strong position by the House that the resources, the taxes that are estimated could be up or down from the obligational authority we attribute to them, because if we assume we are using them all and then the tax comes in higher, we haven't used them all. If we assume they come in lower, then we are spending taxes that didn't come in.

Essentially, what the Senator from Alaska, chairman of the Appropriations Committee, is concerned about is—and I think Senator BYRD and Senator GRAMM, who was an appropriator for part of his life in the Senate, would be concerned—if, in fact, you were obligated to spend an amount that represented an increase, because the reality was that the tax was higher and by doing that you had to cut other appropriation committees, which would make that excess a mandatory demand on you—well, I told my friend that I didn't read the language when it was last drafted. I haven't seen it yet. In fact, for that eventuality, if it is higher than expected and you have to spend it, it holds the appropriators harmless. We don't need to talk about what that means. If you want to say what that does to the caps, you say that, I say to the Senator from Texas; but for the time being, I am saying it holds them harmless. I would not have spent the extra amount based on estimates. I think we are accurate and I would have used them like we have done in the past.

Having said that, obviously, a lot of Senators are not going to be pleased with the allocations and other things. I didn't have anything to do with that. It is not my assignment. I felt somewhat uncomfortable. I don't have authorizing authority or appropriation authority. Nonetheless, it fell on me to try to make this a fair bill.

When it comes to the appropriations process, I am going to put in the report right now the offsets that are in this bill. It is not bill language, but we insisted early on that we offset the increased expenditures from the appropriated accounts, so that by spending more money, we wouldn't be cutting the appropriated amounts which we have set in place by operation of law for a number of years. So we used the word ''offsets,'' and we found some.

Maybe there will be a further debate on the offsets. I am prepared to debate them. I don't like to be responsible for all of the offsets. Some are found by us. I am more than willing to say I think they are fair. We have committed ourselves to increasing the expenditures for highways and mass transit and not to diminish the amount of money available for the remainder of domestic expenditures under the overall agreement that we made with reference to the budget. That is the best that we can do.

That does not mean there will not be added pressure for the appropriators because of this. It does mean if you wanted more flexibility in the highway programs, you won't have that much. But I surmise that before we are finished there will be some flexibility, because there are needs.

I also want everybody to know, when we have departed significantly from the obligational authority for highways and mass transit and increased it dramatically in the appropriations bill, for the most part it was when we had an emergency. All that money went to freeways that went to highways. It didn't come out of the regular trust fund, nor would it come out of these dollars that are in this bill. You would have an emergency just like you had in the past.

I send that little summary to the desk and ask unanimous consent that it be printed in the RECORD.

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

ISTEA CONFERENCE RESOLUTION

[1998–2003 outlays in billions]

Category	WODI	Add-ons	Total
Highways	$139.2	+14.5	$153.7
Mass transit	27.7	+3.0	30.7
Total	166.9	+17.5	184.4

	Add-ons	Net of offsets
Offsets required for add-ons	+17.500	
Potential Offsets to Add-Ons:		
Veterans tobacco (OMB Scoring)	−16.969	0.531
Veterans add-backs (Montgomery GI)	+1.602	2.133
Veterans net savings	−15.367	2.133
Student loan extension 3 month	+0.090	2.223
Reduce Social Services block grant	−2.423	0.200
Net total offsets	−17.700	(1)

[1] Not applicable.

Mr. DOMENICI. Mr. President, I yield the floor.

Mr. KYL addressed the Chair.

The PRESIDING OFFICER (Mr. INHOFE.) The Senator from Arizona.

Mr. KYL. Thank you, Mr. President.

First of all, let me say that I think it is a good thing that we are finally beginning to spend gas tax money on the purpose for which the tax was collected in the first place; namely, our highway and transit systems in this country. But I don't think it is a good thing that there are winners and losers in the process depending upon who you are.

Mr. President, I have a hard time justifying this legislation to my constituents in Arizona who continue to ask me why it is that the fastest growing State in the country that sends $1 to Washington in gas tax continues to get less than $1 back. As a matter of fact, because we are a Western State, there is also supposed to be some consideration given to the fact that the wide open spaces require more highways, as is the case with many of the other Western States. But it is not to be. Instead, historically Arizona has gotten 86 cents on the dollar. And, under the original Senate bill, we were supposedly guaranteed that Arizona would receive the generous sum of 91.5 cents on the dollar. It now turns out that it will be 90.5 cents on the dollar.

Mr. President, I am not here asking that Arizona receive something extra, unlike a lot of the people who are still negotiating in the cloakroom here. I am not asking for money for special projects. But I am asking why it is that the donor States—the States that send more than they receive—can't eventually hope to get some equity in this program. What we are doing here is locking in for 6 years a continued unfair program for the 18 or so States that contribute more than they receive.

Mr. President, this reminds me a little bit of the ''Animal Farm'' story of George Orwell of 1946. It turns out that all the animals in the barnyard were equal, except that some were more equal than others. That is the way it is with the States of the Union here.

As I said, you have a fast-growing Western State like Arizona, the fastest in the country, that receives, or would receive under this legislation, 90.5 cents for every dollar sent to Washington.

How will some of the other States make out? The majority leader pointed out that Senator STEVENS would probably be pretty happy with what Alaska got under the bill. Instead, I would be happy if I got $5-plus for every dollar that I sent, which is what Alaska will receive. I would be happy if I were in Connecticut and I got $1.52 for every dollar I sent; or Delaware, $1.54. These are very small States, by the way. Montana, a large State—we are supposed to get a little extra consideration for the size—gets $2-plus back; my fellow Western States of New Mexico and Nevada each get more than $1 back—$1.14 and $1.18, respectively. The Senator from West Virginia, his State receives $1.41 back. Another small State, Vermont, $1.76; South Dakota, $2; Pennsylvania, $1.20.

It turns out that who you are matters more in this process of deciding how this money that everybody in the country pays— that matters more than equity.

Once we have an opportunity to review the bill—there has been one copy available, and everybody has had to try to sort through that one copy—I think there are going to be a lot of criticisms of how this money was allocated. There will also be a lot of questions asked, many of which have been raised here already.

How about the offsets? This is all supposed to come out equally, so that we are not spending more than we are taking in. As the Senator from New Mexico pointed out, we are now going to use the more generous OMB figures than the CBO figures which we have always insisted on using in the past because we think they are more accurate. That would permit us, in effect, to exceed the budget caps.

There is a significant question of the appropriators' authority, which Senator STEVENS raised. There are questions about the earmarks. As far as I can tell from the information I have, they don't add up. When the bill left the Senate, the formulas for the individual State projects called earmarks were supposed to be included within the State's formula allocation. But apparently that is not true under this bill, at least to the extent of $200 million; I don't know beyond that.

Mr. President, probably the most distressing thing about this is that most of the Senators who are going to vote on this will not know what is in the bill, and, therefore, they may have a bit of a hard time explaining to their constituents later on when problems are raised why they were in such a hurry to vote on this.

We lose nothing by waiting until we have an opportunity to review this. There is authority for States to continue to spend and charge it against this allocation. That has expired. We can extend that for another 10 days, until we get back.

But this bill is over $200 billion, one of the largest spending bills that this Senate, this Congress, will have ever authorized, and yet we don't know most of what is in the bill.

As I said, what I do know I don't like, because it appears that once again a few States are being discriminated against in order that other States, which are represented heavily on the committees that make the decisions, will get more than their fair share.

Mr. President, I regret to have to be this critical, but I think it has to be said very plainly.

When I have an opportunity to find out a little bit more about it, as the staff is now being made available to us—they have been very busy working all through the night, as I understand it, trying to get this finally negotiated—as they are made available to us, we will be able to understand some additional information about this. I intend to then return and comment some more.

But I did want to make the point right now that I think this is not a good process. We are hurrying too much. We are spending too much. We aren't going to be able to offset this, probably, under the estimates that have been provided. There are too many questions. And the numbers don't add up. To the extent that the States that are making contributions in excess of the amount that they receive back and are hoping to receive some ultimate relief, it appears that we are locked in for a 5- or 6-year period and that is not to be and, therefore, that our citizens will continue to be discriminated against.

Mr. President, for all of those reasons I am going to be very disappointed to have to change the vote I cast when I supported this bill earlier because I thought we were making progress in changing the formula. I wanted to assist our leadership in moving toward the concept that the gas tax dollars will at least be spent on highway and transit needs, that I will reluctantly have to vote no on this and just hope in the future, in the interests of States that are donor States here, that we can get a more equitable distribution of these funds.

The PRESIDING OFFICER. The majority leader.

Mr. LOTT. Mr. President, first of all, I acknowledge the Senator from New Mexico who spoke just a few moments ago. Senator DOMENICI has been very helpful throughout this whole process. I appreciate the comments he has just made. I appreciate the way he worked with the authorizers in trying to develop this formula and to establish the policy for the future and to deal with the offsets. He has just been tremendously helpful, including working with the Appropriations Committee this afternoon. I thank him for his work.

A lot of other people here put in effort on this. Senator BOND, Senator GRAMM, Senator WARNER, Senator CHAFEE, Senator BYRD, and Senator KERRY have been involved in this. There is a long list of Members on both sides of the aisle who have been involved in this and there has been a lot of give and take. And some of us were giving, even last night, on some projects for which we were very hopeful.

But I want to remind my colleagues, when you might say, ''We could do better,'' this is the largest infrastructure transportation bill in history. The formula is more fair than it has ever been before. My State got 84 cents on a dollar in the past; it is going to be in the 90s, like every other State this year. Most States will be getting more than they got over the past 5 or 6 years.

So I think we need to get started. There are States in this country, in the

Midwest and the Northeast, they need to know that they have this money and how much so they can get started with projects now. The season is going to get away from them. So I hope every Senator will keep that in mind and allow us to get this to completion.

SCHEDULE

Mr. LOTT. I would like to say to all Senators, with regard to the week we are coming back. I have been discussing this with Senator DASCHLE. When we complete this infrastructure transportation bill, ISTEA II, and dispose of that, that will be the last vote or action of this week, other than doing some Executive Calendar matters we are trying to clear. The next vote will not occur until Tuesday when we come back. That would be June 2. But when we return on Monday, June 1, we will continue to debate the tobacco bill, and the pending issue is the Durbin amendment. Of course, there are other amendments that are pending. We will be talking back and forth over the next week as to exactly how the process will go forward.

On that Tuesday, the 2nd, the Senate will conduct a cloture vote on the motion to proceed to the nuclear waste bill, which I will put in place in the next few minutes, as well as amendment votes relative to the tobacco legislation.

I do want to emphasize, the nuclear waste issue we intend to double track. That is one where we can take an action and then come off of that and go, then, to other legislation, the tobacco legislation. And it will take a period of days to get through the process we have to go on, on nuclear waste. But that is not intended to take the place of either the tobacco bill or the Department of Defense authorization bill. It will be double tracking as we go forward.

So I expect the Senate will be considering the tobacco bill and the nuclear waste bill during the first week in June. If problems arise with regard to either one of those, the other issue that we have already done some work on, and we want to go back to at the first opportunity, would be the Department of Defense authorization bill. We need to get that completed so we can then go to the appropriations side of the defense bill. I know that first week back will be a busy one because we have a lot of important work to do. We will be in session on Monday, but we will not have recorded votes on that Monday.

Senator DASCHLE, did you want to comment or ask a question on that?

The PRESIDING OFFICER. The minority leader.

Mr. DASCHLE. I appreciate the information the majority leader has just shared. I think that is certainly in keeping with the understanding that he and I have had in our private discussions now for some time. My hope is that we can come back and complete our work on the tobacco bill. I believe that is certainly within our reach.

I understand, because of the plethora of other bills that are on the calendar, we have to begin consideration of other issues. We have some amendments and bills that we want to raise at some point as well. But I think this schedule accommodates the demands that we are going to have on our schedule for the balance of the month of June, and I am hopeful that we can see the same level of cooperation on both sides of the aisle with that schedule that we have had over the course of the last 2 or 3 weeks.

I certainly have no objections to proceeding as the majority leader has suggested, certainly with the expectation that we will complete our work on the tobacco bill early when we come back.

The PRESIDING OFFICER. The majority leader.

NUCLEAR WASTE POLICY ACT—MOTION TO PROCEED

Mr. LOTT. Mr. President, I ask unanimous consent the Senate now turn to consideration of Calendar No. 312, the Nuclear Waste Policy Act.

Mr. DASCHLE. Mr. President, I object.

The PRESIDING OFFICER. Objection heard.

CLOTURE MOTION

Mr. LOTT. In light of the objection, I now move to proceed to Calendar No. 312 and send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provision of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to proceed to Calendar No. 312, H.R. 1270, the Nuclear Waste Policy Act:

Trent Lott, Frank H. Murkowski, Chuck Hagel, Slade Gorton, Pat Roberts, Olympia J. Snowe, Jon Kyl, Tim Hutchinson, Rod Grams, Spencer Abraham, Pete Domenici, Bill Roth, Don Nickles, Thad Cochran, Michael B. Enzi, Charles Grassley.

Mr. LOTT. I now withdraw the motion.

The PRESIDING OFFICER. The motion to proceed is withdrawn.

Mr. LOTT. For the information of all Senators, the cloture vote will occur on Tuesday, June 20, at a time to be determined by the majority leader after consultation with the minority leader.

I ask unanimous consent the live quorum call under rule XXII be waived.

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

AUTHORITY TO FILE REPORTED ITEMS

Mr. LOTT. Mr. President, I ask unanimous consent that on Wednesday, May 27, the committees have from the hours 11 a.m. to 2 p.m., in order to file legislative or executive reported items.

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

ORDER FOR STAR PRINT—S. 981

Mr. LOTT. Mr. President, I ask unanimous consent that the report to accompany S. 981, the Regulatory Improvement Act of 1998, be star printed, with changes that are at the desk.

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

CONGRATULATING PRESIDENT CHANDRIKA BANDARANAIKE KUMARATUNGA AND THE PEOPLE OF SRI LANKA ON 50 YEARS OF INDEPENDENCE

Mr. LOTT. I ask unanimous consent the Senate proceed to the immediate consideration of Calendar No. 372, S. Res. 172.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The resolution (S. Res. 172) congratulating President Chandrika Bandaranaike Kumaratunga and the people of the Democratic Socialist Republic of Sri Lanka on the celebration of 50 years of independence.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

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

Mr. LOTT. Mr. President, I ask unanimous consent the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and any statements relating to the resolution appear in the RECORD.

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

The resolution (S. Res. 172) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 172

Whereas February 4, 1998, is the occasion of the 50th anniversary of the independence of the Democratic Socialist Republic of Sri Lanka from Britain;

Whereas the present constitution of the Democratic Socialist Republic of Sri Lanka has been in existence since August 16, 1978, and guarantees universal suffrage; and

Whereas the people of the Democratic Socialist Republic of Sri Lanka and the United States share many values, including a common belief in democratic principles, a commitment to international cooperation, and promotion of enhanced trade and cultural ties: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates President Chandrika Bandaranaike Kumaratunga and the people of the Democratic Socialist Republic of Sri Lanka on the celebration of 50 years of independence;

(2) expresses best wishes to the Government and people of the Democratic Socialist Republic of Sri Lanka as they celebrate their national day of independence on February 4, 1998; and

(3) looks forward to continued cooperation and friendship with the Government and people of the Democratic Socialist Republic of Sri Lanka in the years ahead.

SEC. 2. TRANSMITTAL OF RESOLUTION.

The Secretary of the Senate shall transmit an enrolled copy of this resolution to the Government of the Democratic Socialist Republic of Sri Lanka.

RESOLUTION REGARDING ISRAELI MEMBERSHIP IN A UNITED NATIONS REGIONAL GROUP

Mr. LOTT. I ask unanimous consent the Senate proceed to the consideration of Calendar No. 373, S. Res. 188.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

A resolution (S. Res. 188) expressing the sense of the Senate regarding Israeli membership in a United Nations regional group.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

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

Mr. LOTT. Mr. President, I ask unanimous consent the resolution and the preamble be agreed to en bloc, the motion to reconsider be laid upon the table, and any statements relating to the resolution appear in the RECORD.

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

The resolution (S. Res. 188) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 188

Whereas, of the 185 member states of the United Nations, only the State of Israel is ineligible to sit on the Security Council, the Economic and Social Council, or any other United Nations committee;

Whereas the State of Israel was created in response to a 1947 General Assembly resolution and joined the United Nations in 1949;

Whereas the members of the United Nations have organized themselves according to regional groups since 1946;

Whereas eligibility for election to the rotating seats of the Security Council, or other United Nations councils, commissions, or committees, is only available to countries belonging to a regional group;

Whereas Israel has remained a member of the United Nations despite being subjected to deliberate attacks which aimed to place the legitimacy of the State of Israel in question;

Whereas this anachronistic Cold War isolation of Israel at the United Nations continues;

Whereas barring a member of the United Nations from entering a regional group is inimical to the principles under which the United Nations was founded, namely, ''to develop friendly relations among nations based on respect for the principle of equal rights . . .''; and

Whereas Israel is a vibrant democracy, which shares the values, goals, and interests of the ''Western European and Others Group'', a regional group which includes Australia, Canada, New Zealand, and the United States: Now, therefore, be it

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

(1) it should be the policy of the United States to support the State of Israel's efforts to enter an appropriate United Nations regional group;

(2) the President should instruct the Permanent Representative of the United States to the United Nations to carry out this policy;

(3) the United States should—

(A) insist that any efforts to reform the United Nations, including the Security Council, also resolve this anomaly; and

(B) ensure that the principle of sovereign equality be upheld without exception; and

(4) the Secretary of State should submit a report to Congress on the steps taken by the United States, the Secretary General of the United Nations, and others to help secure Israel's membership in an appropriate United Nations regional group.

APPOINTMENT BY THE PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The Chair, on behalf of the President pro tempore, pursuant to P. L. 103–227, appoints the following individuals to the National Skill Standards Board:

Upon the recommendation of the Democratic Leader: Tim C. Flynn, of South Dakota, Representative of Business; Jerald A. Tunheim, of South Dakota, Representative of Human Resource Professionals.

APPOINTMENT BY THE MAJORITY LEADER AND MINORITY LEADER

The PRESIDING OFFICER. The Chair announces, on behalf of the two leaders, pursuant to provisions of S. Res. 98, agreed to July 25, 1997, the appointment of the Senator from Nebraska (Mr. KERREY) to the Global Climate Change Observer Group, vice the Senator from New Mexico (Mr. BINGAMAN).

UNANIMOUS CONSENT REQUEST—CONFERENCE REPORT TO ACCOMPANY H.R. 2400

Mr. LOTT. Mr. President, I ask unanimous consent the Senate now proceed to the ISTEA conference report notwithstanding the receipt of the papers and the reading be considered dispensed with.

Mr. KERRY. Mr. President, reserving the right to object.

The PRESIDING OFFICER. The Senator from Massachusetts reserves the right to object.

Mr. KERRY. Mr. President, as I have discussed with the distinguished majority leader, I do not want to slow up the proceedings. I never have. I am trying to simply resolve a couple of last-minute details. So I am constrained to object, at least for a few moments, until Senator CHAFEE can finish doing what he is doing and we have a chance to confer. I assure my colleagues, this should not be a long-term process, and I hope we can resolve it very, very quickly, but I do object at this moment.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I understand, as one of the managers of the bill, we can speak at some length here. But is there desire that someone wish to have a minute or two?

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, I was going to use about 2 minutes to thank the distinguished chairman of our subcommittee, the Senator from Virginia, and say kind things about him. But if he wishes——

Mr. WARNER. Mr. President, I yield the floor instantly.

Mr. BOND. Mr. President, I rise to say a very quick word or two about the TEA–21 , I believe, Transportation Efficiency Act of the year 2000 and to express my deep appreciation for the leadership that Chairman CHAFEE, Chairman WARNER and Senator BAUCUS have provided. This, as has been said, is one of the very largest bills that we have acted upon. It has an impact on each of our States and will have for the next 6 years.

It has been a very difficult fight to raise the dollars necessary and to allocate them fairly. I express the deepest appreciation to all three of my colleagues I mentioned.

I want to say what tremendous work has been done by the staff on the majority side, Jimmie Powell, Ann Loomis, Dan Corbett; on the minority side, Tom Sliter and Kathy Ruffalo.

On my own staff, Tracy Henke has worked literally hundreds of hours and has had very little sleep, as all of the staff on Environment and Public Works. They have done an outstanding job.

When we started this process, I said there were five essential goals: Increase the funding for highways. We need a bigger pie. We need, for the State of Missouri, to get a fair share. We must upgrade and repair deteriorating bridges. We need to put the trust back into the highway trust fund so that people who pay gas taxes into the trust fund will know that those gas taxes are coming back to build better roads, bridges, highways and transportation system. Finally, there should be flexibility so the States and localities can get the most for their money.

I am delighted they have approved all those principles. I note for the Record what I have noted in committees, in conferences, in individual discussions. I have grave and deep problems with and do not agree with the use of the funds from a newly and administratively created veterans' smoking program to offset the expenditures of the highway fund. I believe the highway fund should be spent for highways; veterans' funds should be spent for veterans. I have fought those battles; I have lost those battles because the President has insisted on using that as an offset. I intend to come back and work with colleagues, such as Chairman SPECTER of the Veterans' Committee, Senator MCCAIN, Senator SMITH and others to put a good veterans health care measure into the next vehicle, and I believe that is probably going to be the tobacco bill.

We are going to see that our veterans are cared for. I realize that offsets are needed. I do not think we should have taken this one. But for our State, we are going to receive tremendous benefits in Missouri. This is nearly a 53-percent increase in the annual funding for the State of Missouri where our roads, highways and bridges are not just a matter of convenience, they are a matter of life and death. Safety depends upon adequate roads.

For the first time, we are going to see our share of the funds moving up from the low 80 cents per $1 sent in to almost 92 cents. We will see a structure to ensure the gas taxes will be used for highways and transportation. The flexibility is expanded and for good measure.

I thank the leaders for agreeing to my wetlands banking amendment which will enable us to ensure improved protection for wetlands in accommodating the highway construction.

Last year, I worked with people on both sides to put through the Bond extension which kept the highway funding flowing until May 1 of this year. We have not had contract authority, obligation authority for the last month. I believe the President, through his Secretary of Transportation, expressed great appreciation for this measure, and I hope that we can pass it today and get it signed by the President so we can go back to rebuilding the roads, bridges and highways that are vitally important for our country.

I thank the leader and thank the leadership of the committee.

UNANIMOUS CONSENT REQUEST—CONFERENCE REPORT TO ACCOMPANY H.R. 2400

Mr. LOTT. Mr. President, I renew my unanimous consent request that the Senate proceed to the ISTEA conference report, notwithstanding the receipt of the papers, and that the reading be considered dispensed with.

The PRESIDING OFFICER. Is there objection?

Mr. KERRY. I object at this point.

Mr. LOTT. I thought this was going to be resolved.

Mr. KERRY. We are just in conversation now, Mr. President. If we can just have time so we can complete the conversation.

Mr. LOTT. Mr. President, I intend to renew this request about every 2 minutes for the remainder of the day, and as soon as we get this consent, I suggest we go to a recorded vote, because there are major problems being caused by this delay and they are only going to grow. In that Senators want to express their interest, concern, appreciation or hatred, they will be able to do so at great length.

I hope we can get something done here so we can move to this unanimous consent request and then move to a vote. Senator DASCHLE is in concert with me on this. It is the right thing for us to do for each other and for our country.

I will withhold momentarily, but I am going to renew this request in just a few minutes.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

ISTEA

Mr. WARNER. I thank the Presiding Officer.

Mr. President, while both leaders are present on the floor, as one who has been involved for a year and a half in preparing the legislation which now, hopefully, will be voted upon by the Senate, I thank my distinguished colleague, the majority leader, and my colleague, the distinguished minority leader. I just think of how many times during the course of this conference we have made calls to them to seek their guidance that both are entrusted to give as a consequence of their very important positions.

I also have virtually over the last 7 days and nights worked at the side of my distinguished chairman, Senator CHAFEE, and the distinguished ranking member, the Senator from Montana, Mr. BAUCUS, as we prepared and then I think very fairly, forcefully and successfully advocated the Senate's position before the House of Representatives.

The House was very ably represented by Chairman SHUSTER, ranking member Congressman OBERSTAR, Congressman PETRI, Congressman RAHALL—the four from the House versus the three from the Senate.

It was a long conference. Not until late last night did we put in place the final decision for the foundation on which I believe this bill rests, and that is equity among the States. Fifteen months ago, as chairman of the subcommittee in the Environment Committee entrusted with this important legislation, we embarked on the hearing process for this legislation. We held hearings in seven different States because it was essential to go out and get the views of the people: The citizens, the supervisors, the State legislatures and, indeed, the representatives of their legislatures and the Governors themselves. Senator BAUCUS and I actually went to a joint hearing of the States of Montana and Idaho. Senator CHAFEE held hearings in other parts of America. So we didn't just sit in Washington, we went to where the problems are and to learn firsthand.

Senator BAUCUS has been an absolute brick, as we say throughout my part of the world, as my partner, together with Senator CHAFEE, not only in the final hours, but throughout the 15-month process to bring this bill to fruition.

The dollar value represents the largest increase in the history of America. Many people played a vital role in that, notably the senior Senator from West Virginia, the senior Senator from Texas, Senator DOMENICI and, indeed, Senator STEVENS was very helpful, because this is a very complex series of votes and then adjustments to the various accounting principles and budget principles which we adhered to in the Senate.

So many persons are deserving of a great deal of credit for providing this important conference report which will shortly be voted on by this body.

The staff is extraordinary. In my 19 years in the Senate, I do not know of another instance in which I have seen more dedicated service. By my side here in the Chamber is Ann Loomis, who was the counsel for the subcommittee, who 15 months ago worked and traveled, as did I and others, to gain the very important information from across the United States to incorporate into this bill. Kathy Ruffalo of Montana was Senator BAUCUS' principal assistant on the committee. She also worked with us throughout this bill, as did Ellen Stein of my staff. Jimmie Powell, of course, is the staff director. Dan Corbett, Tom Sliter—and all too often we forget the many others who are back in the offices of the Senators, who represent those Senators on the committee in the long hearings and the workup of this legislation, and, most particularly, the support staff who are on the Environment and Public Works Committee—all contributed to making this, I think, the most significant bill in the history of the United States of America addressing transportation needs.

How often has Senator GRAMM or Senator BYRD pointed out that we are in a one-world market. To the extent that we in the United States can have an efficient and safe transportation system is to the extent we can compete with nations far beyond our shores.

Our system was aging, continues to age; and this bill makes the necessary corrections. And through the leadership of Senator BYRD and Senator GRAMM, we got the additional funds to make it the most meaningful transportation bill in America's history.

Equity was the theme, the very theme that united all of us. While we incorporated many of the principles of ISTEA, the bill passed in 1991—and it was important to do so—there were corrections that, I can say, as softly, I suppose, as it can be expressed, were very definitely needed to correct what we felt were inequities in ISTEA.

Mr. President, I see the distinguished leader. I will be happy to yield.

UNANIMOUS CONSENT REQUEST—CONFERENCE REPORT TO ACCOMPANY H.R. 2400

Mr. LOTT. I renew my request that the Senate now proceed to the ISTEA conference report notwithstanding the receipt of the papers, and the reading be considered as dispensed with.

The PRESIDING OFFICER. Is there objection?

Mr. WYDEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Reserving the right to object, I am very hopeful I will not have to object in a couple minutes. And just a couple of matters have to be resolved. I think we can do it quickly.

Mr. LOTT. Is there objection?

The PRESIDING OFFICER. There is objection.

Mr. LOTT. Thank you. I thank the Senator for yielding.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. WARNER. Mr. President, I would like to continue.

ISTEA

Mr. WARNER. Equity for the donor States. ''Donor States'' is a category created by ISTEA I. We never actually heard that term prior to ISTEA I. But generally speaking, what it represented was as a consequence of ISTEA I, a group of States, about 18 to 20 in number. Some were right on the borderline. Those States, when their citizens or visitors in those States went to the gas pump and paid this very significant Federal gas tax, those 19 States got back a very small amount in comparison to other States whose return, as a consequence of ISTEA, was far higher.

My State got 79 cents on what we called the apportion dollar that comes back from the highway trust fund; other States had equally. Several had less than my State. And that was basically an unfairness to the citizens of that State, that those moneys that they expended in a Federal tax, and which was represented as to be for the purpose of highways, did not come back in what I believe was a fair formula.

So the foundation in this bill was to change that inequity such that that class of donor States received no less than 90.5 percent.

Mr. REID. Would my friend yield for a unanimous consent request?

Mr. WARNER. Yes.

Mr. REID. I appreciate it very much. I am sorry to interrupt.

PRIVILEGE OF THE FLOOR

Mr. REID. Mr. President, I ask unanimous consent that Drew Willison, a congressional fellow in my office, be allowed privileges of the floor during the debate on this conference report.

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

ISTEA

Mr. COVERDELL. Will the Senator yield?

Mr. WARNER. Yes.

Mr. COVERDELL. With regard to this question of donor States, the two States that were the most—if that is a standard, legitimate standard—the two States that received the weakest return were South Carolina and Georgia.

It is my understanding that the provision we are now talking about has a floor of 90——

Mr. WARNER. Ninety and a half.

Mr. COVERDELL. And a half.

Mr. WARNER. That is correct.

Mr. LOTT. Would the Senator allow me to renew this unanimous consent request?

Mr. WARNER. Yes.

Mr. LOTT. I thank the Senators who are on their feet. I think this will allow everybody to continue in a moment.

TRANSPORTATION EQUITY ACT FOR THE 21ST CENTURY—CONFERENCE REPORT

Mr. LOTT. I ask unanimous consent again, Mr. President, the Senate proceed to the ISTEA conference report notwithstanding the receipt of the papers and the reading being considered dispensed with.

The PRESIDING OFFICER. Is there objection?

Mr. DASCHLE. Reserving the right to object.

The PRESIDING OFFICER. The Democratic leader.

Mr. DASCHLE. I would suggest perhaps we could make the unanimous consent request subject to the circumstances that are now being discussed with the Senator from Oregon and the Senator from Massachusetts, that assuming that those two matters could be worked out, that no additional unanimous consent requests would be in order.

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate now proceed to the ISTEA conference report, notwithstanding the receipt of the papers, and it be in order for me to ask for the yeas and nays on the adoption of the conference report, and, further——

Mr. WYDEN addressed the Chair.

Mr. LOTT. Let me complete my request. And, further, I ask unanimous consent that if the House passes the identical text, the vote be considered as having occurred on the conference report. I further ask unanimous consent that this agreement be null and void only by the Senator from Oregon, Senator WYDEN, within the next 5 minutes.

Mr. HARKIN. I object.

Mr. LOTT. I renew the same request with the exception of Senator WYDEN and the Senator from Iowa.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. WYDEN. Mr. President, in response to the majority leader's request for unanimous consent to proceed to the conference report on ISTEA without having all of the conference report papers in hand, I must withhold my consent until I have had the opportunity to review the sections of the report relating to important funding and project matters for Oregon. It is not my intent to delay final action on this major piece of legislation; however, I want to be assured that commitments that have been made are reflected in fact in the conference documents.

The PRESIDING OFFICER. The report will be stated.

The assistant legislative clerk read as follows:

The committee on conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 2400), have agreed to recommend and do recommend to their respective Houses this report, signed by majority the conferees.

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

(The conference report is printed in the House proceedings of the RECORD of May 22, 1998.)

Mr. WARNER. Mr. President, I now ask for the yeas and nays on the bill.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. WARNER. I thank the Chair.

Mr. President, the Senator from Georgia was posing a question to the Senator from Virginia.

Mr. COVERDELL. In essence, I was asking if the conference report—the floor was 90, so that although South Carolina was getting 71 cents back and Georgia 74, we could expect, if this were to pass, 90.5 cents?

Mr. WARNER. Mr. President, the Senator from Georgia is correct. And I must say that it was only because of the efforts of the Senator from Georgia, the Senator from South Carolina, and all in the donee-donor dispute—the donor States bonded together. I thank the Senator for his help, because without it we could not have achieved this result.

Mr. COVERDELL. One more comment. There are still donor States, so there is in this agreement a recognition of special circumstances, distances, rural areas, or other infrastructures. There is still a subsidy that occurs, some of it legitimate.

Mr. WARNER. Mr. President, the Senator is correct. There are certain programs, like the Federal Lands Program, certain environmental programs, to which all the States contribute. The Senator is correct.

But the major achievement is the floor, which is a floor that puts us in range with almost all the other States of significant size. For instance, the smaller States, there are 13 small States. That was the second building block that the Senator from Virginia put together to formulate this bill months ago. It seems so long ago now. The distinguished Senator from Montana was a key player in that, Senator GRAHAM of Florida, and we put this together.

Indeed, I would like to acknowledge the participation by the Governors of these various States, the donor States, and the small States, and their various highway representatives.

So that was the nucleus, the engine that began to take this bill down.

Mr. COVERDELL. I won't interrupt the Senator's speech, but I take this

moment to commend the Senator from Virginia. This has been a very vexing issue, and I thank the Senator.

Mr. WARNER. I thank the Senator for his very active participation. I feel a certain sense of achievement that this Senator from Georgia can go back now and say to his constituents at long last equity prevails in the distribution of our highway trust fund.

Mr. COVERDELL. I thank the Senator.

Mr. WARNER. Did the Senator have a question?

The PRESIDING OFFICER (Mr. BROWNBACK). The Senator from Virginia has the floor.

Mr. WARNER. I yield for a parliamentary inquiry.

Mr. HARKIN. Parliamentary inquiry. I wonder if we could get 5 more minutes.

Mrs. MURRAY. I object.

Mr. LOTT. Reserving the right to object, you are just extending for 5 more minutes?

Mr. HARKIN. Yes.

Mr. LOTT. I have no objection.

Mr. WARNER. I thank the Chair. The Senator from Virginia is one of the managers of the bill and very much wants to accommodate other Senators.

I understand the distinguished ranking member of our committee is about to have a colloquy with the Senator from Oregon, so I yield for that purpose and then thereafter would like to regain the floor for my speech.

Mr. WYDEN. Thank you, Mr. President. I thank the Senator from Virginia for his graciousness.

Mr. President, I would like to enter into a colloquy with the ranking member regarding the Intelligence Transportation System Program.

Would the Senator from Montana agree the policy in the program intended to encourage private sector investment should be implemented in a manner that does not interfere with ongoing technology, deployment, and system implementation in States that have already made a substantial investment in its tests and deployment?

Mr. BAUCUS. Mr. President, I say to my very good friend, the Senator from Oregon, I strongly agree with the Senator. In States that have already made a substantial investment in intelligence transportation tests and deployment projects, nothing in this bill before us, the new TEA–21, the old ISTEA II bill, will interfere with ongoing deployment and system implementation in these States.

Mr. WYDEN. I thank the Senator from Montana. It is particularly important to encourage transportation innovation.

I thank the Senator. I yield the floor.

Mr. WARNER. Mr. President, referring to the bill, we have not discussed today the important strides made in safety of the traveling public. Nearly 440,000 persons a year, regrettably, lose their lives on highways and many more suffer incredible injuries. The bill includes four new and significant provisions which hold great promise to save lives.

First, there is a new incentive program to give States funding based on each State's improvement in seat belt use. I want to particularly acknowledge the important contribution of public interest groups speaking on behalf of safety. Those groups indicated that this will greatly reduce highway deaths and injuries.

Second, the conference report contains a new incentive grant program to reduce drunk driving by rewarding States who have passed .08 blood alcohol content law.

Third, the conference report includes a new program to require States to adopt minimum penalties for repeat drunk driving offenders.

I am privileged to say that was a conclusion that this Senator made after close consultation with many safety groups, and, indeed, acknowledgment should be to the other groups—restaurant groups and others who came in to see us on this issue. Statistics on drunk driving confirm that repeat drunk drivers represent one of the most significant parts of our tragedy on the highways today, as a consequence of alcohol.

Fourth, another Senate provision requiring States to enact laws against open alcohol containers is included. Senator DORGAN was particularly interested in that, and he deserves much credit for bringing that to the Senate's attention.

These four provisions, I believe, begin a new day in our efforts to improve the safety of our Nation's highways. The conference report contains a new title, championed by Senator CHAFEE, the distinguished chairman, and Senator GRAHAM of Florida, to implement innovative financing techniques to leverage private dollars for transportation projects.

The bill also recognizes the significant needs of our border States who have experienced significant transportation growth since the passage of NAFTA.

There is a new $700 million grant program to meet the needs of our border States and those trade corridor States carrying significant traffic to those areas.

Lastly, there is a provision in the conference report to provide $900 million to replace the aging Woodrow Wilson Bridge. I wish to express my appreciation to my colleagues from Maryland and my colleague from Virginia, Mr. ROBB, and, indeed, strong assistance from the House. Chairman SHUSTER was very supportive, as was Mr. Oberstar. While they did not put it in the House bill, they recognized I would have it in the Senate bill, and at a figure considerably above the request by the President.

The President took a personal interest in this bridge and summoned a number of us to the White House, to a very important conference presided over by the Director of OMB and his senior staff. There was a general consensus at this conference that the $900 million was as much as we could achieve under this particular piece of legislation, recognizing that these dollars were in competition with the other 48 States and Maryland and Virginia and, of course, the District of Columbia.

Therefore, another piece of legislation will have to be carefully drafted by the White House, in consultation with the Governors of Maryland and Virginia and the representatives of the District of Columbia, to allocate the next financing package which could be as high as this one between the several States, notably Maryland and Virginia, and the District. I think they should bear a portion of it, and a further significant contribution, I presume the majority, coming from the Federal Government and how that would be financed. There were a number of schemes which I think were quite innovative and discussed, but I will leave it up to those drafters of the legislation to work out those details.

I will be pleased, and, once again, together with our colleagues, to work towards passage of this legislation in a timely manner.

Mr. President, I conclude my remarks on this bill, again, commending our distinguished chairman, Mr. CHAFEE, and the ranking member, Mr. BAUCUS—the three of us were the principal negotiators for the conference—and, again, paying great respect to my staff, and most particularly to this loyal one seated next to me, Ann Loomis.

I yield the floor.

Mr. DODD. Mr. President, I rise today to express my views on the ISTEA conference report. I commend the work of the Conference Committee on the job it has done. This is landmark legislation. It represents the most substantial transportation legislation ever considered by the Congress. The bill provides much needed funds for both the construction and repair of our nation's roads, bridges and rails. This legislation will provide the additional resources for our states to meet their compelling transportation needs.

I am particularly pleased that the bill preserves the concept of intermodalism. After completing the nation's interstate highway system several years ago, we decided in the ISTEA bill adopted in 1991 that transportation was not just about highway construction. We committed ourselves to investing funds in other modes of transportation, such as light rail, bus and ferries. If our nation is to move people and goods safely and efficiently in the 21st century, we must diversify our transportation system. This legislation continues on that course.

We have also preserved our commitment to mass transit, which is extremely important in densely-populated states like Connecticut. I was particularly pleased to join Senators D'AMATO and SARBANES in a successful

effort to increase funding for mass transit by $2.4 billion dollars during deliberations between the House and the Senate conferees. I want to commend my two colleagues for their vigilance in this effort.

This legislation also furthers environmentally-sound principles such as congestion mitigation, air quality improvement and alternative fuel technologies. I believe that energy-efficient and environmentally-friendly means of transportation are not only possible, but essential if our nation is going to remain strong, competitive and environmentally healthy into the next century. In this regard, I am particularly pleased that the conference report retains the Senate-passed level of funding for the development and deployment of maglev high speed rail. This is an extraordinary technology that can move people and goods on a fixed guideway at speeds of up to 300 mph. I believe that this mode of transportation can be to the 21st century what airplanes were to the 20th century, and trains were to the 19th—namely, a dramatic step forward in safe, efficient and reliable transportation. I applaud Senator MOYNIHAN for his stalwart efforts to support maglev technology.

In summary, Mr. President, this is good and important legislation. It will improve transportation safety, reduce congestion, diminish pollution, increase efficiency and create jobs for the people of America. For these reasons, the conference report has my support. That is not to say, however, that this is a perfect piece of legislation. I have a number of concerns, as I know that my colleagues do, that I hope will be addressed as we go forward.

I am disappointed that the conference report did not include the Senate provision that would penalize states if they failed to change the legal definition of intoxication to .08 nationally. Although I am pleased that the conference report contains incentives for states to move in this direction.

I am also concerned that the bill offsets some of its spending with a reduction in expenditures for veterans in need of treatment for smoking-related illnesses. For years the United States military effectively encouraged active duty forces to smoke by providing them with free cigarettes. Therefore, it is only fair that the federal government bear its fair share of responsibility for treating veterans with illnesses contracted as a result of addiction to those cigarettes. I intend to work with my colleagues, including Minority Leader DASCHLE and Senators LIEBERMAN and ROCKEFELLER, to insure that as Congress continues consideration of tobacco legislation, we provide for the needs of our veterans.

I am also concerned about the reduction in the Social Services Block Grant. This block grant is important to children and families of modest means throughout the country. We must not compromise on our commitment to provide better health care, child care and nutritional assistance to these needy Americans. As a member of the Labor Committee, I intend to work with members of the appropriations committees to made sure that we find the resources to provide for these families.

Mr. WYDEN. Mr. President, for our nation's economy, transportation is literally where the rubber hits the road. There are few things more important to my home State of Oregon or to the country's economy than how well we build and maintain our transportation system. Transportation is one of the basic ingredients in any economic growth recipe. It is one of the key things that businesses will look at as they consider where to locate.

Both houses of Congress recognized this in passing bills to rev up transportation spending over current levels. Providing more money transportation money clearly helps keep us on the road to competitiveness and economic prosperity.

But the transportation debate involves more than just economics, as important as that is, it's also about our quality of life. I've always believed that you can't have major league quality of life with minor league transportation systems. In the modern world, a transportation bill is about so much more than just how you get from point A to point B.

Congress recognized this when we passed the original ISTEA legislation. For the first time, there was Federal recognition that decisions about where and how to build transportation projects can have tremendous impacts on our communities, our environment and our citizens' quality of life. Through ISTEA, we began to consider the true costs of our transportation spending as part of the process of planning transportation projects. And, for the first time, Federal funds were made available to mitigate the impacts of these projects throught the CMAQ and the Transportation Enhancements Programs.

ISTEA recognizes that properly planned and constructed transportation systems are both economically efficient and environmentally sound.

Badly designed or badly built systems waste taxpayer money and contribute to traffic congestion that snarls our highways. This causes both additional stresses for commuters and additional exhaust emissions that degrade the quality of our air.

Both the Senate and the House bills continue many of these landmark initiatives of the original ISTEA legislation. These were clearly good first steps, but if we're going to improve both our transportation system and our quality of life, we need to do more than spin our wheels.

Today, the Congress has recognized that the Federal government's role in funding transportation project also has ripple effects on patterns of development in our local communities. When it comes to transportation, if you build it, they will come and build around it.

Uncontrolled development not only hurts our citizens where they live and breathe, it also hits them in their wallets. Several studies have come out that show the costs of sprawling growth are significantly higher than more compact, managed growth patterns. These studies show that taxpayers can save billions of dollars in public facility capital construction and operation and maintenance costs by opting for growth management.

Because of the major impacts Federally funded transportation projects can have, there is an appropriate role for the Federal government in ensuring these projects and the development they spawn are both economically and environmentally sound.

That role should not be to embroil the Federal government in land use decisions that have historically been State and local issues. We don't want Federal zoning.

Instead, the proper role for the Federal government is create incentives to encourage and build on the State and local efforts to address transportation and growth that are already underway. I am very pleased to report that the ISTEA conference report includes a program I proposed to help local communities grow in environmentally sustainable ways by creating incentives for local growth management.

I greatly appreciate Chairman CHAFEE, Chairman WARNER and Senator BAUCUS working with me to include this program in the bill. Chairman CHAFEE and the other managers of the legislation also deserve enormous credit for how they have built on and reinforced the goals of the original ISTEA law. Thanks to their efforts the bill now before the Senate will enable our national environmental policies to merge more smoothly with our transportation policies.

The new Transportation and Community and System Preservation Program provides $25 million per year investigate and address the relationships between transportation projects, communities and the environment. The Program consists of three parts:

(1) a comprehensive research program;

(2) a planning assistance program to provide funding to States and local governments that want to begin integrating their transportation planning with community preservation, environmental protection and land use policies; and

(3) an implementation assistance program to provide funding to States and local governments that have developed state-of-the-art approaches to integrate their transportation plans and programs with their community preservation, environmental and land use planning programs.

The research program will create a database on the experiences of communities in uniting transportation, community preservation, environmental and land use goals and decision making

processes. This research will also identify benchmarks for measuring the performance of communities' experiences. This information will be a valuable resource to help communities throughout the nation meet their future transportation needs with lower environmental impacts, improved transportation efficiency, lower infrastructure construction and maintenance costs, and in a way that is more responsive to the views of their citizens.

The planning assistance provided by this program will mean additional financial resources to States and communities that wish to explore ways to integrate their transportation programs with community preservation, environmental and land use planning programs. Participants in this planning assistance program would be able to develop their own local approaches to meet their needs. And, as their programs develop, they could become eligible in the future for funding to help implement their locally developed solutions.

Finally, for States and communities which already have established community preservation or land use programs, the program provides additional financial resources to enable them to carry out transportation projects that also meet community preservation, environmental and land use goals. In providing this assistance, the Secretary of Transportation is directed to give priority consideration to applicants that have instituted policies such as directing funds to high growth areas, urban growth boundaries to guide metropolitan expansion, and ''green corridors'' programs.

My home State of Oregon leads the nation in developing innovative approaches to manage our growth and to tie transportation policies in to growth management. Our statewide land conservation and development program requires each municipality to establish an urban growth boundary to define both the areas where growth and development should occur and those areas that should be protected from development. This system keeps agricultural and forest lands in productive use and preserves ''green corridors'' for hiking, biking and other recreational uses that are located in or close to urban areas. Our transportation planning and construction efforts reinforce these policies by not only avoiding developing in environmentally sensitive areas but also by helping make the areas where we want development to occur more accessible.

Oregon recognizes that it's not enough to tell people where they can't build. For our system to work, we have to make it easier to develop the areas where we want growth to occur. And we don't just give lip service to this principle. We actually put our money where our mouth is to make sure the development we want occurs.

The State of Oregon and METRO, the Portland area's regional government, are currently using $3 million of our Surface Transportation Program (STP) funds to develop housing and commercial properties around light rail stations. Our folks have even figured out how to use $3.7 million CMAQ air quality funds to help pay for sidewalks, light rail tracks and landscaping in these developments.

These policies make the State of Oregon, METRO, the City of Portland, and other localities in our State ideal candidates to apply for implementation grants under the Transportation and Community and System Preservation Program.

Mr. KERREY. Mr. President, I rise today to discuss the Conference Report to the Intermodal Surface Transportation Efficiency Act of 1998 (ISTEA). During this period of tremendous economic growth, I believe investing in the nation's transportation infrastructure should be one of our highest priorities. I am pleased to offer my support to the passage of this legislation.

Mr. President, despite my support for the improvements in the transportational infrastructure that will occur as a result of this bill, I have strong concerns about one of the funding sources contained in this legislation. I do not believe that we should take money from veterans disability programs to be spent building roads. At a time in which the veterans hospitals in my state are experiencing budgetary shortfalls, I am troubled about transferring funds away from the Veterans Administration (VA). We in the United States have a long-standing commitment to providing benefits and healthcare to those who have served our country in the Armed Forces. In my opinion we should be working to strengthen that commitment, not weaken it through budgetary slight of hand.

The issue of providing compensation to veterans for tobacco-related illnesses is one which the Congress must take closer look at in the coming months. During consideration of the FY99 Budget Resolution, I voted in favor of an amendment that requires the Veterans Administration, Office of Management and Budget (OMB), and the General Accounting Office (GAO) to jointly study the VA General Counsel's determination regarding compensation for tobacco-related illnesses. I fully expect Congress will conduct a detailed examination of the results of this study and will engage in full debate before any change in permanent law is enacted. Regardless of the ultimate outcome of that debate, any savings as a result of a change in VA compensation policy should be redirected into VA health care and benefits programs, not into transportation infrastructure.

Mr. President, despite my concern about this funding provision, I will vote in favor of this Conference Report because I believe today's investment in roads and transit systems lays the groundwork for economic growth for decades to come. The Senate's passage of this legislation will improve the safety of our roads, create jobs, spur economic activity and give more Americans a shot at the American Dream. I strongly urge my colleagues to join me in support of this legislation.

Mr. SMITH of New Hampshire. Mr. President, I join the majority of my colleagues today in expressing strong support for the conference report on H.R. 2400, the Intermodal Surface Transportation Efficiency Act reauthorization. As a member of the conference committee, I know the amount of time and effort that was put into developing this final agreement. I believe a fair compromise was reached among the wide variety of interests and between the House and Senate.

This legislation represents a change from past transportation legislation and a shift toward an integrated, intermodal transportation system to promote efficiency and economic growth. Some of its major provisions include: assurance that gas tax dollars are used for transportation purposes, greater planning authority for state and local government, increased funding for highway safety, and funding for environmental protection activities.

A reauthorized ISTEA should continue to recognize regional differences but at the same time, recognize that our transportation system is a national system. Certainly, every state want to get its ''fair share,'' and we will need to balance each state's needs with the needs of the Nation.

From New Hampshire's perspective, it is important to ensure that small states continue to receive adequate funding for their infrastructure needs. New Hampshire strongly supports certain programs, such as the Bridge Rehabilitation, Scenic Byway and Recreational Trail programs, that other states may not need as greatly. The strength of this legislation is that it recognizes these varying needs and provides states with the flexibility to direct funding as they see appropriate.

There are many challenges before us as we operate in a balanced budget environment—something for which I have fought long and hard. Our needs will always outweigh our resources. But we also have to recognize how critical our transportation system is to our economy and social well-being. While it is difficult to balance these frequently competing goals, I believe this bill strikes the right balance in providing an adequate amount of resources within the context of the balanced budget agreement.

In conclusion, I believe this is a good bill and deserves Senate approval. The quality of our Nation's transportation system is depending on it. Thank you, Mr. President, and I yield the floor.

Ms. MIKULSKI. Mr. President, I rise in support of the conference report accompanying the re-authorization of the Intermodal Surface Transportation Efficiency Act. While I support this legislation, I am disappointed that veterans programs were used to pay for a portion of this bill. Nonetheless, this bill

contains significant increases in funding for Maryland's highway and transit programs. I am proud to have worked with my colleague Senator SARBANES to make sure Maryland got its fair share of funds for its transportation needs.

With billions in needed maintenance and construction in the State of Maryland, this legislation will make our highways safer and expand transit options for our citizens. It will help to ease the flow of traffic on our major highways and byways and begin the long awaited re-construction of the Woodrow Wilson Bridge.

This bill provides $900 million for a new Wilson Bridge, $500 million more than the Administration proposed last year. Although this does not represent the total cost of a new bridge, it is a first step toward replacement of the bridge. Let me make it clear, I do not consider this funding to be the end. I consider this to be the beginning. In future years, I will continue the effort to secure additional funding to complete the re-building of Wilson Bridge, a critical link on the I–95 system and the only federally owned bridge in the system.

Under this bill, Maryland will receive more money for its highway program than it gets now. Maryland can expect approximately $400 million per year for its highway program—almost $90 million more than it gets now. This is almost a 30 percent increase in funding that will help improve the conditions of our highway system—which is one of the most congested in the nation. The Washington area has the second longest commute time in the nation. The funds authorized in this bill should help provide some much needed relief.

The bill not only provides more funds for Maryland's overall highway program, it specifically targets funds for high priority projects around the State. The bill provides $26 million to upgrade Route 113 in Worcester County, one of the most dangerous highways in the State of Maryland. Every time I visit the Eastern Shore, I am always reminded about the need to upgrade this highway. Too many Marylanders have lost their lives on this stretch of roadway. This legislation will fund the first and most critical phase of this project to make the road safer for those who use it.

Another major project that has desperately needed funds has been the I–70/I–270 interchange in Frederick. It is one of the only interchanges on the interstate system that does not meet interstate standards. It has been a safety hazard for years. The lack of an adequate interchange in the area has forced trucks off the interstate and into surrounding areas. This legislation will provide funding to complete the first phase of reconstruction and relieve the local community of this burden, while improving the safety of this section of highway.

For the first time, almost $10 million will be earmarked for Route 32 in Anne Arundel County in the vicinity of the National Security Agency. This highway is one of the most heavily traveled highways in the State and needs to expand capacity to accommodate the growth in the surrounding area.

This legislation will also increase funding for the Appalachian Highway System. Maryland can expect to receive approximately $6 million per year for the next six years under this bill—that is enough to rebuild U.S. 220 in Allegany County. This is the number one highway priority for Western Maryland and a serious safety problem. This is $4 million per year more than Maryland receives now. Thanks to this legislation, Maryland will have the funds to upgrade this highway.

Mr. President, not only does Maryland receive more highway dollars, we receive more transit dollars. Maryland will receive almost twice as much federal funds for its transit programs. The MARC system will receive an additional $185 million and the Baltimore Light Rail System will receive $125 million to double-track the system. This will continue to expand transit opportunities for Marylanders and help relieve congestion on our highways.

Mr. President, I do have one major reservation to this conference report. I believe it is just plain wrong that our veterans are being asked to sacrifice their compensation for our transportation needs. I made my feelings very clear when I voted in favor of an amendment to the Budget Resolution earlier this year that called on the Congress to protect veterans benefits. As the Ranking Member of the Veterans Affairs Appropriations Subcommittee, I will look for way to ensure that these funds are replenished. Our vets, our heroes, deserve better and I will fight to correct this deep injustice.

Despite my anger over the veterans offset, I will support this legislation because it is so important to improving the safety of Maryland's highways, byways and transit systems. Improving public safety and creating jobs are two of my highest priorities and this bill addresses both.

Mr. ALLARD. Why does ISTEA allow the Administrator of the Environmental Protection Agency to provide for earlier state implementation of the Commission's recommendations?

Mr. BAUCUS. The bill clarifies that it does not affect EPA's authority to provide for state implementation of the agreements and recommendations set forth in the June 1996 Grand Canyon Visibility Transport Commission Report on a schedule consistent with the Commission's Report. This was a critical issue for the conferees. The conferees recognize that the Commission's Report was the product of several years of debate and analysis, and reflects broad consensus on control strategies and measures that should proceed with implementation. The conferees added specific language so as not to preclude the Administrator from providing for earlier state implementation of the Commission's agreements and recommendations, consistent with the implementation schedules in the Commission's Report.

Mr. REED. Mr. President, I rise to briefly discuss my support for the ISTEA conference report which I believe appropriately and rationally expands and improves our nation's transportation programs.

Mr. President, this legislation is good news for Rhode Island, a state that unfortunately has some of the most significant infrastructure needs in our nation according to experts. Yet, many people might overlook the fact that this conference report also provides essential investments in our nation's mass transit programs. Indeed, I am pleased that the Banking Committee's transit title of the conference report contains $35 million for new capital transit programs in Rhode Island as well as $5.79 million for the purchase of urgently needed new buses by the Rhode Island Public Transit Authority. I want to personally thank Chairman D'AMATO and Senator SARBANES, particularly, for their assistance in addressing my state's transit priorities and their hard work in producing a very balanced transit program that will serve our country well.

While there is much that is good in this bill, I am troubled by some of the budgetary offsets used to permit a higher level of transportation investment. Like many of my colleagues, I remain concerned that in order to accommodate essential infrastructure funding within the confines of strict budget caps, this legislation would endorse a plan to deny payments for veterans with service connected smoking-related illnesses. Indeed, earlier this year, I voted against this proposal, and I plan to work with like minded colleagues in the months ahead to see if we can reverse it. In addition, I am saddened that the ISTEA bill no longer contains a tougher national standard for driving under the influence of alcohol. All too often we hear of another senseless death due to drunk driving. A tougher standard for blood alcohol content or BAC would have been an excellent deterrent in the fight against drunk driving tragedies, and I regret that the Senate's strong support for this standard did not prevail in negotiations with the House of Representatives.

Mr. President, like many pieces of legislation, this bill is not perfect. However, repairing my state's roads and bridges; ensuring that thousands of mass transit riders in Rhode Island continue to receive service; and improving safety on our roads; are worthwhile goals that I hope all my colleagues support.

Mr. HOLLINGS. Mr. President, I rise in support of Senate consideration of the Intermodal Surface Transportation Efficiency Act bill, the so-called ISTEA bill.

This bill sets priorities and funds for surface transportation projects and

programs for the next six years. It is the product of many months of negotiations between the House and the Senate and between Members on both sides of the aisle. We have managed to come together on this bill by compromise and a willingness to listen to all points of view for the good of the nation and the States.

As ranking Democrat on the Commerce Committee, I can tell you that the provisions in the Commerce Committee title of the bill were the product of intense negotiations for many weeks. But the way to judge our efforts is the result and I am proud of what has been achieved.

We have provisions to strengthen the safety of motor vehicle air bags and to allow States to design programs to raise the percentage of their citizens who use seat belts. In addition, we have given the Secretary of Transportation the flexibility to design additional commercial motor vehicle safety programs. We have authorized a program to provide funds for the development of rail and intermodal projects. These programs will allow us to expand the nation's infrastructure. Most importantly, the bill contains funds to replace our crumbling bridges and roads. Together these programs will provide our citizens with safer bridges and roads and additional infrastructure will allow our citizens to compete in the world market.

Commerce Committee provisions also address the needs of recreational boaters and anglers. The bill extends the Aquatic Resources Trust Fund and recovers a greater portion of the federal fuel taxes paid by boaters and anglers. In addition, Commerce Committee provisions ensure that funds are available to make boating safer, more accessible, and environmentally cleaner for the 76 million Americans—more than one-fourth of the nations's population—who go boating each year. Finally, the bill extends programs to restore and protect sportfish resources and strengthens efforts to introduce segments of the American public . . . especially our youth . . . to the healthy fun of fishing and boating.

I take this opportunity to thank the staff of the Commerce Committee for their efforts on behalf of this bill, and indeed, on behalf of all of us.

Mr. President, I urge passage of this important piece of legislation.

Mr. DURBIN. Mr. President, today the Senate will vote on the conference report to the Intermodal Surface Transportaton Efficiency Act (ISTEA). I wanted to take this opportunity to discuss the benefits of this legislation for my home state of Illinois.

This conference report is truly historic. It makes the largest investment to date in our nation's aging infrastructure, $216 billion over the next six years. In short, this conference report increases the State of Illinois' total ISTEA dollars and provides greater flexibility. It goes a long way toward improving the conditions of Illinois' roads and bridges, properly funding mass transit in Chicago and downstate, alleviating congestion, and addressing highway safety and the environment.

The bill provides $175 billion over six years for highways, highway safety, and other surface transportation programs. Illinois has the third largest Interstate system in the country; however, its roads and bridges are rated as the second worst in the nation. The State can expect to receive about $5.3 billion over six years from the highway formula. That's nearly a 30 percent increase or $1.2 billion more than the ISTEA of 1991.

Major reconstruction and rehabilitation projects like Downtown Chicago's Wacker Drive and the Stevenson Expressway (I–55) will be able to move forward thanks, in large part, to this legislation. The conference report designates $25 million each for both of these priority projects. In addition, both the Stevenson Expressway and Wacker Drive projects will be able to compete for federal funds through certain discretionary programs.

The conference report also includes funding for over 100 high priority projects from throughout the State worth more than $375 million.

Mass transit funding is vitally important to the Chicago metropolitan area as well as to many downstate communities. It helps alleviate congestion and provides access for thousands of Illinoisans everyday. The conference report includes $41 billion over six years for mass transit. Illinois can expect to receive about $2.5 billion over six years, a 67 percent increase or $1 billion more than the 1991 ISTEA.

The conference report authorizes the Chicago Transit Authority to expand the capacity of the Ravenswood Brown Line and fully funds the rebuilding of the Douglas Branch of the Blue Line. It also will help METRA expand Northeastern Illinois' commuter rail system by double-tracking and extending service into rapidly growing areas. The Metro Link light rail system in St. Clair County will have the ability to complete an extension from East St. Louis through Belleville Area College to MidAmerica Airport under the conference report. The transit provisions will also help transit authorities throughout the State purchase and upgrade buses and bus facilities.

The conference report also includes $150 million per year for the Jobs Access and Reverse Commute Grants program. This program will assist communities in filling the gaps in transit service that prevent welfare recipients from finding and keeping the jobs they need to remain self-sufficient.

Congress also has made a commitment to high-speed passenger rail, a safe, cost-effective means of transportation, in this conference report. With increased funding, it is my hope that the Midwest can develop an effective transportation system.

This legislation also preserves and expands some important environmental and enhancement programs, including the Congestion Mitigation and Air Quality (CMAQ) program. CMAQ's goal is to help states meet their air quality conformity requirements as prescribed by the Clean Air Act. The conference report increases funding for CMAQ by 18 percent. Illinois can expect more than $1 billion over six years under the program. The report also fully funds transportation enhancement activities, such as bicycle pedestrian facilities and historic preservation.

Illinois is one of 15 states that has been responsible enough to pass a .08 legal blood-alcohol concentration level for drivers. The State has had .08 BAC since July of 1997 and we are already beginning to see positive results. Unfortunately, the conference committee did not include language that would have sanctioned states that refused to pass .08 BAC legislaton. Instead, Illinois and other states who have passed .08 will receive as much as $6 million per year in highway safety incentives.

I am pleased that the conference report extends the current excise tax exemption for an important Illinois product—corn-based, renewable ethanol fuel—through 2007. Farmers and the ethanol industry must have the ability to plan for the future. Extending the incentive gives them the tools necessary to expand their operations and this important industry while improving the environment and decreasing our dependence on foreign oil.

Mr. President, I know this conference report is not a perfect document. Illinois' highway formula should be higher. I will work with the Administration to ensure that Illinois competes for and receives a fair share of discretionary transportation funds available as a result of this conference report. With the passage of this legislation, Congress has upheld its obligation to reauthorize and improve our nation's important transportation programs. I am pleased to support this measure.

Mr. SPECTER. I would like to engage the Chairman of the Banking Committee, Senator D'AMATO in a colloquy regarding a Pennsylvania mass transit project. It is my understanding that the project under the transit new start program entitled ''Philadelphia-Pittsburgh High Speed Rail'' is intended to be for initial planning, design and engineering costs for a high speed magnetic levitation public transportation system in Pennsylvania. Having ridden such a system in Germany in January of this year, I believe a system of this nature will revolutionize the steel industry and could provide an excellent means of mass transit in the 21st Century.

Mr. D'AMATO. I concur with my colleague's understanding that the line item he described is intended to make available Federal Transit Administration funds for initial costs of a high speed maglev system in Pennsylvania. It is my understanding that these funds

will be applied for by an existing transit system or state agency in accordance with traditional requirements for FTA grants.

Mr. FEINGOLD. Mr. President, Congress finally completed its work on a six-year bill to reauthorize the Intermodal Surface Transportation Efficiency Act today. This bill has been a long time coming. I'm pleased that Wisconsin will now have a chance to address our state's vital transportation needs for the next year and plan its priorities for the next six years. This bill moves Wisconsin a long way toward achieving fairness in Federal transportation spending, and I cannot overlook this dramatic step forward.

While the bill is not perfect and includes a number of items I would not support individually, it goes a long way toward ending Wisconsin's decades-long legacy as a donor state. Historically, Wisconsin's taxpayers have received about 78 cents for every dollar we have paid into the Highway Trust Fund. As a result, we have lost more than $625 million since 1956. Under this bill, Wisconsin will receive approximately 99 cents for every dollar it contributes to the Highway Trust Fund, beginning next year. I applaud the efforts of Wisconsin's delegation in achieving a greater measure of fairness for Wisconsin's taxpayers. On this travel weekend that many believe will be the biggest in history, the people of Wisconsin should be happy to see that their tax dollars will be used to improve Wisconsin's roads and rails.

Finally, I urge the President to use his line-item veto authority to strike the pork-barrel spending projects inserted into the House reauthorization bill and included in this conference report. We should allow states and localities to decide on how best to address transportation needs. The Senate decided to use more than $2 billion on block grants to states instead of earmarks for particular projects. I am certain that Wisconsin, and other donor states, could have reached even greater equity had the House followed the Senate's lead.

Mr. LAUTENBERG. Mr. President, I would first like to thank the managers of Conference Report. Both Senators CHAFEE and BAUCUS have worked day and night trying to produce a fair and balanced Conference Report. They have done their best to try to accommodate my views. We did not always agree on every issue, but they both tried to work with me and engage in a constructive dialogue when we differed.

I would also like to thank the distinguished Chairman of the Subcommittee, Senator WARNER. He put in a substantial effort to try to create a consensus that would satisfy the need for this critical legislation.

And I would like to thank Senators D'AMATO and SARBANES for their diligence and hard work on the mass transit title. Because of their commitment, this bill represents a balanced transportation bill.

Mr. President, I offer some comments to indicate my specific views on how this good bill will help my State of New Jersey. As a member of the Environment and Public Works Committee, I have been working on the ISTEA reauthorization bill this entire Congress. I have been fighting for increased investment in our nation's infrastructure, a balanced transportation system and critical safety programs.

Overall, on balance, this is a good bill—good for the country and good for New Jersey. It includes $173 billion for highways and $41 billion for mass transit nationally over six years. As the Ranking Democrat on the Budget Committee, I worked hard to increase mass transit funding by almost a third compared to the 1991 ISTEA bill. Overall, this translates to over $4 billion to New Jersey for highways and over $2 billion for mass transit over the six year life of this bill. As a result, New Jersey will receive an increase of over $1 billion in transportation funding as compared to the 1991 ISTEA bill.

Mr. President, the ISTEA bill, like any bill that provides funding to the States, became a battle between regions. Western Senators argued that their needs were greatest because of the sheer miles of highways in their states. Southern Senators suggested that they had population growth and they needed increases. The so-called donor states were pushing a ''minimum allocation'' that would revise the formula that prevailed over the past six years.

Mr. President, obviously, I pushed hard for increased investment in my region and my state. The Northeast states face tremendous infrastructure needs over the next six years. Since we are the oldest region in the country with the highest density and greatest volume of traffic, our infrastructure needs are great. This problem is compounded by harsh weather conditions, intense congestion and air quality.

Mr. President, I didn't get everything I wanted for New Jersey. However, this bill does provide substantial increases in funding for New Jersey for highways and mass transit. It also includes funding for over 40 highway and mass transit projects for my state. I fought to keep all of the my colleagues in the House of Representatives' projects in the final bill. The Senate bill originally did not include any special projects, but I am pleased that a few of them were included in the Conference Report at my request. The first project is an emergency heliport on Cooper Hospital in Camden, New Jersey, which will speed up rapid emergency service for hospital patients in the region. I am also pleased with funding to construct a roadway network using the former Bergen Arches rail corridor going from east to west in Hudson County, New Jersey. The Bergen Arches project will provide congestion relief and will allow the demand for development of the Hudson County waterfront—the so-called ''Gold Coast''—to move at its rapid pace.

Mr. President, anyone who is familiar with my work in the Senate knows that I don't relent when it comes to standing up for my constituents and my state. I feel my responsibilities to the people who sent me here as a sacred obligation and I would never agree to anything that is detrimental to our needs.

Mr. President, this legislation is all about compromise. And this Conference Report is not perfect for my state, but, in the end, the substantial increases in highway and mass transit funding will reduce congestion, increase productivity, clean the air, and improve the quality of life so I will support this legislation.

I yield the floor.

Mr. LEVIN. Mr. President, I must note to my colleagues that the procedure that has been used here on the floor today for consideration of this conference report is outrageous.

Despite the process followed here, I intend to vote for this bill, based on the representations about Michigan's share of highway funds made in the incomplete charts provided by the Conference Committee. I ask unanimous consent that those charts be placed in the RECORD following my statement. The best judgement I can exercise at this point is to support the apparent increases provided to my state. According to these charts, Michigan will receive an annual average of $825 million per year from the Highway Trust Fund, an increase of $310 million over the ISTEA I average. Our percentage return on the dollars distributed will rise from approximately 84% to 90.5% and is guaranteed to go no lower. And, our share of the total funds going to the states will increase from approximately 2.87% to 3.16%, close to the Senate bill's mark.

If the factual matter in those charts proves to be inaccurate, I, and I am sure my donor state colleagues, will seek corrective action.

Michigan and the nation are making some significant progress with the passage of this bill. We are now going to spend all or nearly all our gas tax dollars on transportation, rather than leaving them in the Highway Trust Fund. That means we are going to start addressing the serious backlog of infrastructure projects that are vital to our economy and quality of life.

I understand the report contains a minimum guarantee provision similar to that in the Senate bill, though the ''guarantee'' has been reduced to a 90.5% return on dollars distributed rather than the 91% the donor states were promised. Still, this is some incremental progress for my state, but Michigan will continue to be a substantial donor state and continue sending money to the donee states. We will continue pressing at the next opportunity for more equity, particularly on transit when that title is reauthorized in two years. But, for the moment, we can declare a minor victory.

While I appreciate the conferees', particularly Senator WARNER's, attention to the donor states' needs, I am concerned by one particular provision. Apparently, the report includes an item that could drastically reduce the minimum guarantee funds to states if revenues increase by more than 25% over a 1998 baseline. This provision has no place in this bill, particularly since the total amount authorized and distributed by this bill is projected to rise by approximately 25% over the next six years, assuming current CBO projections. Its inclusion undermines the ''guarantee'' and the promise that the Senate conferees made to the donor states, since we could be disproportionately hurt. I intend to examine this provision closely and will work with the other donor states to change this provision if it proves harmful to us.

I am pleased that the conferees have included a number of important provisions in the report, including a provision similar to one I authored in the Senate's bill enhancing local transportation officials participation in the preparation of the states' transportation improvement program. Also, the international trade corridor number 18, which includes I–69 and I–94, is designated as high priority. Ambassador Bridge access projects are made eligible for Federal funding. The State of Michigan will receive $10 million in FY99 and $13.5 million in FY2000 for buses and bus facilities in a block grant for distribution around the State. Numerous other important projects are identified all over the State, from an Intelligent Transportation System technology project in Lansing, to Monroe Rail Consolidation, to the South Beltline in Grand Rapids, to renovation and rehabilitation of the Detroit Waterfront, to upgrading 3 Mile Road in Grand Traverse County, to upgrading H–58 in Pictured Rocks National Lakeshore., etc.

This is not a perfect bill. But, it is another step on the long, long road toward equity. When I started in the Senate, we were getting somewhere around $.75 cents on our gas tax dollar. The 1991 ISTEA bill brought us up to approximately $.80 per dollar, and the conference report before us should get us to about $.83. Some day, Michigan taxpayers will get back 100% of the gas taxes they pay into the Highway Trust Fund in the form of better roads and bridges and well-maintained infrastructure. But, only if we keep fighting.

I ask unanimous consent to have the charts printed in the RECORD.

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

1998–2003 AVERAGE CONFERENCE AGREEMENT

[Dollars in thousands]

State	1992–97			
	No Fed Lnds	Conference	Change	Change (percent)
Alabama	$330,263	$530,516	$200,254	60.6
Alaska	211,782	311,860	100,078	47.3
Arizona	255,665	407,814	152,149	59.5
Arkansas	262,738	345,860	83,122	31.6
California	1,653,208	2,406,992	753,784	45.6
Colorado	200,562	305,526	104,965	52.3
Connecticut	352,409	397,475	45,066	12.8
Delaware	72,136	115,793	43,656	60.5
Dist. of Col.	92,099	103,543	11,445	12.4
Florida	768,360	1,208,600	440,240	57.3
Georgia	541,389	918,804	377,416	69.7
Hawaii	126,276	135,502	9,225	7.3
Idaho	124,765	202,009	77,244	61.9
Illinois	682,070	885,171	203,101	29.8
Indiana	405,583	617,387	211,804	52.2
Iowa	220,296	314,609	94,313	42.8
Kansas	208,439	306,678	98,239	47.1
Kentucky	283,524	454,508	170,983	60.3
Louisiana	264,022	416,163	152,141	57.6
Maine	117,516	137,753	20,237	17.2
Maryland	306,872	394,884	88,012	28.7
Massachusetts	829,663	487,827	−341,836	−41.2
Michigan	512,012	825,390	313,378	61.2
Minnesota	280,096	392,423	112,328	40.1
Mississippi	202,321	318,954	116,633	57.6
Missouri	404,352	618,094	213,742	52.9
Montana	161,357	259,879	98,523	61.1
Nebraska	142,245	203,318	61,072	42.9
Nevada	117,280	189,707	72,428	61.8
New Hampshire	88,260	135,135	46,875	53.1
New Jersey	518,499	675,702	157,203	30.3
New Mexico	178,066	258,702	80,635	45.3
New York	997,644	1,351,299	353,655	35.4
North Carolina	478,837	740,665	261,828	54.7
North Dakota	116,031	171,517	55,486	47.8
Ohio	654,795	896,635	241,839	36.9
Oklahoma	259,338	403,573	144,236	55.6
Oregon	212,782	318,875	106,093	49.9
Pennsylvania	889,759	1,305,731	415,972	46.8
Rhode Island	105,925	155,943	50,018	47.2
South Carolina	232,252	416,425	184,173	79.3
South Dakota	119,210	187,116	67,906	57.0
Tennessee	365,555	592,731	227,176	62.1
Texas	1,174,785	1,887,940	713,155	60.7
Utah	129,854	204,967	75,113	57.8
Vermont	79,354	119,693	40,339	50.8
Virginia	414,572	670,755	256,183	61.8
Washington	341,068	467,856	126,789	37.2
West Virginia	209,742	296,261	86,519	41.3
Wisconsin	351,960	521,277	169,317	48.1
Wyoming	114,900	181,934	67,034	58.3
Apportioned	18, 162,486	26,173,771	8,011,286	44.1

CONFERENCE AGREEMENT 1998–2003 AVERAGE

(Dollars in thousands)

State	IM/NHS	STP	Bridge	CMAQ	ADHS	Rec Trails	Metro planning	High priority projects	Minimum Guarantee	Grand total
Alabama	193,305	131.151	68.092	7,720	40,691	875	20,080	32,429	54,172	530.516
Alaska	100,630	59,687	23,069	14,558		557	937	12,004	100,419	311,860
Arizona	191,283	109,866	9,923	21,938		786	3,003	11,392	59,632	407,814
Arkansas	139,412	93,043	41,869	7,828		822	937	20,964	40,986	345,860
California	868,672	595,027	287,607	286,908		2,890	28,793	153,738	183,358	2,406,992
Colorado	139,193	85,562	29,747	16,111		772	2,688	11,333	20,120	305,528
Connecticut	103,869	71,079	68,300	52,588		549	2,779	23,281	75,032	307,475
Delaware	49,537	31,989	9,462	7,803		580	917	1,505	14,079	11,794
Dist. of Col.	42,152	27,219	20,375	6,640		435	937	7,303	483	103,543

CONFERENCE AGREEMENT 1998–2003 AVERAGE—Continued

(Dollars in thousands)

State	IM/NHS	STP	Bridge	CMAQ	ADHS	Rec Trails	Metro planning	High priority projects	Minimum Guarantee	Grand total
Florida	475,719	323,906	84,881	39,689	.....	1,603	11,507	50,121	221,174	1,208,800
Georgia	365,725	242,869	67,878	28,982	16,262	1.137	3,687	44.618	147,645	918,804
Hawaii	48,343	31.217	24.243	78.616	.....	492	937	8,916	13,739	135,502
Idaho	92,018	44,392	10,745	8,861	.....	704	937	7,460	36,893	202,009
Illinois	338,679	215,077	125,655	82,271	.....	1,112	9,586	65,036	47,7454	885,171
Indiana	263,848	165,802	48,191	16,398	.....	800	3,044	33,'67	86,138	617,387
Iowa	134,786	82,661	55,629	7,009	.....	675	1,086	17,751	15,035	314,809
Kansas	125,928	90,878	851,818	6,892	744	1,152	28,575	18,576	10,693	306,678
Kentucky	178,599	107,979	43,214	10,814	37,328	752	1,444	23,503	50,877	454,508
Louisiana	149,949	99,265	85,303	7,542	.....	981	2,519	31,048	398,555	416.163
Maine	51,481	32,650	24,652	7,545	.....	716	937	8,639	13,473	137,753
Maryland	145,061	94,797	47,040	41,899	6,363	578	4,049	23,149	31.447	394,884
Massachusetts	134,571	.....	98,623	48,525	.....	1,466	6,572	54,354	92,668	825,390
Michigan	297,325	225,858	98,623	48,525	.....	1,466	6,572	54,345	92,668	825,390
Minnesota	165.774	116.267	30,524	16,792	.....	1,183	2,681	31,066	28,136	392,423
Mississippi	124,401	85,645	51,049	7,384	4,563	762	937	17,828	26,384	318.954
Missouri	234,608	153,494	116,148	19,531	.....	926	3,146	42,664	47,576	618,094
Montana	130,719	47,227	20,729	8,764	.....	619	937	3,378	47,457	259,879
Nebraska	94,889	55,922	32,731	6,778	.....	548	937	6,982	4,530	203,318
Nevada	87,742	45,315	10,220	8,428	.....	568	1,000	5,928	30,476	189,707
New Hampshire	49,298	31,834	18,715	7,765	.....	597	937	11.-31	14.958	136,135
New Jersey	185 163	127,709	186,451	81,462	.....	911	7,496	50,721	35,789	675,702
New Mexico	133,720	57,446	11,108	7,969	.....	767	937	13,310	33,444	258,702
New York	344,690	248,343	363,260	147,345	8,770	1,187	15,960	100,490	121,256	1,251,299
North Carolina	263,436	184,568	105,315	15,545	23,958	1,007	2,841	40,008	103,988	740,665
North Dakota	96,450	38,754	8,961	7,380	.....	520	937	3,555	14,951	171,517
Ohio	345,443	216,389	125,594	56,658	18,349	1,145	7,527	56,789	68,740	896,635
Oklahoma	162,956	116,331	60,520	7,366	.....	720	1,531	20,775	33,374	403,573
Oregon	132,439	80,005	46,655	10,295	.....	762	1,606	25,211	21,903	318,875
Pennsylvania	335,854	216,673	365,828	90,210	99,496	1,211	8,149	102.863	86,446	1,205,731
Rhode Island	53,801	34,742	26,377	9,902	.....	490	937	4,121	25,568	155,943
South Carolina	164,303	116,212	43,752	8,266	1,996	765	1,613	17,432	62,088	416,425
South Dakota	92,598	43,756	12,707	7,574	.....	529	937	10,382	18,633	187,116
Tennessee	227,838	139,481	69,917	14,466	45,620	831	2,508	37,519	54,552	592,731
Texas	770,056	518,203	155,804	79,376	.....	1,893	12,858	84,066	265,684	1,887,940
Utah	100,086	49,936	13,716	8,302	.....	678	1,492	13,278	17,480	204,967
Vermont	47,356	30,580	18,115	7,459	.....	559	937	3,676	11,011	119,693
Virginia	256,791	171,557	84,025	31,696	9,589	1,170	4,330	35l074	76,522	670,755
Washington	172,083	115,039	87,530	24,836	.....	909	3,635	32,864	30,960	467,856
West Virginia	71,859	47,396	67,752	7,089	56,580	576	937	31,030	12,943	296,261
Wisconsin	213,290	144,587	34,428	20,638	.....	1,096	2,787	28,376	76,075	521,277
Wyoming	112,230	30,436	9,003	7,424	.....	597	937	5,001	16,306	181,934
Apportioned	9,799,958	6,321,791	3,652,595	1,515.150	369,563	44,348	187,367	1,166,667	2,758,000	28,173,771

1998–2003 AVERAGE CONFERENCE AGREEMENT (REVISED)

[Dollars in thousands]

State	1992–97				1992–97		1992–97	
	No Fed Lnds	Conference	Change	Change (percent)	No Fed Lnds (share percent)	Conference (share percent)	No Fed Lnds (HTF Ratio)	Conference (HTF Ratio)
Alabama	$330,263	$530,516	$200,254	60.6	1.8184	2.0269	0.824	0.918
Alaska	211,782	311,860	100,078	47.3	1.1660	1.1915	5.026	5.136
Arizona	255,665	407,814	152,149	59.5	1.4077	1.5581	0.818	0.905
Arkansas	262,738	345,860	83,122	31.6	1.4466	1.3214	1.005	0.918
California	1,653,208	2,406,992	753,784	45.6	9.1023	9.1962	0.896	0.905
Colorado	220,562	305,526	104,965	52.3	1.1043	1.1673	0.869	0.918
Connecticut	352,409	397,475	45,066	12.8	1.9403	1.5186	1.948	1.525
Delaware	72,136	115,793	43,656	60.5	0.3972	0.4424	1.385	1.542
Dist. of Col.	92,099	103,543	11,445	12.4	0.5071	0.3956	4.034	3.147
Florida	768,360	1,208,600	440,240	57.3	4.2305	4.6176	0.829	0.905
Georgia	541,389	918,804	377,416	69.7	2.9808	3.5104	0.768	0.905
Hawaii	126,276	135,502	9.225	7.3	0.6953	0.5177	2.700	2.011
Idaho	124,765	202,009	77,244	61.9	0.6869	0.7718	1.257	1.412
Illinois	682,070	885,171	203,101	29.8	3.7554	3.3819	1.026	0.924
Indiana	405,583	617,387	211,804	52.2	2.2331	2.3588	0.857	0.905
Iowa	220,296	314,609	94,313	42.8	1.2129	1.2020	1.053	1.043
Kansas	208,439	306,678	98,239	47.1	1.1476	1.1717	0.998	1.019
Kentucky	283,524	454,508	170,983	60.3	1.5610	1.7365	0.814	0.905
Louisiana	264,022	416,163	152,141	57.6	1.4537	1.5900	0.828	0.906
Maine	117,516	137,753	20,237	17.2	0.6470	0.5263	1.243	1.011
Maryland	306,872	394,884	88,012	28.7	1.6896	1.5087	1.014	0.905
Massachusetts	829,663	487,827	−341,836	−41.2	4.5680	1.8638	2.485	1.014
Michigan	512,012	825,390	313,378	61.2	2.8191	3.1535	0.809	0.905
Minnesota	280,096	392,423	112,328	40.1	1.5422	1.4993	1.087	1.057
Mississippi	202,321	318,954	116,633	57.6	1.1139	1.2186	0.844	0.923
Missouri	404,352	618,094	213,742	52.9	2.2263	2.3615	0.866	0.918
Montana	161,357	259,879	98,523	61.1	0.8884	0.9929	1.864	2.083
Nebraska	142,245	203,318	61,072	42.9	0.7832	0.7768	0.975	0.967
Nevada	117,280	189,707	72,428	61.8	0.6457	0.7248	1.013	1.138
New Hampshire	88,260	135,135	46,875	53.1	0.4859	0.5163	1.196	1.271
New Jersey	518,499	675,702	157,203	30.3	2.8548	2.5816	1.037	0.938
New Mexico	178,066	258,702	80,635	45.3	0.9804	0.9884	1.135	1.144
New York	997,644	1,351,299	353,655	35.4	5.4929	5.1628	1.266	1.189
North Carolina	478,837	740,665	261,828	54.7	2.6364	2.8298	0.843	0.905
North Dakota	116,031	171,517	55,486	47.8	0.6388	0.6553	1.785	1.831
Ohio	654,795	896,635	241,839	36.9	3.6052	3.4257	0.952	0.905
Oklahoma	259,338	403,573	144,236	55.6	1.4279	1.5419	0.851	0.918
Oregon	212,782	318,875	106,093	49.9	1.1715	1.2183	0.889	0.925
Pennsylvania	889,759	1,305,731	415,972	46.8	4.8989	4.9887	1.184	1.206
Rhode Island	105,925	155,943	50,018	47.2	0.5832	0.5958	2.131	2.177
South Carolina	232,252	416,425	184,173	79.3	1.2787	1.5910	0.727	0.905
South Dakota	119,210	187,116	67,906	57.0	0.6564	0.7149	1.846	2.010
Tennessee	365,555	592,731	227,176	62.1	2.0127	2.2646	0.804	0.905
Texas	1,174,785	1,887,940	713,155	60.7	6.4682	7.2131	0.812	0.905
Utah	129,854	204,967	75,113	57.8	0.7150	0.7831	0.839	0.919
Vermont	79,354	119,693	40,339	50.8	0.4369	0.4573	1.684	1.763
Virginia	414,572	670,755	256,183	61.8	2.2826	2.5627	0.806	0.905
Washington	341,068	467,856	126,789	37.2	1.8779	1.7875	0.962	0.915
West Virginia	209,742	296,261	86,519	41.3	1.1548	1.1319	1.440	1.411
Wisconsin	351,960	521,277	169,317	48.1	1.9378	1.9916	0.966	0.993
Wyoming	114,900	181,934	67,034	58.3	0.6326	0.6951	1.366	1.501
Apportioned	18,162,486	26,173,771	8,011,286	44.1	100.0000	100.0000	1.000	1.000

URBAN CORE COLLOQUY

Mr. LAUTENBERG. Mr. President, I rise to engage in a colloquy with the distinguished Chairman and the Ranking Member of the Banking Committee. Mr. President, the ISTEA conference report includes language that reauthorizes a very important mass transit project in my state. The New Jersey Urban Core project provides critical links in a rail system that is the backbone of the transportation system of the Northeast and the nation. The Urban Core project links all of New Jersey's rail lines and builds new ones where necessary, to establish one comprehensive and coordinated rail transportation system within the state.

Mr. President, the Conference Report makes a number of changes to the authorization of this important project. The report adds new projects as elements of the Urban Core and makes a number of critical changes. The conference report is silent on the future of full funding agreements. Do the Chairman and Ranking Member of the Banking Committee, who authored the Mass Transit title to the next surface transportation authorization bill, agree that it is important that the Secretary and the State of New Jersey enter into full funding grant agreements sometime in the next six years, for those elements of the Urban Core that can be demonstrated to be under construction by September 30, 2003? Is it your intention to urge the Secretary to work with the State of New Jersey over the next two years to sign full funding grant agreements?

Mr. D'AMATO. Mr. President, I agree with the distinguished Senator from New Jersey that the Urban Core is an important mass transit project that serves millions of people every day and demonstrates every day the importance of mass transit to our national transportation system. I also believe that the Secretary should work with the State of New Jersey during the next few years to provide assistance to those elements of the Urban Core that will move ahead in the next six years.

Mr. SARBANES. Mr. President, I concur with the Chairman of the Banking Committee's statement.

Mr. LAUTENBERG. I thank the distinguished Chairman and Ranking Member of the Banking Committee for their support for the New Jersey Urban Core, and for their support for mass transit nationwide. They are true champions of investing in a sound and balanced transportation system.

Mr. HATCH. Mr. President, I am pleased to support final passage of the conference report on the reauthorization of the Intermodal Surface Transportation Efficiency Act (ISTEA). I commend my colleagues who have worked so hard on this bill, Senator CHAFEE, Senator WARNER and Senator BAUCUS, Senator DOMENICI and Senator D'AMATO.

This has been an incredibly difficult process. Whenever you have to divide resources among competing interests there is going to be friction. The conferees on this legislation have done an admirable job in balancing these competing interests in the name of our shared national interest in safe, efficient highways.

This highway and transit reauthorization is important for the country and for my state of Utah. Utah needs this bill and I am happy that we can deliver it to them. Like a lot of states, Utah has a number of crucial infrastructure improvements needed in our highway and transit systems. Unlike other states, however, Utah must complete a number of these projects in time for the 2002 winter Olympic Games.

This bill makes clear that the federal government has a responsibility to assist my state of Utah make the transportation improvements needed to successfully host the 2002 Games. By including language which gives the Secretary of Transportation the authority to give priority consideration for Olympic host cities, the Congress has acknowledged that these really are America's Games.

I also applaud the members of the Environment and Public Works Committee for crafting a formula which recognizes the fact that there has been a population shift to the west and that a federal highway funding formula must accommodate the rapid growth in western states.

There are a number of important projects authorized in this legislation. I am pleased that we were able to bring a number of earmarked demonstration projects up to an appropriate level. Utah is growing quickly both in population and vehicle miles traveled. These projects, all part of the state's transportation improvement plan, will make a real difference in a number of rural counties.

Finally, I wish to commend all the members of the Utah delegation. We are a small delegation, but we are a strong delegation and when we work together, as we have all done relative to this legislation, we are an effective delegation.

I thank the Chair and yield the floor.

Mr. GORTON. Mr. President, we are now asked to vote on a bill authorizing the expenditure of more than $200 billion. No member of the Senate other than a handful of conferees has seen a copy of the bill; no one knows anything about its major policy implication.

The Senate bill allowed each state's money to be spent as each state determined. This bill included hundreds of Congressionally designated projects in both the highway and mass transit accounts. Although the earmarked Washington state projects were all appropriate in the highway category, the mass transit title did not treat my state fairly. The Regional Transit Authority, perhaps the most cost-effective project in the nation, was less fairly treated than projects abandoned by the communities for which they are authorized.

Even more importantly, the general highway fund distribution formula discriminates unfairly against Washington state. It returns to us a lower percentage of our motor vehicle fuel taxes than does present law, the original Senate bill, or the House bill. Our conferees in the Senate did not represent us well.

The bill is full of pork and unfair. I will vote against it.

Mr. WELLSTONE. Mr. President, I am here on the floor today to explain my concerns about the conference report on the Intermodal Surface Transportation Efficiency Act (ISTEA).

I want to first say that I was pleased to be able to vote for the Senate bill in March. This bill will continue the important work that was begun under the first ISTEA. It represents a comprehensive package to address all transportation needs. It continues the fundamental goal of the original ISTEA, which is to afford state and local governments greater flexibility in allocating transportation dollars.

I believe that investing in our transportation infrastructure is essential if we are to remain economically competitive. Today, our highways and transit systems need continued support in order to meet our commercial and personal transportation requirements.

I also want to thank all the people in Minnesota who have educated me along the way on transportation issues. In addition to the ''traditional highway advocates''—the city, county and state officials, engineers and contractors—I have been working closely with community organizers, architects, preservationists, bicyclers and community activists. Though some may have questions about this or that provision, all of these people support ISTEA.

ISTEA will guarantee that a federal investment will be made in maintaining and expanding Minnesota's highways, transit and other transportation related programs. I am pleased that several transit projects have been proposed in Minnesota, including the Twin Cities Transitway. Improving existing transit and building new transit will be crucial as we see our population in the state continue to grow. It is clear that, as our region continues to grow, we will need alternatives to the traditional car and driver commuting.

Transportation is critical to our daily lives. We cannot separate how people and goods are transported from the many other parts of their social and economic lives. It is important to work together to ensure that we have a fully integrated, safe and environmentally sound intermodal transportation system in the State of Minnesota and the country. ISTEA does this through the MPO, ATP and STIP process. The planning provisions of the bill put the major decision-making back at the local level where it belongs. In addition, the conference report contains language that allows for appropriate meaningful public participation in the MPO process. While the

MPO process has worked well, this new language will make the process that much more responsive to the communities that are most affected by their decisions.

Unfortunately despite these facts, I cannot vote for this conference report for a number of reasons. First, the conferees have reportedly selected major offsets that I strongly oppose. While we do not have all the details, I believe the bill assumes $15.5 billion in savings from denial of compensation claims by veterans with smoking-related illnesses. The veterans health cuts are especially troubling. I believe it is an outrage that funding that could have gone to meet the many pressing needs of this country's veterans, will instead be used as an offset for spending in this bill.

For years, veterans have been told that cuts to the Veterans Administration (VA)—and particularly cuts to veterans health care—were necessary to reduce the deficit and balance the budget. Last year's balanced budget agreement flatlined the VA budget over six years. It provided virtually no allowance for medical inflation, which in years past has come to roughly $500 million per year.

But Congress can no longer pretend that its failure to provide for veterans' programs is a lack of resources. First of all, the budget is now balanced. Indeed, this year we have a projected surplus of somewhere in the range of $50 billion. Second, in this case Congress is taking resources away from veterans themselves. If Congress insists on denying benefits to veterans who were hooked on smoking during their military service, there is no excuse for transferring those savings outside the VA.

I can think of a lot of areas in the veterans budget where we could have put those savings to good use. For example, I have a bill to provide compensation for veterans who were exposed to radiation during their military service. I've been told these atomic vets cannot be compensated because offsets would have to come from elsewhere in the VA budget. Yet this ISTEA bill seizes upon an enormous offset from that very VA budget and dedicates those funds to transportation.

We could certainly provide more resources for veterans health care, which is facing a severe funding crisis. Without additional funding the VA health care system will ''hit the wall,'' VA Undersecretary for Health Dr. Kenneth Kizer has testified.

This particular offset makes a mockery of the Senate's professed concern for veterans and for deficit reduction. I have real doubts about the various estimates of savings from denial of smoking-related claims. I know others do as well. Nobody knows how much VA will save by denying these benefits to veterans. But the conferees have apparently opted for the highest possible number.

This offset makes very clear what some of us have long suspected. The reason veterans programs have been cut in recent years is not deficit reduction. It's not for the purpose of balancing the budget. It's not because full funding would require a tax increase.

It's none of those things. It's because this Republican Congress places a lower priority on veterans than on other areas of the budget. We cannot get around that fact. Congress would rather use these savings elsewhere.

Whether we like it or not, the legislation we pass in this body makes it very clear what our priorities are. I, for one, think we need to reorder those priorities. I think we need to put more emphasis on the needs of working families. And in this case, I think we need to put a lot more emphasis on veterans who have faithfully served their country.

I will also vote no on this bill, as much as I believe in its goals, because of the way it attempts a resolution on an historic land use dispute in my State regarding the management of the Boundary Waters Canoe Area Wilderness, without adequate Congressional consideration or debate. Congressmen BRUCE VENTO and JAMES OBERSTAR this week reached a last-minute, independent agreement on a proposal to change future management of the BWCAW. The proposed agreement would re-open two portages in the BWCAW to motorized transport in return for closing two small, pristine wilderness lakes to future motorized use.

I regret that this agreement was reached in this way, at the last minute in the House-Senate conference committee, without having been debated by either the House of Senate. As I have said elsewhere, I would have preferred an open, fair, public Congressional debate on my legislation, patterned after Minnesota mediation proposals, and the major alternatives offered by my colleagues. I remain convinced that my compromise plan was a viable one which carefully balanced the interests of all parties. I do not think that last-minute private deals like this one are an appropriate way to conduct policy, especially on a major issue which has so divided our stated. Such deals do nothing to improve Minnesotans' confidence in the fairness of the legislative process.

Mr. President, I want to reiterate my support for the overall objectives of this legislation. I believe investing in our transportation infrastructure is essential if we are to remain economically competitive. Today, our highways and transit systems need continued support in order to meet our commercial and personal transportation requirements.

It is therefore with deep regret that I will be voting against this conference report. I believe that we could have done much better and produced a bill that continued federal support for transportation and transit infrastructure without the problems that this bill has created.

Mrs. BOXER. Mr. President, I rise today to give my warmest thanks to the leadership on the Environment and Public Works Committee, on which I proudly serve, for the hard work and dedication that led us to present the Conference Report on the Transportation Equity Act for the 21st Century, also known as ISTEA II.

I ask if the distinguished chairman of the Committee, Senator CHAFEE of Rhode Island, would respond to a question.

Mr. CHAFEE. I will be happy to respond to a question from the Senator from California.

Mrs. BOXER. I thank the Senator. This conference report has provided important funding to preserve a bridge in California. This bridge is not just any bridge. It is the bridge that is a symbol for my state and it is a national treasure. The Golden Gate Bridge is truly a jewel in California. It frames California as our Pacific Gateway. I believe many Americans would agree it is one of our nation's most magnificent architectural treasures.

But, Mr. President, it is also highly vulnerable to earthquakes. We need to protect it. We have a 1.2 billion program in the Bay Area to protect our bridges from earthquakes. This seismic retrofit and new construction is being paid for entirely by state revenues and by tolls paid by our motorists. The Golden Gate, however, is not a state bridge. It is not a Federal bridge. It is owned by the Golden Gate Bridge and Highway Transportation District which collects the tolls and operates a local mass transit service. Consequently, the bridge, this treasure, needs additional funds in order to pay for a $217 million program to protect the bridge from earthquakes.

I am so pleased that Senator CHAFEE and my colleagues on the conference committee heeded our pleas for help on this project and provided $51.75 million for the retrofit program. That amount includes $25 million from the Bridge Discretionary program.

I ask the chairman if it is his understanding that the Golden Gate Bridge is eligible for additional funding from the discretionary bridge program.

Mr. CHAFEE. Yes, the Senator from California is correct, the Golden Gate Bridge is eligible for additional discretionary funding from this program. I wished that the conference could have done more to earmark funding, but the earmark provided was not intended to limit any additional discretionary grants for the bridge.

Mrs. BOXER. I thank the Senator.

Mr. CHAFEE. As the Senate considers the conference report for the Transportation Efficiency Act for the 21st Century, I want to take a moment to discuss the Disadvantaged Business Enterprise (DBE) program that is part of this bill.

The DBE program was designed to ensure that all Americans have the opportunity to compete for the many billions of dollars in contracts that will

flow from this legislation. The program, which has been in place since 1982, has proven both necessary to and effective in our efforts to remedy discrimination in transportation procurement markets. By reauthorizing the DBE program again this year, Congress has signaled its belief that the evidence remains clear: we need this program if we are to remove the continuing barriers confronted by minority- and women-owned businesses.

Let me take a moment to share with my colleagues additional information that has come to light since the two chambers last considered the DBE program. A disparity study conducted for the Colorado Department of Transportation (CDOT) and released in April found that there was a disproportionately small number of women- and minority-owned contractors participating in Colorado's transportation construction industry. The study showed that African-Americans received none of the state-funded highway construction contracts over $500,000. Hispanic firms received less than one-half of one percent (.26%), and women-owned businesses were awarded less than one-quarter of one percent (.18%). The vast majority of contracts—more than 99 percent—went to firms owned by white men. The authors found that a significant disparity existed between what minority contractors actually received and what they might be expected to receive in the absence of discrimination.

The Colorado study also demonstrated that the DBE program has worked in leveling the playing field for women- and minority-owned firms. It notes that ''only when a DBE program has been in effect, has there been any significant dollar amounts utilized with [minority-/women-owned] firms.''

The fact of the matter is that discrimination continues to plague minority- and women-owned firms in America. Congress has a strong and compelling interest in remedying this situation; and in the DBE program, we have had and will continue to have an effective tool.

Mr. BAUCUS. Mr. President, I agree with my colleague from Rhode Island that the Disadvantaged Business Enterprise program has been an effective part of the highway program. It's given construction companies owned by women and minorities a seat at the table.

I also believe that the program is constitutional. Under the Supreme Court's Adarand decision, affirmative action programs like the DBE program must pass two tests. The first is that the program serve a compelling interest. The lower court decision in the Adarand case held that there is such a compelling interest. The Senate debate reinforced this point. There was discussion of discrimination in the construction industry, and of statistics showing the underutilization of women- and minority-owned businesses in that industry, such as evidence of dramatic decreases in DBE participation in those areas in which DBE programs have been curtailed or suspended.

There also was discussion of the second test, whether the program is narrowly tailored. As I explained in my statements during debate on the McConnell amendment, I believe that the program is narrowly tailored, both under the current regulations and the new regulations, which emphasize flexible goals tied to the capacity of firms in the local market, the use of race-neutral measures, and the appropriate use of waivers for good faith efforts.

As I said during the Senate debate, the DBE program is fair. It is necessary. And it works. I am pleased that, in rejecting amendments that would have undermined the DBE program, the Senate has reaffirmed its commitment to equal opportunity.

Mr. CHAFEE. I want to associate myself with the remarks by my friend and colleague from Montana regarding the constitutionality of the program. This is an important matter, and I appreciate his comments. I hope our colleagues will find all of this information of interest.

Mrs. HUTCHISON. Mr. Chairman, I understand the amount authorized under this section for the DART North-Central Light Rail Extension shall be no less than $188 million.

Mr. D'AMATO. Yes, in addition, I understand the federal share of the Full Funding Grant Agreement executed by the Department of Transportation for this project shall be $33 million.

Mrs. HUTCHISON. That is correct, and I thank the Chairman for his support in this matter.

Mr. LIEBERMAN. Mr. President, I rise this afternoon to express my appreciation to Senators on both sides of the aisle, in particular my colleagues on the Environment and Public Works Committee, for all their work in crafting the new six-year transportation bill that is before us. A great deal of the credit must go to Senator CHAFEE and his staff, especially Jimmie Powell, for their tireless efforts in crafting a compromise bill that resolves a good number of contentious issues.

Mr. President, this highway bill reaffirms many of the revolutionary principles established by ISTEA in 1991. Like ISTEA, it provides broad and substantial support for all modes of surface transportation, including transit. It funds important maintenance, safety, and air quality needs as well as the construction of new infrastructure. As the product of difficult House-Senate negotiations, this compromise bill does not include every policy that I would have liked. Yet the bill represents a sound and reasonable basis for strong transportation policy over the next six years, and I support it.

Finally, let me clarify one provision in the bill. A provision I drafted provides funding for the development of a rail trail in Winsted and Winchester, Connecticut. This provision should be read to include the development of the trail in Torrington, Connecticut, as part of this project. The trail will provide residents with access to trails in Barkhamsted and Canton, Connecticut.

Mr. SPECTER. Mr. President, while I am very pleased with the allocations for Pennsylvania, I am voting against the ISTEA conference report because the offsets hit the veterans' accounts so hard.

I compliment House of Representatives Chairman BUD SHUSTER and Senate Chairman JOHN CHAFEE on their extraordinary diligence and accomplishments as lead negotiators on this mammoth bill. I work closely with them in Pennsylvania's infrastructure's needs and I thank them for the accommodations on Pennsylvania's roads, bridges and mass transit systems.

In seeking total offsets of $17.7 billion, the veterans' accounts have been hit for $15.367 billion and 86.8% of the total offsets. As the Chairman of the Veterans' Affairs Committee and a chief advocate for veterans' interests, I believe this is excessively disproportion.

There is an additional $25 billion in the highway trust fund. I am advised that $25 billion will yield approximately $6 billion in interest over the next six years. Those funds could have been used for the offset or at least part of the offset; or other funds could have been found for a part of the offset.

Accordingly, I register this protest vote.

My concern for this veterans' offset is consistent with my position during consideration of the FY '99 Budget Resolution when I opposed this large offset in the veterans' accounts. I shall work to try to recoup these offsets from the veterans' accounts as we move forward in the appropriations process.

Mr. BAUCUS. In July of 1997, the Environmental Protection Agency promulgated final rules that set new National Ambient Air Quality standards for fine particle air pollution, known as PM2.5. The standards require three years of monitoring data to be collected before determining whether an area is meeting the standards.

It is my understanding that under the Clean Air Act, Governors are required to submit designations for attainment, nonattainment and unclassifiable areas within their states within 120 days but no later than 1 year following promulgation of a new or revised standard. The EPA is then required to promulgate designations within two years of the issuance of such final standards.

For the July 1997 PM2.5 standard, this schedule poses a problem. Monitors are not yet in place and three years of monitoring data will not be available to permit Governors and the EPA to determine whether an area is or is not in attainment. Therefore, the Clean Air Act would require EPA to take the meaningless step of designating areas as unclassifiable in July of 1999 on the basis that three years of PM2.5 monitoring data are unavailable.

Mr. INHOFE. That's correct. But the Senate included an amendment in this bill that addresses this problem. Under this amendment, for the July 1997 PM2.5 standards, EPA would no longer be required to designate areas regarding their PM2.5 attainment status in July of 1999.

Instead of the designation schedule currently in the Clean Air Act, this amendment would establish the following requirements for PM2.5 designations: Section 4102 would extend the time for Governors to submit designations for the July 1997 PM2.5 standard until one year after receipt of three years of monitoring data.

Rather than the two year period normally provided by the Clean Air Act, under section 4102(d) of this amendment, EPA would not be required to promulgate nonattainment, attainment and unclassifiable designations for PM2.5 areas until one year after the Governors are required to submit the designations or until Dec. 31, 2005, whichever date is earlier.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, the conference agreement on ISTEA now before the Senate, which will appropriately be entitled ''The Transportation Equity Act for the 21st Century'', is a magnificent accomplishment for those of us who have labored many long months to achieve the enactment of this truly monumental highway bill. Today is the day that we have all been hoping for lo these many months. Today is the day Congress will send to the President a 6-year ISTEA reauthorization act that truly keeps faith with the American traveling public. In adopting this conference report, the Senate will make two profoundly important statements to the American traveling public. First, we are telling the American public that we are finally prepared to guarantee that the revenues collected at the gas pump will indeed be spent for the purpose for which they are collected; namely, the maintenance, upkeep, safety, and expansion of our national highway and transit systems. Second, we are telling the traveling public that we are determined to reverse the Federal Government's chronic underinvestment in our national highway needs.

We are about to send to the President a highway bill calling for a full $216 billion in transportation investments over the six years, 1998 through 2003. Of that amount, $173 billion is provided in contract authority for our national highway system.

Senators will recall that the Omnibus Budget Reconciliation Act of 1993 assessed a new 4.3 cents gas tax, solely for the purpose of deficit reduction. That was the first time since the Highway Trust Fund had been established in 1956, that a permanent gas tax was put on the books for a purpose other than for transportation investments. In May of 1996, our former colleague, Senator Dole of Kansas, rekindled the debate on the appropriate use of the 4.3 cents-per-gallon gas tax. At that time, I signaled to my colleagues my intent to offer an amendment to transfer this 4.3 cents gas tax from the general fund to its rightful place in the Highway Trust Fund so that it could be used to help meet our ever-growing unmet needs in the area of highway construction and maintenance, as well as to rebuild the thousands of unsafe and overburdened bridges throughout the nation. In my view, the Federal Government has, for too long, held its head in the sand while our Federal investment in our nation's infrastructure declined, both as a percentage of our gross domestic product. As such, I was poised to offer my amendment to transfer the 4.3 cents tax into the Highway Trust Fund throughout the summer of 1996. At the behest of both the majority and minority leaders, I deferred offering my amendment on two separate tax bills. Unfortunately, another opportunity to offer my amendment did not arise during the 104th Congress.

During debate on the budget resolution last year, Senator GRAMM offered a Sense-of-the-Senate amendment supporting the transfer of the 4.3 cents-per-gallon gas tax from deficit reduction to the Highway Trust Fund, and the spending of that revenue on our highway construction needs. Senator GRAMM was joined by 81 of our colleagues in support of this amendment. Later that year, when the Finance Committee marked up the Taxpayer Relief Act of 1997, it was Senator GRAMM, who is a member of that committee, who successfully included a provision transferring the 4.3 cents to the Highway Trust Fund. That provision became law with the enactment of the Taxpayer Relief Act in August of 1997.

Transferring this new revenue to the Highway Trust Fund was crucial, because it gave Congress the opportunity to authorize and commit dramatically increased resources on our National Highway System. Unfortunately, however, even with this new revenue coming into the Highway Trust Fund, the Environment and Public Works Committee reported a highway bill on October 1, 1997, that failed to authorize even one penny of this new revenue to be spent on our Nation's highways and bridges. Indeed, under the funding levels reported by the Environment and Public Works Committee for the highway program, the unspent balance in the Highway Trust Fund (including both the highway and transit accounts), was expected to grow from $22.9 billion at the beginning of 1998 to more than $55 billion at the end of 2003, the end of the ISTEA II authorization period. I found these figures to be grossly unacceptable. Senator GRAMM and I did not successfully champion the transfer of the 4.3 cents into the Highway Trust Fund so that the revenue would sit in that Trust Fund, unspent. There was no question that these funds were sorely needed on our Nation's highways. I have taken to the Floor numerous times over the years to remind my colleagues of the hundreds of thousands of miles of highways in the nation that are rated in poor or fair condition, and the thousands of bridges across our nation that are rated as deficient or functionally obsolete.

Following the Environment and Public Works Committee's action, I held several discussions on the subject with members of the committee, including Chairman CHAFEE, and the ranking member, Senator BAUCUS. As a consequence of these discussions, I prepared an amendment to the highway bill to authorize the spending of the full amount of revenues going into the highway account of the Highway Trust Fund. Given the continuing deterioration of our Nation's highways in all 50 states, and the growing volume of concern on the part of the Nation's Governors and State legislators regarding the Federal Government's underinvestment in our infrastructure, I felt that it was essential that the Senate have an opportunity to vote on whether or not we meant what we said when we placed these additional highway tax revenues into the Highway Trust Fund.

I was pleased to have as the very first cosponsor of the amendment I had prepared my very good friend and colleague, Senator GRAMM. Shortly thereafter, our efforts were given a great boost when we were joined by Senator BAUCUS, the ranking member of the Surface Transportation Subcommittee, and Senator WARNER, the subcommittee's chairman. Senators GRAMM, BAUCUS, WARNER, and I diligently sought to obtain cosponsors for our amendment. In total, we were able to secure an additional 50 cosponsors, making a total of 54 cosponsors for the Byrd-Gramm-Baucus-Warner amendment.

Our amendment authorized additional contract authority for highways over the period Fiscal Years 1999 through 2003, totaling $30.971 billion. At the time we introduced our amendment, that amount was the Congressional Budget Office's estimate of the revenue from the 3.45 cents portion of the 4.3 cents gas tax that would be deposited into the highway account of the Highway Trust Fund over that five-year period. In January of this year, the Congressional Budget Office re-estimated that five-year figure to a level of $27.41 billion, or a reduction of $3.561 billion from their earlier forecast.

During Senate debate on the highway reauthorization bill, Mr. President, it appeared that a true battle was brewing. The Senate was divided into two camps—the camp of those that had joined with Senators BYRD, GRAMM, BAUCUS, and WARNER in support of authorizing the spending of the additional revenue to the Highway Trust Fund, and the opposition, led by Senators DOMENICI and CHAFEE, who opposed this approach. This division was causing a delay in Senate consideration of the ISTEA bill, a delay that

made all Senators uncomfortable, since we faced the May 1 deadline beyond which most states could not obligate any federal aid highway funds absent a new authorization bill. The fact is, that the May 1 cutoff of highway obligation authority is still in effect and is a major reason why it is so critical that Congress get this legislation to the President's desk before the Memorial Day Recess. Ultimately, in an attempt to break the Senate deadlock on the highway bill, the majority leader, Mr. LOTT, asked that all parties join him in his office for negotiations on this issue. And so, Senator GRAMM, Senator BAUCUS, Senator WARNER, Senator CHAFEE, Senator DOMENICI, Senator D'AMATO, and I did join with the majority leader to discuss the situation. After several days of back and forth discussions, under the very adept moderating style of the majority leader, I was pleased that an agreement emerged that resulted in an amendment to the then-pending highway bill totaling $25.920 billion in additional highway spending. That amount represented 94 percent of CBO's most recent estimate of the revenue to the highway account, stemming from the 4.3 cents gas tax.

On a matter that was of critical importance to me, the negotiated amendment included $1.89 billion for the Appalachian Development Highway System. Coupled with the $300 million already in the committee bill for this system, total funding over the 6-year ISTEA bill, for the Appalachian Regional Highway System equaled $2.19 billion, the full amount requested by the administration in their ISTEA proposal. Back in December—or January, rather, of 1997, I had met with the President with the goal of convincing him of the importance of completing the Appalachian Highway System. The completion of these highways were promised to the people of Appalachia more than 32 years ago. But as we enter the new millennia, we find that our Interstate Highway System is almost 100 percent complete while the Appalachian Highway System remains less than 78 percent complete. In my home State of West Virginia, we lag behind the average for the region. Our segments of the Appalachian Highway System are only 73 percent complete. I was pleased that, following our meeting, the President saw fit to include $2.19 billion for the Appalachian Highway System in his ISTEA reauthorization proposal. While this amount would not serve to complete the Federal contribution toward the system, it represented a substantial boost to the system and sent a signal to the entire Appalachian region that we are serious about completing these corridors. So the proposal also provided for the Appalachian States to be able to draw down contract authority from the trust fund in order to complete their Appalachian corridors.

The $26 billion included in our amendment not only allowed for a boost to the Appalachian Highway System, it provided for substantial increases in highway funding for all 50 States and many other national highway initiatives. Perhaps, most importantly, it closed the substantial funding gap that existed in the total amount of funding in the Senate highway bill and the highway bill under consideration in the House of Representatives. It paved the way for a less contentious and more amicable conference. Put simply, by bringing the additional $26 billion to the table, our amendment better enabled the conferees to include many critical initiatives in the conference agreement—initiatives that might otherwise have been left out of our Federal Aid Highway program for the next 6 years.

This conference agreement includes an historic increase in the overall level of investment in our Nation's highways, a 44 percent increase over the levels authorized in the original ISTEA legislation for the years 1992 through 1997. The agreement includes a total of $2.25 billion for the Appalachian Highway System. Within that amount, West Virginia can expect to receive roughly $345 million to aid in the completion of Corridor H from Wardensville to Elkins and Corridor D in the Parkersburg area. The bill also includes specific earmarks for several high priority projects throughout the State. These include: $50 million for West Virginia Route 10 from Logan to Man and $22.69 million for the continued construction of the Coalfields Expressway in Southern West Virginia.

Mr. President, I commend the conferees for their diligent efforts in reaching this historic agreement. I especially commend chairman CHAFEE and chairman WARNER, as well as Senator BAUCUS, who have spent untold hours in negotiations with the House conferees in an effort to reach a fair and balanced conference agreement. I also commend chairman SHUSTER for his splendid efforts on the House side in chairing this very difficult conference and for bringing it to a successful conclusion in such an expeditious manner. Further, I want to especially commend my own Congressman, Representative NICK RAHALL of the Third District of West Virginia in which my voting residence is attained. He served as one of the leaders of the House conferees and has been a stalwart ally in the effort to guarantee the American people that their gas taxes will be spent on our Federal highways. His wisdom and his experience have made West Virginia and the Nation proud.

I also compliment the many members of staff—for example Jim English and Peter Rogoff—who have worked diligently over these many, many months, as a matter of fact, in helping to bring this historic bill to fruition. I must thank, again, both leaders, Mr. DASCHLE and Mr. LOTT, for their support of the legislation. I thank all Senators who have participated one way or another in the working out of this agreement. And, again, I compliment and thank Mr. SHUSTER and the Members on the House side.

It was a difficult bill. It was a difficult battle and a difficult conference.

I close by thanking once more, Senator GRAMM of Texas for his splendid leadership, for his unfailing courage, for his high dedication to the passage of this bill, and also for his determination to do everything possible to see to it that the moneys the American people spent on the gas tax when they fill their fuel tanks go into the highway trust fund and are spent on highways. I thank him for joining with me in seeing to it that the amendment which would provide for the expenditure of those trust fund moneys on highways and bridges was implemented. This was the goal that we sought. We thought it was right. We thought that it was being honest with the American people.

I don't think I could have had a better supporter and compatriot and colleague in this effort than Senator GRAMM. He is, indeed, a very able Senator, and has one of the brightest minds I have seen in my 40 years in this Senate. I salute him and express my gratitude for his steadfast support and his encouragement that he gave to me and to others of us who worked together in this matter.

This conference agreement represents a remarkable accomplishment, long sought by the American people and those of us who are fortunate enough to represent them. I commend all those whose efforts have brought us to this historic day.

I yield the floor.

Mr. BREAUX. Mr. President, I want to commend the distinguished Senator from West Virginia not only for his comments, but also for his untiring work on this very important legislation. He is to be commended. I thank all of our colleagues for their work and their contribution on the highway bill. But I assure everyone in this country that were it not for the senior Senator from West Virginia, this bill would not have been passed in this body this afternoon and be part of one of the most massive improvements of our transportation system in this country. He is to be commended. I know there are so many people that are not here today that want to say thank you to the very distinguished Senator for his contribution in this regard.

Mr. BYRD. Mr. President, I thank my friend from Louisiana. I thank him for his kind words, and I thank him for his support all along the way which greatly helped us in bringing this legislation to its fruition. I thank him again.

The PRESIDING OFFICER. The question is on the conference report. The yeas and nays have been ordered.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. NICKLES. I announce that the Senator from Arizona (Mr. MCCAIN) and the Senator from Alaska (Mr. MURKOWSKI) are necessarily absent.

I further announce that, if present and voting, the Senator from Arizona (Mr. MCCAIN) would vote ''nay.''

Mr. BREAUX. I announce that the Senator from Arkansas (Mr. BUMPERS), the Senator from Kentucky (Mr. FORD), the Senator from Hawaii (Mr. INOUYE), the Senator from Massachusetts (Mr. KENNEDY), and the Senator from New Jersey (Mr. TORRICELLI) are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KENNEDY) would vote ''aye.''

The result was announced—yeas 88, nays 5, as follows:

[Rollcall Vote No. 147 Leg.]

YEAS—88

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

NAYS—5

Gorton	Roth	Wellstone
Kyl	Specter	

NOT VOTING—7

Bumpers	Kennedy	Torricelli
Ford	McCain	
Inouye	Murkowski	

The conference report was agreed to.

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

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

The motion to lay on the table was agreed to.

THE PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. DOMENICI. I thank the Chair.

(The remarks of Mr. DOMENICI pertaining to the submission introduction of S. Res. 36 are located in today's RECORD under ''Statements on Senate Concurrent and Joint Resolutions.'')

Mr. BREAUX addressed the Chair.

The PRESIDING OFFICER (Mr. GRAMS). The Senator from Louisiana.

Mr. BREAUX. I thank the Chair.

(The remarks of Mr. BREAUX pertaining to the introduction of S. 2121 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mr. DASCHLE addressed the Chair.

The PRESIDING OFFICER. The Democratic leader.

ISTEA

Mr. DASCHLE. Mr. President, I rise for a moment to congratulate all of those Senators who have had so much to do with the success that we have just demonstrated with the passage of the Interstate Transportation Efficiency Act, the so-called ISTEA II bill. Senator BAUCUS, Senator CHAFEE, Senator WARNER, Senator BYRD, and Senator GRAMM deserve our accolades and our commendation for a job extraordinarily well done.

This represents the single biggest investment in our infrastructure in our Nation's history. It represents an effort to recognize the importance of infrastructure and the array of challenges that we face in an information age, as well as at the turn of this century and the entrance into a new millennium.

It also recognizes the importance of regional balance—the West, the South, the Northeast, the Midwest—all with our disparate challenges and problems that we face with infrastructure, all with the needs, all with the recognition that our States are vastly different as those needs are reflected in public policy. This not only represents the greatest investment, in my view, it represents as well the best regional balance that we have been able to demonstrate.

Finally, I think it recognizes the importance of something the distinguished Senator from Louisiana and the Senator from West Virginia have said on the floor many times: We must recognize the critical nature of the trust fund itself and restore the practice that this country had at one point and was religious in adhering to, and that is that we use the funds that are designated for particular trust funds as they should be used. When this legislation is fully implemented, that is exactly what will happen; the trust fund will be used as it must be used.

Today, we spend approximately $32 billion from the trust fund on an annual basis, but only $21 billion goes to highways and infrastructure needs; $11 billion, roughly, goes to needs that are not highway designated, that are not related to infrastructure. Mr. President, the time has come for us to make a change in that practice, and this legislation does it.

There has been a great deal of concern expressed on both sides of the aisle about the veterans' offset. Frankly, I am very disappointed and discouraged about the fact that we are using a veterans' fund for purposes of offset, but this is not the last word. I must say, if we were using the trust fund for which it was designed, we wouldn't need the veterans' fund because the highway fund is more than adequate to cover our needs for infrastructure in this country.

We will revisit the veterans smoking issue, and, in my view, we will revisit it in a successful way. We must recognize there is a dependency created in large measure because of past practices in the Armed Forces that we must address. Whether it is in the smoking bill, whether it is in some other legislation in the future, we will not ignore the fact that veterans need the same consideration as every other smoker in this country; in fact, in some cases you could clearly say more.

There are two issues to be resolved: One is the offset; the second is the policy. I believe in the longer term we will deal with both successfully. But that should not in any way dissuade us from taking great satisfaction today with this accomplishment, for the tremendous job that was done in bringing us to this point; that, in fact, at long last—a month overdue—at long last we did what the Nation was waiting for us to do: Pass a meaningful infrastructure bill that represents the needs, challenges, and demands that must be put on this Nation as we enter a new era.

I yield the floor.

VETERANS

Mr. BREAUX. Let me make a brief comment. I want to associate my comments and feeling with the earlier remarks of the distinguished Democratic leader, Senator DASCHLE, with regard to his comments about this bill and the use of funds in the highway legislation that could be used for veterans disability benefits associated with smoking.

I was very, very pleased to hear Senator DASCHLE point out very clearly that this issue will be revisited. It needs to be revisited. It is unfortunate, I think, that moneys that were going to be available for veterans who have suffered disabilities from smoking problems will be used for part of this legislation that we just recently passed. But I think it is very clear there is a strong feeling among most all members of the Commerce Committee that this is an issue that needs to be revisited. We need to find the funds to make sure that these types of health disabilities are taken care of and that if it is a veterans disability associated with their service that they be treated as such. I support that. I will be here to do anything that I can to try and correct this problem.

As we deal with the tobacco legislation on the floor, it would seem to me this would be, perhaps, a good way of addressing this particular issue as a health-related smoking issue. I hope we could find a way within the tobacco legislation to address this.

I stand committed to work with Senator DASCHLE on finding a way to correct this problem. I am quite confident that we will be able to do so, and certainly I am committed to do that.

I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from Hawaii.

ASIAN PACIFIC AMERICAN HERITAGE MONTH

Mr. AKAKA. Mr. President, before we break for the Memorial Day recess, I

would like to remark on the celebration of Asian Pacific American Heritage Month and to honor the contributions Asian Pacific Americans have made to our country.

Mr. President, the scope of the celebration has expanded every year since 1992, when President Bush signed Public Law 102–450 designating May of every year as ''Asian Pacific American Heritage Month.'' In Washington, D.C., and in cities all around the nation, schools, community organizations, cultural groups, and government agencies are commemorating the occasion with film festivals, conferences, cultural shows, museum exhibits, political forums, and a multitude of other activities.

Americans of Asian and Pacific Islander descent number 10 million and that figure continues to rise. Asian Pacific Americans represent a broad range of ethnic groups. Their histories are as diverse as the lands of their origin. The earliest immigrants—Chinese, Japanese, Asian Indians, Koreans, and Filipinos—and the most recent refugees—Vietnamese, Laotians, and Cambodians—all experienced similar, yet unique journeys as they crossed the Pacific to venture to a new land of opportunity. Opportunities, however, were not as plentiful as they would have hoped. From the Chinese Exclusion Laws, which restricted immigration on a racial basis, to Executive Order 9066, which resulted in the internment of more than 110,000 Japanese Americans and their immigrant relatives, life in America, at times, proved to be a nightmare rather than the promised American Dream. But despite seemingly insurmountable obstacles, these early intrepid immigrants toiled and sacrificed in order to make this country their own and to preserve the American dream for their American children. They helped build our railroads, labored on our farms, worked endless factory hours, and formed the backbone of many small businesses.

Today, even more so than in the past, Asian Pacific Americans contribute to every sector of our society. They are in corporate board rooms, scientific laboratories, universities, Congress, statehouses, the judiciary, government agencies, the performing arts, and sports. They are architects like I.M. Pei, scientists like AIDS researcher David Ho, statesmen like Senator DAN INOUYE, writers like journalist Iris Chang, musicians like conductor Zubin Mehta, filmmakers like Chris Tashima, sports heroes like Tiger Woods, and warriors like General Eric Shinseki. Unfortunately, the scope and ubiquity of Asian Pacific accomplishments are often overshadowed by insensitive acts directed against members of the community.

For example, during last year's investigation of campaign finance abuses, the distinction between foreign donors and Asian American donors was frequently blurred by members of both political parties and the media. While investigations focused on contributions made to the Democratic National Committee by foreign donors, legitimate American donors were unduly interrogated and harassed simply because their surnames happened to sound ''foreign.''

For their part, the media, including major newspapers, networks, and magazines, often confused ''Asian'' with ''Asian American'' in their stories and headlines on the donor controversy, though they never seemed to confuse ''European'' with Americans of European extraction. The media's inability to distinguish between foreigners and citizens contributed to the stereotypical impression that there is a nefarious ''connection'' between all Asians and Asian Americans.

This bias was in more recent evidence just after Michelle Kwan and Tara Lipinski honored America by winning the silver and gold Olympic figure skating medals, respectively. Immediately after the event, the internet website of NBC's cable affiliate, MSNBC, contained the headline, ''American Beats Out Kwan for Women's Figure Skating Title.'' As we all know, both Lipinski and Kwan are Americans. But the difference between the two champions, in the eyes of MSNBC's editors, was their skin color, making one ''more'' American than the other.

Mr. President, instances like these remind us that Asian Pacific Americans, whatever their achievements, whatever their contributions to the nation, are still perceived as foreigners, whether fifth or first generation. These unfortunate incidents are reminders that as a nation we still have a long journey ahead of us on the road to tolerance and mutual understanding.

But I would be remiss if I did not also point out that there have also been a number of developments that have helped advance the Asian Pacific community's quest to become fully accepted members of American society. I would like to take this opportunity to highlight two notable events which occurred during this month's celebration of Asian Pacific American Heritage Month, events that I hope reflect a growing understanding of, and appreciation for, Asian Pacific Americans by fellow Americans.

First, last Saturday, a ceremony celebrating the designation of Angel Island as a National Historic Landmark was held in San Francisco. Located in San Francisco Bay, Angel Island Immigration Station served as an immigration processing station for many West Coast immigrants between 1910 and 1940. Most of the immigrants entering through Angel Island were Chinese, but a sizable portion of the immigrants came from Japan, the Philippines, and Europe as well. However, the Chinese experience was vastly different from that of other immigrants, regardless of which port of entry they entered through. Subject to a series of Chinese exclusion laws beginning in 1882, Chinese immigrants could only enter the United States under the ''exempt class.'' Instead of a welcoming atmosphere, these Chinese were subjected to days, weeks, months, and even years of hostile interrogation before being admitted to the U.S. or being deported back to China. They languished in prison-like conditions at Angel Island until decisions were handed down. In contrast, processing at Ellis Island took an immigrant, on average, three to five hours. Angel Island Immigration Station closed in 1940 after processing over 175,000 Chinese immigrants.

In 1970, a state park ranger discovered scores of poems beautifully carved into the wooden walls of the detention barracks, evidently composed by its onetime Chinese and Japanese resident. In one poem, a prospective Chinese immigrant wrote:

Every one says traveling to North America is a pleasure.
I suffered misery on the ship and sadness in the wooden building.
After several interrogations, still I am not done.
I sigh because my compatriots are being forcibly detained.

Another wrote

Originally, I had intended to come to America last year.
Lack of money delayed me until early autumn.
It was on the day that the Weaver Maiden met the Cowherd.
That I took passage on the President Lincoln.
I ate wind and tasted waves for more than twenty days.
Fortunately, I arrived safety on the American continent.
I thought I could land in a few days.
How was I to know I would become a prisoner suffering in the wooden building?
The barbarians abuse is really difficult to take.
When my family's circumstances stir my emotions, a double stream of tears flow.
I only wish I can land in San Francisco soon,
Thus sparing me this additional sorrow here.

These poignant works reveal the hardships these immigrants endured; but, more importantly, they also revealed hopes and desires that are universal to the American story. This story is work preserving, whether it is the experience of the Irish of Boston, the Italians of New York City, the African Americans of Savannah, the Mexicans of El Paso, or the Cambodians of Long Beach.

I would like to congratulate the Angel Island Immigration Station Foundation, the Chinese Historical Society of America, the California Department of Parks and Recreation, and the many other community organizations and individuals who worked tirelessly to procure National Historic Landmark status for Angel Island. It is my hope the new designation will help preserve a significant experience in the lives of Asian Pacific immigrants, on that will also resonate with the universal immigration experience of all Americans.

The second promising development that occurred this month was the announcement by Hasbro Toys, the company, which manufactures ''G.I. Joe,'' that it will be creating a Japanese American G.I. Joe, as part of its G.I.

Joe Classics Collection. The action figure will honor the Japanese Americans who fought valiantly for our country during World War II.

My colleagues will recall that as members of the famed 100th Infantry Battalion/442nd Regimental Combat Team, Japanese American soldiers suffered unparalleled casualties in the French and Italian campaigns. Many veterans today still recall the heroism of this fighting unit, which during one famous engagement sustained 800 casualties to save the lives of some 200 members of a Texas battalion who were facing certain annihilation by German troops. The 442nd emerged as one of the most decorated units in our nation's military history, among its more famous members is Senator DANIEL INOUYE, whose heroism earned him the Distinguished Service Cross.

Aside from their military prowess, what was even more remarkable about these brave men was the fact that they were fighting for a country which was, in essence, holding their families hostage in internment camps. One of the darkest chapters of our nation's history was the forced evacuation of over 110,000 Japanese Americans into internment camps.

And so I am very pleased that a toy company, which markets to our most important community, our children, has dispensed with typical marketing values to honor America's home-grown Asian Pacific American heroes. For ultimately, only change in our cultural values will have transformational effect on race and ethnic relations as we approach the next millennium.

Mr. President, I am Native Hawaiian and I am Chinese, but above all I am American. I have embraced all of my identities and hope that others can learn to embrace and cherish our inherent diversity. It is my sincere hope that as we celebrate Asian Pacific American Heritage Month, each and every citizen will reflect on our nation's multiple heritages and appreciate the relationship between our racial and ethnic diversity and the unity that binds us together as Americans.

I yield the floor.

Mr. ENZI addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming, Mr. ENZI, is recognized.

THE SENATE'S ACCOMPLISHMENTS

THE HIGHWAY BILL

Mr. ENZI. Mr. President, I appreciate the honor of closing up today and sending everyone on their way back to their homes with the joyous news that there is highway money. I go back to Wyoming almost every weekend and travel 1,200 miles across Wyoming's vast open spaces, and we will appreciate that highway money. It truly has been a landmark achievement. I want to congratulate the senior Senator from Wyoming, Senator THOMAS, for his outstanding efforts on that bill. He did some early drafting and formulas that have helped tremendously in this. I have also appreciated his guidance since I have been here. Now we are heading back to our respective States.

THE TOBACCO LEGISLATION

The other thing that we have done this week is spend some time debating the tobacco settlement, debating how we can get teens to quit smoking, debating how we can solve the problems of tobacco. I hope that all Senators go back to their States and talk about this landmark piece of legislation that is before us—landmark in that it will be the largest tax increase in my memory, a tax increase that will be placed on a separate segment of the people.

I am going to stop right here and mention that I have not taken any money from the tobacco companies. When I was campaigning, I desperately needed some funds, but I didn't feel that it was right to do that. My comments are not based on that. It is concern out of what we debated this last week, the constitutionality of whether we have the right to solve this problem in this body for every person in the Nation, whether we can set that kind of a precedent. I am sure that if people have been watching, they have been a little confused about the amount of time it has taken to debate it. I want to assure them that it will take considerably more time to debate this issue. This would probably be more appropriate in six bills, coming from six different committees. It was tried that way, and it was determined that it needed to be in one bill. Each of those bills would require as much debate as we had this week.

We are going from a premise that these companies need to be punished. Lately, documents have shown that they have withheld information from their consumers—the people using the product—that shows that nicotine is definitely addictive, that it does affect their health, that it is going to hurt them. Consequently, there is a desire across this Nation to punish those companies. But as several of my constituents who smoke have said, ''Let's see, they abused my body for years, and now you want to punish them by taxing me?'' And we do this in the name of reducing teen smoking. We all want to reduce teen smoking. We hope they realize that 3,000 kids a day start smoking and they are going to kill themselves, and 1,000 of them for sure in that day will be killed sooner. And we say raising the price of cigarettes will do that.

I have been traveling Wyoming. I have been asking people about the price and how that would affect them. I have been going to schools when I am out there and asking about that price. And the general consensus is, yes, for a little while it will make a difference. But they refer me to other kinds of drug use that is expensive, more expensive, and increasingly expensive, and that use is going up.

I saw a college report from the George Washington University which was looking at the fact that they have increased the requirements on smoking on campus, and yet the number of kids smoking has gone up. At a university, they are supposed to be more intellectual perhaps. I know they believe they are. But they are still smoking more. So they are not thinking through the problem. But they asked them why. Part of it is rebelliousness. Part of it is because their parents did it. There are a number of reasons. None of the answers suggested included that the price would make a difference.

Kids today are paying outlandish amounts for a pair of tennis shoes. I sold shoes for 28 years. Would you believe they are paying 50 bucks for a pair of tennis shoes? I said that just to see if you were paying attention. Do you know that there are tennis shoes out there for 150 bucks and the kids are buying them? It is the kids that have the money to buy them. There are more kids working today, making money, and they are not using that money to help support their family. It is money that they get to spend. They are spending it on things like $150 tennis shoes.

So an increase in the price of a pack of cigarettes will bother them for a little while but not as a long problem.

Who winds up with the money in this bill? We have heard some comments here that in the highway bill there may have been some money taken from veterans. That was money never passed by Congress, never budgeted by Congress, never funded by Congress, and wasn't even in the President's budget this year to have that money. I don't know why it isn't in this smoking bill. Everything else is. Everything else is—even things that are not remotely related to smoking. If you ever had an idea for a project, this is a bill you can put it in. We will just kick the price of cigarettes up just a little bit. That will solve everything. It started out at $368.5 billion, went to $516 billion, and perhaps now is at $800 billion. We could match the regular U.S. budget in the trillions with this, eventually. We can just add in some other programs.

We are talking about compensating farmers. That will be the big debate when we get back. And the farmers ought to be involved in this debate. But we are talking about perhaps $20,000 an acre. And they get to keep the land? We are talking about vending machine owners. The machines run $1,500 to $2,500, maybe $3,500. We are talking about compensating them $13,000 per machine? That is where their current value of future lost revenue is—the amount of money they could have made off that machine, as though it was our fault that they bought the machine, as though it was our fault that smoking was bad for people.

Those are debates we will have when we get back, and those debates will take awhile.

The FDA is being given explicit authority in this. They need to probably

have some explicit authority. But their budget already under our budget is increased significantly. Now, under this bill, we increase it 10 times more, $34 million to $340 million, a huge increase. We are expecting those people to gear up and utilize that money. It looks like we are forming an additional bureaucracy. I also want you to watch the dollars.

In Wyoming, for years we have been talking about increasing the price of the tax on cigarettes by 15 cents. When I was in the State legislature in Wyoming, we talked about that. We usually talked about putting that money to health needs. Even talking about putting it to the health needs, it raised approximately $8 million a year. I have to focus on the difference here between billion and million. In the States, a million is a lot of money. Out here, a billion is not much. But that 15 cents a pack raises $8 million. We are told that $1.10 a pack will raise $6 million. It doesn't sound like very good math. It sounds like the usual Washington program where it comes back here, we keep a bunch of it, and we send a little bit back. If that is the case, the State would do it better. It would have more money for the States.

I am going to mention two final concerns that I have on this. When we passed the budget bill, we talked about the need to help Medicare with money that came from the tobacco. That is what we were going to do with all of the money from the tobacco settlement—put it into Medicare, shore that up. It is in bad financial shape. That would give us some more time to work on it. There is very little provision in this bill for doing anything for Medicare. We should take care of Medicare. That would be a medical use for the money. That would be money that nonsmokers have been paying in to pay for smokers' problems that increase the cost of Medicare.

The final need that we have to have in the bill is a provision where we don't spend the money until we have the money. It disturbs me a lot that we are talking about putting an industry out of business but relying on ever-increasing revenues from this business going out of business. Somehow the basic counting instincts here just do not balance. We really have to be sure that the money gets collected before it gets spent if we are going to decrease the revenues.

So there are a lot of concerns there.

I hope my colleagues will go home to their States and discuss with the people there the complexities of this bill. I don't know that there has been that complex a bill before. We are not going to probably break it down into six separate bills. So there will be a long debate on it when we get back. Share your ideas. Share your concerns. And we will get with that when we come back.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Thursday, May 21, 1998, the federal debt stood at $5,503,780,049,716.42 (Five trillion, five hundred three billion, seven hundred eighty million, forty-nine thousand, seven hundred sixteen dollars and forty-two cents).

One year ago, May 21, 1997, the federal debt stood at $5,348,058,000,000 (Five trillion, three hundred forty-eight billion, fifty-eight million).

Five years ago, May 21, 1993, the federal debt stood at $4,287,850,000,000 (Four trillion, two hundred eighty-seven billion, eight hundred fifty million).

Twenty-five years ago, May 21, 1973, the federal debt stood at $453,228,000,000 (Four hundred fifty-three billion, two hundred twenty-eight million) which reflects a debt increase of more than $5 trillion—$5,050,552,049,716.42 (Five trillion, fifty billion, five hundred fifty-two million, forty-nine thousand, seven hundred sixteen dollars and forty-two cents) during the past 25 years.

FIFTIETH ANNIVERSARY OF RED CROSS BLOOD COLLECTING

Mr. THURMOND. Mr. President, as the United States fought World War II, Americans mobilized in support of the war effort like they never had before. Everyone was trying to find a way to help our troops battle the Axis and keep the world free and safe. Whether it was children flattening and saving tin cans that were used for scrap metal, or people growing fruits and vegetables in ''Victory Gardens'', everyone tried to find a way to make their own contribution to winning the war and supporting our men and women in uniform.

It was at this time that the American Red Cross took on the responsibility of collecting blood that would ultimately be used to help save the lives of Soldiers, Sailors, Marines, and Army Air Corpsmen wounded in action. The efforts of the Red Cross were truly a success as they helped to reduce the death rate among the wounded by fifty percent.

For the past fifty years, the American Red Cross has been responsible for administering the Nation's blood supplies and they have done a commendable job in ensuring that the United States has a ready and ample reserve of blood for those who need it. Just a few days ago, on April 30th, American Red Cross President Elizabeth Dole helped to celebrate the fiftieth anniversary of that organization's Biomedical Services. Her remarks nicely illustrate the contributions and accomplishments of the Red Cross in administering the Nation's blood supply. I think that my colleagues and the public would be interested to read what Mrs. Dole had to say and I ask unanimous consent that her remarks be printed in the RECORD.

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

REMARKS OF ELIZABETH DOLE

Thank you, Paul, for that kind introduction and ladies and gentlemen, thank you so much. And special thanks to Donna Shalala, Secretary of Health and Human Services, and David Kessler, Dean of the Yale Medical School and former Commissioner of the Food and Drug Administration We are delighted you could be with us today as we mark the 50th anniversary of the most important of our national reserves: America's reserve of life, the American blood supply. Thank you, Donna and David, for your continued leadership, and for your steadfast dedication to the safety and quality of American health.

Aren't we thrilled to have Garth Brooks here. Garth, you have a magical hold on the spirit of our people. What a joy it is that you would share that bond with us. We are enormously grateful.

What a day! We are also so very pleased to be joined by the Oak Ridge Boys! Boys, your music puts the party in the birthday, and we thank you.

Also, many thanks to the other wonderful celebrities with us today—Lynda Carter, KENNEDY, and William Moses. We sincerely appreciate your generosity in joining us to celebrate our 50th birthday of Biomedical Services. And, welcome to Councilwoman Charlene Drew Jarvis, the daughter of Dr. Charles Drew, renowned plasma pioneer for the American Red Cross and leading authority on transfusion. The Charles Drew Institute honors his memory. Thank you, Charlene, for your support over the years.

As we observe this 50th anniversary, of American Red Cross Blood services, it's a time to take satisfaction in our past and pride in where we've been. The Red Cross started collecting blood during World War II in order to save soldiers' lives, and our efforts were credited with reducing the death rate among these soldiers to half that of their World War I counterparts. When peace came, we created America's first nationwide, volunteer blood collection and distribution system, assuring all our citizens access to one of the great medical advances of this century.

But health events in the last two decades rocked us to our very foundations. The age of blood-borne diseases such as AIDS and new forms of hepatitis swooped down on us with a vengeance. We knew we could no longer operate at the Red Cross as we had done for so many years. Which is why this year, our 50th anniversary, is a year to look forward, rather than back. Today I take great joy in announcing an historic achievement:

As the year closes, the American Red Cross will celebrate the completion of our nearly seven-year, $287 million dollar transformation of our blood operations. This long-awaited milestone is the reason I stand here with so much confidence—and hope—for the future. The accomplishment of Transformation is a great, triumphant victory in our common endeavor to expand what is possible in health care.

And I'm also pleased to announce today that, following this speech, I am leaving on a nation-wide tour of blood drives and celebrity events to focus attention on the safety revolution in America's blood supply. Many of our citizens are still frightened of transfusions, and they should not be! Many millions still mistrust those red bags of life, and they must not! We have achieved a new American miracle in blood, and I will take that message across America. We will celebrate and we will educate but first, let me ruminate.

When I came to the Red Cross in February 1991, the legal and financial vulnerabilities of our blood operations threatened the very

viability of the Red Cross. The country was pretty worried about the safety of America's blood supply back then. And as the person newly responsible for half of it, so was I. Some of our Board members wanted us to get out of blood banking altogether, believing our duty to safeguard the rest of our historic organization demanded that we abandon this mission field. Between Congressional hearings, media exposés and enormous regulatory pressure, there were days when I wanted to get out, too.

Still, the question haunted us: if we left blood banking, who would fill our shoes? The Red Cross is not a public agency, but what we do—especially in blood—is a public trust. We weren't going to let America down. Not on our watch.

The blood supply was as safe as the current blood systems and contemporary scientists knew how to make it. But in the age of AIDS and other blood borne infectious diseases, wasn't there more we could do? We had to ''think outside the box'' with respect to existing science, blood supply management, and safety approaches.

We dreamed, in 1991, of where we wanted to go. But we did more than that. We mustered our courage and embraced Transformation as our ticket to ride. It was the most ambitious project the Red Cross had ever undertaken: the total redesign of how we collect, process, test, and deliver nearly half of America's blood supply. I dare say it is the most profound change any non-profit organization has made in recent memory!

At the time, it felt the way I imagine a Shuttle astronaut must feel on her first space walk letting go of the ship, taking her first step into the unknown. It felt as if our whole organization had let go. . .let go of the security of status-quo standards, let go of the financial certainty underpinning our entire operation, let go of what we knew, in search of what we hoped to find—but knowing that each step was backed up by a truly exceptional scientific team entirely committed to forging new frontiers. I feel so fortunate that Jim Ross with Brian McDonough and each member of his outstanding team answered my call to complete this challenge.

In 1993, the Food and Drug Administration imposed a consent decree on our blood services operations. But as David will tell you, we were already more than two years into Transformation. The consent decree was basically a codification or ratification of our far-reaching plan, with timelines and milestones for measuring our progress. And today, as we conclude Transformation, we also are wrapping up our last requirements under the decree.

With the completion of Transformation this year, we will have forced ourselves from the mind set of always doing things the way we had done them before. We already have left behind our days in the comfort of industry averages to become the undisputed leader in blood banking. Once we were weighed down with 53 non-standardized blood centers running 28 computer systems in a patchwork quilt of regions, each with its own operating procedures and business practices. Today we have one set of operational procedures, one set of business practices, and one state of the art computer system—which gives us the best national donor deferral system and the largest blood information data base in the world for transfusion medicine research.

We determined that today's demands were best met in high-volume, state-of-the-art, centralized labs, so we replaced our 53 testing facilities with 8 state of the art, high-tech laboratories that today are the leading centers of their kind in the world. This enables us to quickly incorporate medical technology as it evolves.

Perhaps most importantly, today we no longer fear finding our own faults. We actively seek them out, report them and then fix them, ourselves. We hired a leader in quality assurance who created an independent program, providing more than 200 experts to audit and consult with all of our fixed sites. We actively monitor for more than 150 possible deviations in manufacturing. And our folks, can and on occasion have shut down a process immediately, when they have found a serious deviation from standard operating procedure.

In short, we have a new, centralized management structure, a new information system, and the best quality assurance program in existence. We have consolidated and modernized testing and have strictly standardized procedures and training across our system. As a matter of fact, we now run the highly acclaimed Charles Drew Biomedical Institute—and provide leadership to the entire blood banking community.

We have moved to a position of leadership in an industry which has achieved phenomenal success in the face of frightening odds: In 1991, an American's risk of HIV transmission from a blood transfusion was one in 220,000. Today, it is nearly one in 700,000—more than a three-fold reduction in risk. I'd say that is worth cheering about, wouldn't you?

Today, I can say what I could not seven years ago: the Red Cross is in the blood business to stay. We are sure of our mission and we know how to fulfill it. No longer an organization constrained by yesterday's technology, we operate today with the gleaming precision and efficiency of what is still, for most in the world, only tomorrow's possibilities. We offer Cadillac quality coupled with Volvo security. Don't get me wrong: every car on the lot meets the government standard for safety. But like Cadillac and Volvo, we have set standards of our own.

Unlike car companies, however, we don't do what we do for a profit. The pins on our lapels and the patches on our sleeves remind us daily that we are in this business to fulfill a national trust, to live up to our moral commitment to do the best we can to ensure the well-being of the American people. We are also reaching out to the rest of the world, sharing the lessons we have learned from Transformation to help improve the safety and reliability of the world's blood supply.

Of course, modernization and improvement is a process that must never end. As David Kearns, the former chairman of Xerox, once said, ''In the race for quality, there is no finish line.'' This could never be more true than in the blood banking business. We're determined to remain not only the industry leader in quality and safety, but to place ourselves in the forefront of new product development.

At our world-class Holland Laboratory, Red Cross physicians and scientists are evaluating and monitoring possible threats to the blood supply and working on many other new, cutting-edge technologies—some of which we will share with you today.

But all this technology wouldn't be worth a thing without the Red Crossers who make it work for America. They are the reason and the inspiration for our service. We have 1.3 million volunteers, 32,000 paid staff, and 4.3 million blood donors—that's 20,000 donors every day—I'd like to stop just a minute to give those quiet heroes a loud round of applause.

Yes, after 50 years in Blood Services—and spending the last seven years transforming them, the American Red Cross has much to celebrate. In addition to enhancing blood safety, our investment has given us the knowledge and confidence to shape our own future.

Before Transformation, the Red Cross and other blood banks around the country waited for signals from the FDA that change was required. Today, the Red Cross is a leader of change. While Transformation the program is nearly complete, Transformation the process will be never ending.

There is a story I love about Supreme Court Justice Oliver Wendell Holmes. When Justice Holmes was in his 90s, he took a trip on the Pennsylvania Railroad. As he saw the conductor coming down the aisle, he began patting his pockets, looking for his ticket. The conductor, recognizing the famous jurist, said, ''Don't worry, Mr. Justice. I'm sure you'll find your ticket when you leave the train, and certainly the Pennsylvania Railroad will trust you to mail it back later.''

Justice Holmes looked up at the conductor with some irritation and said, ''My dear man, the problem is not, where is my ticket. The problem is, where am I going?''

Ladies and gentlemen, the American Red Cross knows where it's going! As we have led the nation in blood transformation, so we will set a new credo of business for businesses of the heart. But more than that, we are dedicated to saving and improving every life we can. We at the Red Cross want to be the model for non-profits in the next century. The status quo is no longer our milieu. Well into the new millennium, the Red Cross will seek out the cutting edge; we will be the people who question the range of possibilities—in blood banking as well as in every other aspect of our mission.

But we know we cannot accomplish all of our dreams by ourselves. We need the time and money, the brainpower and the lifeblood of Americans like you. Together, we will continue to imagine the unimaginable and attain the unattainable. Together, we will be privileged to touch, and in so doing transform, the millions of individual lives we are dedicated to serve.

On behalf of our entire Red Cross family, thank you for all you've done, and for all you continue to do. And on this special day, thanks for coming to our party.

THE 80TH ANNIVERSARY OF THE INDEPENDENCE OF THE REPUBLIC OF GEORGIA

Mr. KENNEDY. Mr. President, I join my colleagues in congratulating the people of the Republic of Georgia on the 80th anniversary of their independence.

Eighty years ago on May 26, 1918, following the collapse of the Russian Empire, the people of Georgia gained their independence and established their own government. Tragically, Georgia's independence was short-lived. In March 1921, the Soviet Army reoccupied Georgia, beginning decades of further occupation, domination and repression.

Despite this persecution by the Soviet leadership, the spirit of the Georgian people could not be defeated. Throughout almost seventy years of Soviet rule, the people of Georgia never lost sight of their goal to be free from outside domination and influence.

Finally, in 1991, following the fall of the Berlin Wall and the collapse of the Soviet Union, the people of Georgia were again able to realize their dream of independence, and their nation now enjoys a bright future. The election of President Eduard Shevardnadze and the election of a Parliament committed to legal reform in 1995 have encouraged economic growth and reforms in human rights.

Today, as we celebrate this 80th anniversary of Georgia's independence, we also honor and commend the Georgian people for their courage and commitment in achieving their dream of a nation free again at last and committed to the principles of democracy.

AWARD OF DOD's DISTINGUISHED PUBLIC SERVICE AWARD

Mr. THURMOND. Mr. President, I rise today to say a few words about our former colleague and Majority Leader, Senator Robert Dole.

There are few people who have given more to this Nation than Bob Dole. He has dedicated his life to public service. He was a young Army officer during World War II, helping to liberate Europe, where as we all know, he suffered his lifelong wounds. He served in the Kansas State House, in the United States House of Representatives, and ultimately in the United States Senate, as Majority Leader, where he left his greatest mark. Even though he no longer holds elected office, Bob still finds ways to contribute to the public good through a variety of efforts, not the least of which is his work on the World War II Memorial. He is truly a man who has distinguished himself through his selflessness, who has rendered the Nation a great service, and is worthy of the respect and admiration of all Americans.

A few weeks ago, another one of our former colleagues, Secretary of Defense William Cohen, made certain that Senator Dole knew the high regard in which he is held by the men and women of our armed services by holding a full dress parade in his honor and bestowing upon him the Department of Defense's Distinguished Public Service Award. This was an especially impressive ceremony that weaved together pageantry, heritage, and patriotism in a stirring tribute to both Senator Dole and his service to the United States. I was particularly moved by the remarks of my two friends and want to share them with my colleagues in the Senate, and with the Nation through the Congressional Record. I am certain that all who read these speeches will agree with me that they provide both insight into a modest and private man and a fitting tribute to a true American hero.

I ask unanimous consent that copies of Secretary Cohen's and Senator Dole's remarks be printed in the RECORD.

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

SENATOR BOB DOLE—REMARKS PREPARED FOR DELIVERY, FORT MEYER, VIRGINIA, APRIL 29, 1998

If given the choice between receiving an award from a Secretary of Defense or appointing a Secretary of Defense, I would have picked the latter.

Seriously, I am humbled and honored by this award, and it means all the more to me because it was presented by a man I have long been privileged to call my friend. Thank you, Mr. Secretary, for this ceremony, for this award, and for reminding us that when it comes to our national defense, we should not define ourselves as Democrats or Republicans, but rather, simply as Americans.

I am also pleased to be joined today by the president of the American Red Cross. Throughout this century, wherever you have found American service men and women—whether on the battlefield, on the base, or in the hospital—you knew that close by you would also find the American Red Cross.

And on behalf of all the past and present members of the Armed Forces here, I thank Elizabeth for the difference the Red Cross has made in our lives. And while I may not be proof of the old saying that here in America, any boy can grow up to be President, I take heart in the fact that I am proof that any boy can grow up and be married to the President . . . of the American Red Cross, that is.

During my life I have been privileged to be called by many titles—including congressman, Senator, and majority leader. But the two titles of which I am most proud have nothing to do with elective office. The first is ''Kansan.'' And the second is ''veteran.''

I have often wondered why the Army assigned a kid from the plains of Kansas to serve in the 10th Mountain Division, but I've never wondered about the courage and heroism of those who served with me, and those who have defended our country in the half century that has followed. And I can't help but recall today the words of General George Marshall, who was asked soon after America's entrance into World War II, whether we had a secret weapon that would ensure victory.

Marshall said, ''Yes, our secret weapon is the best darned kids in the world.''

Marshall was right. America ensured the survival of freedom in World War II precisely because we had the best darned kids in the world—kids who were willing to fight and die for their country and for the cause of freedom.

What was true in World War II, has continued to be true in the decades that have followed, as more of those best darned kids have fought and died in places with names like Inchon, Porkchop Hill, the Persian Gulf, and countless other locations around the globe.

I traveled to Bosnia just this past weekend, and can report to you, Mr. Secretary, that our Armed Services can still boast the best darned kids in the world.

Throughout my years in the Battlefields of Capitol Hill, I always tried to remember and stand up for those who were serving or who had served. And I always tried to remember that the only way to ensure that future generations or those kids would not be buried on foreign land was to continue to provide for a strong defense and American leadership whenever and wherever it was needed.

And any success I achieved in this regard was achieved because so many others stood with me. And although this old soldier has retired from elective office, I don't intend to fade away. Rather, I will continue to stand up and speak out on matters of importance to the United States, and I will always regard this day and this award not as recognition for any achievements of the past, but as a reminder of our responsibilities to future generations of Americans.

And so, Mr. Secretary, Lieutenant Robert J. Dole is reporting for duty today, ready for a mission that must be shared by all Americans; a mission perhaps best defined by the author Herman Wouk, who said:

''(Our duty is to) reassure (our men and women in uniform) that their hard, long training is needed, that love of country is noble, that self-sacrifice is rewarding and that to be ready to fight for freedom fills one with a sense of worth like nothing else . . . for if America is still the great beacon in dense gloom, the promise to hundreds of millions of the oppressed that liberty exists, that it is the shining future, that they can throw off their tyrants, and learn freedom and cease learning war, then we still need heroes to stand guard in the night.''

Thank you, Mr. Secretary for this day, and thanks to all those heroes here today and the countless thousands who serve with you who make the world a safer place by standing guard in the night.

REMARKS OF SECRETARY OF DEFENSE WILLIAM S. COHEN—PRESENTATION OF DISTINGUISHED PUBLIC SERVICE AWARD TO BOB DOLE, CONMY HALL, FORT MYER, VIRGINIA, APRIL 29, 1998

General Ralston, thank you for your gracious words. Senator Dole, Elizabeth and Robin Dole; Members of Congress: Senator Thurmond, Specter, Campbell, Smith and Reed and Congressmen Ryun and Houghton; Deputy Secretary Hamre and Julie Hamre; Service secretaries, service chiefs and spouses; Distinguished guests, especially Jack Kemp, Warren Rudman, Paul Laxalt, Colin Powell, Ambassador Ellsworth. Welcome all, and thank you for joining Janet and me and the entire Department of Defense in paying tribute to a dear friend and a true American hero—Bob Dole.

Justice Oliver Wendell Holmes, Jr., who served his country both as a soldier and a public servant, once spoke to his fellow veterans in words that reflect the soldier and public servant we honor today. Holmes said: ''As I look into your eyes, I feel that a great trial in your youth made you different. It made you a citizen of the world and not of a little town. Best of all, it made you believe in something else besides doing the best for yourself. You learned a lesson early which has given a different feeling to life, which put a kind of fire into your heart.''

Today we express our gratitude to Bob Dole, a man from the little town of Russell, Kansas for whom the lessons of life came early. With the Dustbowl came the lesson of hard work. With the Depression came the lesson of hardship. With World War II came the lesson of service and sacrifice in a way most of us will never know.

Throughout his distinguished career, we have called Bob Dole by many titles—Congressman Dole, Senator Dole, Chairman Dole and Candidate Dole. Our ceremony today honors all those roles, but also honors a time when he was known as Second Lieutenant Robert Dole, who led the Second Battalion of the 85th Infantry Mountain Regiment of the U.S. Army's 10th Mountain Division.

As the war in Europe was winding down, a spring offensive was scheduled for April 12, 1945 to bring about the surrender of German forces in Italy. On the same day, as it happens, President Roosevelt died. But it was not the President's death but a heavy fog that delayed the offensive until April 14 at oh-six-hundred. After the intensive assault against fortified German positions by heavy bombers, fighter-bombers and artillery, the 10th Mountain Division began to move across a ravine to a clearing to take for the Allies what was known as Hill 913.

But even after the shelling and bombing, there was significant German resistance. The snipers were dug in. The 10th Mountain Division would take more causalities on April 14, 1945 than all the other Allied forces in Italy. Second Lieutenant Robert Dole was hit and gravely wounded by a mortar blast and waited in a shell hole for nine hours until the medics could reach him.

The war in Europe ended just a few weeks later on May 8, 1945. Second Lieutenant Dole came back to a Topeka hospital and eventually back to Russell. When he went to Europe, he weighed a muscular 200 pounds and was a football, basketball and track star at the State University of Kansas. When he came home after the war, he was on a stretcher and weighed 120 pounds. At one point, his temperature reached 108.7 degrees.

Faced with this terrible situation and the unanimously gloomy opinion of his doctors, many people, even most people, would have become disheartened and simply given up. But Bob Dole persevered, through more than three years of arduous recovery and through a lifetime of difficulty and hardship which he handled with this customary humor and grace. No one ever worked harder, complained less or laughed more than Bob Dole. And no one ever loved his country more or had a better appreciation of the honor and sacrifice of military service.

From the terrible trauma of his injuries, Bob Dole fought back and won elective office as county attorney, US Congressman, US Senator and Senate Majority Leader. He has been his party's nominee for Vice President and President. He even makes a pretty good VISA commercial! (Although his credit is not very good in that financial mega center—Russell.)

Also, no hero does it alone, and Janet and I also want to pay tribute to a lady of grace, charm and accomplishment who is Bob's partner, friend and wife—Elizabeth Dole. Elizabeth, thank you for your service to America.

I had the privilege of serving with Bob Dole in the legislative trenches of the U.S. Senate for 18 years. And I can tell you he remained a warrior eager to take on a new battle every day. He is and always will be an American Hero of the highest order.

Thanks to people like Bob Dole who have worked for a strong national defense, we are privileged to live in largely peaceful times where the sons of Bangor, Maine or Russell, Kansas are not being sent to fight and die on distant battlefields. The privilege of these peaceful times is made possible by the sacrifice of many thousands who have given their bodies and their lives in the cause of liberty.

We do not pause often enough to give tribute to the silent white gravestones which dot the hills of Arlington National Cemetery or give thanks to the heroes who are still among us. Today, as Secretary of Defense, it makes me extremely proud for our Department and our nation to pay tribute to a modest man of immodest talent—a person who has defined heroism and courage for millions of Americans.

The great American writer John Steinbeck once wrote that the best measure of one's time on this earth is the contribution each of us makes to the world around us. ''There is,'' Steinbeck wrote, ''no other story. A man, after he has brushed off the dust and chips of his life, will have left only the hard clean questions: Was it good or was it evil? Have I done well—or ill?''

For Second Lieutenant Bob Dole—Army Serial #17179287—Steinbeck's question is not a hard one. He has done well—he has served his nation with the highest distinction—he has remained a man with fire in his heart. And it is my highest privilege to award our highest civilian honor, the Department of Defense Medal for Distinguished Public Service, to Bob Dole.

OREGON SCHOOL SHOOTINGS

Ms. MOSELEY-BRAUN. Mr. President, I would like to take a brief moment to express my condolences to the families of the students killed and wounded during the tragic shooting yesterday at the Thurston High School in Springfield, Oregon.

The thoughts and prayers of all Americans today are with the families of Springfield. It is yet another community where lives have been shattered forever by children with easy access to firearms.

This attack was the fourth killing in a high school in the last six months by a youth under the age of 16. Mr. President, this killing must stop.

Last year, approximately 50% of all serious violent crimes were committed by teens against teens. Our nation's overall firearm-related death rate among children was nearly 12 times higher than among children in the other 25 industrialized countries combined.

This is an outrage. Mr. President, these horrific crimes amply demonstrate that we have a responsibility to oppose the proliferation of violence and to stand fast against any effort to make firearms more freely available. Does anyone still believe that it is possible to raise children in a society where guns are so easily obtained? We cannot continue to protect our children in such a world.

We must come together as a society and recommit ourselves to keeping firearms out of the hands of children and to guaranteeing that only those people who know how to use guns responsibly have access to them. We must expand programs to train gunowners in the proper use and storage of their weapons.

Responsible gunowners have nothing to fear from reasonable gun laws. We must have reasonable gun laws that will prevent tragedies like the one that happened yesterday in that small community in Oregon from ever happening again. The second amendment was never intended as a subterfuge for domestic carnage. Our living constitution can respond to changes in our society which jeopardize our freedom from fear and random violence by children. I think it is appropriate for us to have that debate, given the importance to our children, to their safety, to our liberty and freedom and safety in our communities.

JUDGE JOE ANDERSON'S REDEDICATION OF THE EDGEFIELD COUNTY COURTHOUSE

Mr. THURMOND. Mr. President, the very foundation of our Nation lies in the rule of law, and there is perhaps no symbol more closely associated with the process of justice than the courthouse. Not only is the courthouse where justice is dispensed, but it is a reminder to all citizens that the judiciary is the third branch of our system of government.

Recently, the Edgefield County Courthouse was rededicated, and Judge Joe Anderson, of the South Carolina District Court, was the keynote speaker at the ceremony. His remarks were very well received by the crowd and helped to make the event a great success. Though I was unable to attend this event, I heard from a number of friends who did that Judge Anderson's remarks were truly excellent. After requesting a copy of his speech, I came to the very same conclusion and thought that my peers in the Senate would enjoy reading them as much as I did.

Mr. President, I ask unanimous consent that a copy of this speech be printed in the RECORD following my remarks.

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

Judge Keesley, Members of the County Council, other distinguished guests, and friends:

What a joy, what an honor, to have the privilege of being a part of this ceremony. I appreciate the opportunity you have given me to come home, and to show my appreciation, I promise not to afflict you with many words.

As one who spends all of my working hours in a courthouse building, I am honored to say a few brief words in rededication of this historic structure and what it has come to symbolize for our community.

Winston Churchill once said that the best measure of the quality of a society is the quality of its justice.'' America is distinguished from other countries by the quality of its law and how it is used by its people to expand liberty and opportunity. Our law represents our national dreams, our system of justice towards one another.

The assumptions that we make every day, the security we take for granted, the social compact that allows us to live together peacefully . . . these are the result of law. In rededicating this building we rededicate ourselves to the rule of law.

Courthouse buildings, of course, represent a symbol of permanence and the place where our laws are administered. It is here that our citizens are summoned to become actively involved in the public administration of justice—a privilege that citizens of most other countries do not enjoy. It is here that the cogs and gears of liberty function on a daily basis.

I have always thought that the rather nondescript term we use to describe these buildings—''courthouse''—does not adequately convey the importance of the work that goes on inside. The French use a more inspirational name: ''Palace of Justice.''

Regardless of the name by which it is called, no one can deny the role that our courthouse, our ''Palace of Justice'' has played in the development of our county. We are all indebted to Chairman Monroe Kneece and the members of our county council Betty Buter, Sam Speight, Daniel Bishop and Norman Dorn and County Administrator Wayne Adams for their foresight in recognizing the renovations and improvements that were needed. Their vision and hard work have brought this historic structure up to standards that will allow it to serve in the next millennium and beyond, while at the same time preserving all the charm and history that makes this building special for all of us. This ceremony is, in part, a tribute to their stewardship of one of the real crown jewels of our county. On occasions such as this, we ask God's blessing on their endeavors.

Today is one of those moments when we can pause, take a look at where we've been, where we are, and where we might be headed.

Bettis Rainsford has chronicled for you the history of the Edgefield County Courthouse. There may not be many other courthouses in America, certainly not in South Carolina, with a pedigree to match that of this building. I am certain that there is no courthouse anywhere with so many portraits of notable leaders—statesmen, generals, lawyers and judges. I distinctly remember my first visit to this courthouse with my father. The portraits on the walls left a lasting impression on me. I particularly remember my father singling out Senator STROM THURMOND, pictured on these walls when he was a young Circuit Judge, as well as his father, John William Thurmond, one of the most able lawyers our state has ever produced.

But what does all this history mean to us as we are about to embark on a new century? As South Carolinians and, especially as Edgefieldians, we have a rich heritage. We are each of us the sum total of generations of growing, yearning, of planning and failing, of building and destroying and building again.

This is an exciting time for Edgefield County. Our area is growing, our young people have a place to come back to, our schools are moving ahead, industry is recognizing the virtues of small town life and good work ethic that goes with it. Edgefield County is on the move.

This building is a monument to the hands, hearts and minds of our forebearers. Not just the dignitaries on these walls—not just the statesmen, the generals, the lawyers and the judges—but also the public servants behind the scenes, like Miss Martha Rich, the merchants, the ministers, the school teachers, the sharecroppers, the industrialists, the artists and the artisans who have gone before us to help make this corner of God's earth a special place in our hearts.

Thank you again for inviting me.

OPERATION GRADUATION WEEKEND

Mr. ASHCROFT. Mr. President, Operation Graduation is a six-state campaign devoted to the safety of high school seniors on graduation night. The campaign is designed to fund alcohol-free/drug-free graduation parties that are safe, memorable, and fun.

In an effort to encourage high schools to hold alcohol-free/drug-free graduation parties, local cable systems in the Midwest are donating money to corresponding area high schools. This project also provides high schools with information kits containing an Operation Graduation How-to-Guide, pamphlets, and brochures on the dangers of drunk driving, and other resources for promoting Operation Graduation.

Together, local cable system employees in Missouri are fighting to stop needless deaths on our roads and highways that result from reckless behavior on graduation night.

I would like to commend all the people working to make the weekend of May 29, 1998, ''Operation Graduation Weekend.''

JUDICIAL NOMINATIONS

Mr. LEAHY. Mr. President, yesterday, XAVIER BECERRA, JOSÉ E. SERRANO and the Congressional Hispanic Caucus called upon the Republican leadership to vote upon the Latino nominees to judgeships who have languished in the Senate far too long. I welcome the views of the Congressional Hispanic Caucus to the debate and I ask unanimous consent that a copy of their letter be printed in the RECORD at the conclusion of my remarks.

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

(See Exhibit No. 1.)

Mr. LEAHY. I have spoken often, too often, about the crisis in the Second Circuit and our need for the Senate to move forward to confirm the nominees pending on the Senate calendar to that important court.

Judge Sonia Sotomayor is a qualified nominee who was confirmed to the United States District Court for the Southern District of New York in 1992 after being nominated by President Bush. She attended Princeton University and Yale Law School. She worked for over four years in the New York District Attorney's Office as an Assistant District Attorney and was in private practice with Pavia & Harcourt in New York. She is strongly supported by Senator MOYNIHAN and Senator D'AMATO. She is a source of pride to Puerto Rican and other Hispanic supporters and to women. When confirmed she will be only the second woman and second judge of Puerto Rican descent to serve on the Second Circuit.

By a vote of 16 to 2, the Judiciary Committee reported the nomination of Judge Sonia Sotomayor to the Senate. That was on March 5, 1998, over two months ago. No action has been taken or scheduled on that nomination and no explanation for the delay has been forthcoming. This is the oldest judicial nomination pending on the Senate Executive Calendar. In spite of an April 8 letter to the Senate Republican Leader signed by all six Senators from the three States forming the Second Circuit urging prompt action, this nomination continues to be stalled by anonymous objections. Our bipartisan letter to the Majority Leader asked that he call up for prompt consideration by the Senate of the nomination of Judge Sonia Sotomayor. That was over one month ago. I request unanimous consent that a copy of that letter be included in the record at the conclusion of my remarks.

Nor is Judge Sotomayor the only woman or minority judicial nominee who has been needlessly delayed. Indeed, if one considers those nominees who have taken the longest to confirm this year, we find a disturbing pattern.

Hilda Tagle, the only Hispanic woman the Senate has confirmed this year, took 32 months to be confirmed as a District Court Judge for the Southern District of Texas—that was over two and one-half years. As I have noted, Judge Sotomayor's nomination to the Second Circuit is the longest pending on the Senate calendar, another qualified Hispanic woman nominee. Judge Richard Paez, currently a District Court Judge and a nominee to the Ninth Circuit, was first nominated in January 1996. Twenty-eight months latter, Judge Paez's nomination remains pending on the Senate calendar. Nor have we seen any progress with respect to the nomination of Jorge Rangel to the Fifth Circuit or Anabelle Rodriguez to the District Court for Puerto Rico, although her nomination was received in January 1996 almost 28 months ago.

For that matter, we have seen the President's nomination of the Judge James A. Beaty, Jr., the first African-American to the Fourth Circuit stalled for 29 months, since December 1995.

We have seen the attack on Judge Frederica Massiah-Jackson, who would have been the first African-American woman to serve on the Eastern District of Pennsylvania, but who was forced to withdraw. We have seen the nomination of Clarence Sundram held up since September 1995, almost 32 months.

With the delays in the Senate consideration of Margaret Morrow and Margaret McKeown earlier this year, we had the opportunity to consider why it is that the Senate takes so much longer to consider and confirm so many woman nominees. That question has yet to be answered adequately.

Margaret Morrow was targeted by some and debate on her nomination was delayed for more than a year. She was first nominated in May 1996 and was not voted on for 21 months. When we finally got a vote, she was confirmed by a vote of more than two to one. Margaret Morrow was the first and only woman to serve as the President of the California State Bar. The ABA gave her its highest rating. She had strong bipartisan support. She was held up for a judicial emergency vacancy for many months without cause of justification.

Nor was Margaret Morrow an isolated case. Consider the nomination of Judge Ann Aiken to the District Court in Oregon. That nomination was received in November 1995 but not considered by the Senate until January 1998, 26 months later. She, too, was confirmed by a vote of more than two to one.

Then we had the case of Margaret McKeown who was nominated to a vacancy on the Ninth Circuit in March 1996 but not considered until two years later in March 1998. When she received a Senate vote, she was confirmed by a vote of 80 to 11.

We still have Susan Oki Mollway pending before the Senate without a vote although she was first nominated back in December 1995 for the vacancy on the District Court in Hawaii—that was more than 29 months ago and still she is without a vote.

In his annual report on the judiciary last year, the Chief Justice of the United States Supreme Court observed: ''Some current nominees have been waiting a considerable time for a Senate Judiciary Committee vote or a final floor vote. The Senate confirmed only 17 judges in 1996 and 36 in 1997, well under the 101 judges it confirmed

in 1994.'' He went on to note: ''The Senate is surely under no obligation to confirm any particular nominee, but after the necessary time for inquiry it should vote him up or vote him down.''

For some unexplained reason, judicial nominees who are women or racial or ethnic minorities seem to take the longest. Of the 10 judicial nominees whose nominations have been pending the longest before the Senate, eight are women and racial or ethnic minority candidates. A ninth has been delayed in large measure because of opposition to his mother, who already serves as a judge. The tenth is one who blew the lid off the $1.4 milllion right-wing campaign to ''kill'' Clinton judicial nominees.

Pending on the Senate calendar, having been passed over again and again, are Judge Sonia Sotomayor, Judge Richard Paez and Susan Oki Mollway. Ronnie White has now finally been reported, as well. Held up in Committee after two hearings is Clarence Sundram. Still without a hearing are Anabelle Rodriquez, Judge James A. Beaty, Jr., and Jorge C. Rangel. What all these nominees have in common is that they are either women or members of racial or ethnic minorities. That is a shame.

EXHIBIT NO. 1

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, May 21, 1998.

Hon. TRENT LOTT,
Senate Majority Leader, Russell Office Building, Washington, DC.

Hon. ORRIN G. HATCH,
Chairman, Senate Judiciary Committee, Russell Office Building, Washington, DC.

Hon. FRED THOMPSON,
Chairman, Senate Government Affairs Committee, Dirksen Office Building, Washington, DC.

DEAR MR. LEADER AND MR. CHAIRMAN: As Members of the Congressional Hispanic Caucus (CHC), we are writing to express our grave concern with the lack of progress and consideration of judicial nominees before the Senate. In particular, we are profoundly distressed that several of those nominees are highly qualified individuals of Latino descent. While this Congress has seen a slowdown in the confirmation process it is notable that Latino judicial nominees have been subjected to inexplicable delays.

Of the Federal judges confirmed in the 105th Congress (1997 and 1998), only 2 have been Latinos. At present, there are a number of Latinos with strong judicial and academic qualifications pending Senate judicial confirmation. Yet, several Latino judicial nominees have languished unjustifiably in the Senate for over two years and only two of the candidates have been reported out of committee.

The delay in the confirmation process results in significantly higher caseloads for existing Federal judges, and a system that guarantees frustration for those who utilize it. Already, and Second Circuit has been declared a ''judicial emergency''—the circuit has seats that have been vacant for more than 18 months. Overburdened judges and a slowdown of court proceedings undermine faith in our judicial system and our democracy as a whole.

Inaction by the Senate is contributing to the underrepresentation of Latinos on the Federal bench. Latinos make up less than 5% of all Federal judges. We urge your prompt and favorable action in confirming judicial candidates.

Sincerely,

XAVIER BECERRA.
JOSÉ E. SERRANO.

TRIBUTE TO MS. ROSELLA SCHNAKENBERG

Mr. ASHCROFT. Mr. President, I rise today to recognize Ms. Rosella Schnakenberg, a woman who has served her friends and fellow Missourians for more than 50 years. Although this service has transcended occupational boundaries, the most prominent way Ms. Schnakenberg, a lifelong resident of the Cole Camp community, has benefitted her fellow citizens has been to hold a pivotal role at the First Community Bank in Ionia, Missouri.

During her time as an employee of First Community Bank, Ms. Schnakenberg has helped customers open accounts, fill out and process loan applications, save for the future, balance checkbooks, and cash pay checks. In addition to this long list of responsibilities, what is remarkable about this versatile employee is that she performs her duties with enthusiasm and concern. That attitude has helped propel Ms. Schnakenberg from a teller who earned $75 a month to a Vice President and Facility Manager, overseeing day-to-day operations of the bank. During her lengthy tenure, she has observed the bank change and grow from an establishment that applied for deposits by hand and lacked indoor plumbing to an institution that functions and flourishes in the modern world.

First Community Bank has not only prospered economically, under Ms. Schnakenberg's leadership, it has also benefitted from her research and recording of the bank's colorful history. That history includes a Depression-era incident when one of the bank managers had cashiers band a high-value bill on both sides of the $1 bill stacks.

Mrs. Schnakenberg has also touched the lives of the people around her through the unselfish distribution of her time, such as serving in community activities, visiting friends in nursing homes, and playing the organ at St. John's Lutheran Church services.

To honor Ms. Schnakenberg, First Community Bank hosted a reception in her honor on Sunday, March 22, 1998, in Ionia, Missouri. It is an honor for me to recognize such a fine Missourian and to serve her in the U.S. Senate.

THE SCHOOL TRAGEDY IN SPRINGFIELD, OREGON

Mr. HATCH. Mr. President, we were all shocked and saddened by the tragic shooting incident at the Thurston High School in Springfield, Oregon. I listened with sympathy this morning to my colleagues from Oregon, and share their sentiments. My heart goes out to the victims of this horrendous crime, and my prayers are with the injured, and with the families of all the victims in the Springfield community. I know that every parent or grandparent who sends a child to school shares the grief of the Springfield families.

This kind of tragedy has become far too common. It was only two months ago that we were shocked by the violence and horror of the schoolyard shooting in Jonesboro, Arkansas. Every day, it seems, we are assailed by new stories of senseless crimes committed by juveniles who should be too young to be capable of such acts.

Our juvenile crime problem has taken a new and sinister direction. I can imagine few acts more heinous than some of the crimes recently committed by juveniles around the country. We seem now to be in a new era, in which juveniles are committing sophisticated adult crimes. This disturbing trend demonstrates the need to reform the juvenile justice system that is failing the victims of juvenile crime, failing too many of our young people, and ultimately, failing society.

The Senate has before it comprehensive youth violence legislation. S. 10, the Hatch-Sessions Violent and Repeat Juvenile Offender Act, reported out of the Judiciary Committee last year on bipartisan vote. The goal of S. 10 is to reform and redirect the role played by the federal government in addressing juvenile crime in our Nation.

Responding to the testimony and advice of many state and local officials, S. 10 reauthorizes and streamlines the Juvenile Justice and Delinquency Prevention Act (JJDPA), which provides assistance to the states in fighting juvenile crime. S. 10 also creates a $500 million per year incentive block grant program for the states. These block grants can be used for a multitude of purposes, such as incarceration, graduated sanctions, serious and habitual offender programs, juvenile criminal record sharing, drug testing and treatment of juvenile arrestees, and numerous prevention programs.

In the face of tragedies such as the Springfield and Jonesboro murders, it is tempting to look for easy answers. I do not believe that we should succumb to this temptation. We are faced, I believe, with a problem which cannot be solved solely by the enactment of new criminal prohibitions. It is at its core a moral problem. Somehow, in this case and too many others like it, we have failed as a society to pass along to the next generation the moral compass that differentiates right from wrong. This cannot be legislated. It will not be restored by the enactment of a new law or the implementation of a new program. But it can be achieved by communities working together to teach accountability by example and by early intervention when the signs clearly point to violent and antisocial behavior, as seems to be the case in some of these tragedies.

S. 10 provides the framework to address the modest federal role in this effort. We should not let politics overwhelm this issue. I believe that this legislation must move forward. This will require us to work together. It will also require leadership from the Administration. In the ten months since this legislation was ordered reported from the Judiciary Committee, we have heard no productive comment from the Administration on the bill. The President must show leadership on this, and support S. 10. Otherwise, I am afraid that another year will pass without our having taken action on this critically important issue.

I also ask my colleagues to join me in this effort, and to join me in extending the sympathy of the Senate to the families and victims, to the community of Springfield, and the State of Oregon.

THE WORK OF THE SENATE

Mr. LEAHY. Mr. President, this week we conclude another work period by disappointing the American people. We recess, again, without concluding the people's business and passing a strong tobacco bill. Tobacco legislation is now added to the litany of important matters the Congress has left unfinished.

Last month, the Congress adjourned without even completing the federal budget and this month we recess, again, without concluding even that basic action.

Most Americans think of April 15 as the day that they file their tax returns and pay their taxes, and most Americans dutifully collect their financial records and go through the sometimes arduous task of preparing their tax returns. I hope that next year and in the years ahead that task will be made a little easier by legislation I have sponsored to require the IRS to post information and forms on the Internet, along with regulations and rulings.

Well, April 15 was also the legal deadline for Congress to have passed a budget resolution. While the Senate did some preliminary work on a flawed proposal earlier this year, Congress is recessing, again, without completing this fundamental task—another duty ignored, another legal requirement violated.

I hope that as Congress returns from its Memorial Day break it will complete work on a balanced budget to serve the American people without additional delay. It should be balanced in two senses: It should be a balanced series of proposals to meet the health, education, environmental and law enforcement needs of the country. And it will also, for the first time in almost three decades, be a balanced budget that will not rely on deficit financing.

I recall all too well last year when we were told that we could never achieve a balanced budget without a constitutional amendment. I recall the stacks of deficit-laden federal budgets proposed by Republican and Democratic Presidents since President JOHNSON and being told that the only answer to annual budget deficits was to pass an ill-conceived constitutional amendment whose terms and effects could not be explained. I defended the Constitution then and this year President Clinton sent us the first balanced budget in almost 30 years.

With the cooperation of the Republican leadership in the Congress we can enact the first balanced budget since 1969, and we will have done it without inserting a fiscal straightjacket into the text of the United States Constitution. They said it could not be done, but it can and will as a result of the sound fiscal policies of this Administration which have lead not only to balance but to the prospect of budget surplus. In 1993, a Democratic Congress put us on the right road to fiscal responsibility when we took the hard votes and passed the President's plan. Congress should culminate that extraordinary 5-year effort without further delay.

Completing action on the budget is the first step toward Congress taking action on the annual appropriations bills that are so important to the government programs that protect the environment and assist State and local governments with education and law enforcement. Republican Congressional leadership is well-known for shutting down the government by not completing work on these basic measures in a timely way.

Those contracting with the government, working in partnership with government services and those dependent on government services deserve better. Americans deserve piece of mind and the assurances that their government is working. Congress needs to complete its appropriations so that the agencies and service providers can plan programs, pay staff and work with the American public in an effective manner.

It is high time for the congressional leadership to do its job and for the Congress to get on about the business of governing.

Congress should not be taking breaks without having completed the work of the people. Such callous disregard for the needs of the American people has become too much the rule as year after year under Republican leadership Congress recesses without having completed its work on emergency supplementals, budgets, and appropriations bills.

The Senate has also failed to take action to end the judicial emergency in the United States Court of Appeals for the Second Circuit. On March 25, the five continuing vacancies on the 13-member court caused Chief Judge Ralph Winter to certify a Circuit emergency, to begin canceling hearings and to take the unprecedented step of having 3-judge panels convened that include only one Second Circuit judge.

I have been urging favorable Senate action on the nomination of Judge Sonia Sotomayor to the Second Circuit to fill a longstanding vacancy. That nomination remains stalled on the Senate calendar. Before the last recess I introduced legislation calling upon the Senate to address this kind of judicial emergency before it takes another extended recess. The Senate has pending before it four outstanding nominees to the Second Circuit whose confirmations would end this crisis.

Unfortunately Republican Senate leadership has not taken the judicial vacancies crisis seriously and has failed to take the concerted action needed to end it. They continue to perpetuate vacancies in almost one in 10 federal judgeships.

With 11 nominees on the Senate calendar and 32 pending in Committee, we could be making a difference if we would take our responsibilities to the federal courts seriously and devote the time necessary to consider these nominations and confirm them. Instead, we are having hearings at a rate of one a month, barely keeping up with attrition and hardly making a dent in the vacancies crisis that the Chief Justice of the United States has called the most serious problem confronting the judiciary.

We began this legislative year prepared finally to make progress on issues like campaign finance reform, tobacco legislation and juvenile crime legislation. Republican leadership has lead to inaction on all three.

On the issue of campaign finance reform, Democrats and some notable Republicans have been prepared to attack the soft money that so pervades the current system. Rather than close the loopholes and correct the system, the Republican leadership has chosen to close the debate and perpetuate the status quo.

On tobacco legislation, we have an important opportunity to make real progress. Now that the courts have moved to disclose the secret documents from the industry's efforts to hide the nature of nicotine addiction and their marketing efforts to children, now that the tobacco companies' lobbying stranglehold on Congress has been loosened, and now that we have demonstrated that the majority of the Senate agrees with Senator GREGG and me that we need not grant special legal protections to tobacco companies in order to enact legislation that can make a difference, it is time for the Senate to move forward. We should be passing strong tobacco legislation.

Since the first week of the year I have been urging attention to the matter of juvenile crime. When the Judiciary Committee reported a misguided bill last year, I noted the improvements that had been made in the Committee's consideration and the aspects that needed to change for us to develop a legislative consensus that could help State and local law enforcement in the battle against juvenile crime.

We have heard for months this would be a priority this Congress. Instead of

reaching across the aisle and working to develop a consensus, some have limited themselves to Republican-only Dear Colleague letters and seeking to pick off a few Democratic allies. Juvenile crime should not be a Republican or Democratic issue. There are things we can do to assist State and local law enforcement without partisanship and by consensus.

Afterschool programs and crime prevention programs should be central to those efforts. I hope that the Senate Republican leadership will join in a truly bipartisan effort.

We still face the same problems and challenges with which we began the year. We need to make progress on encryption policy and we need to promote personal privacy in the electronic age.

Given the lack of attention to congressional responsibilities and the real problems of working families in the first half of this session, I fear what the remainder of this year may hold.

I expect the Republican leadership will find time for some carefully choreographed media efforts and will make time for more personal attacks against the President and the First Lady. In an election year, I will not be surprised if they look to rewrite the Constitution of the United States through a series of popular-sounding amendments.

I hope that the Republican majority will find the time to make progress on the legislative agenda that can make a difference in the lives of American people and lead to economic opportunity in the coming century.

INDEPENDENT COUNSELS AREN'T ABOVE THE LAW, EITHER

Mr. LEVIN. Mr. President, about one year from now, in June 1999, the independent counsel law is due to expire unless Congress acts to renew it. In the Senate, the Governmental Affairs Committee, of which I am a member, is responsible for examining whether the independent counsel law ought to be reauthorized. I rise today because, as I've begun to look at the reauthorization issues, one stands out as central to the law, central to the question of reauthorization, and central to the issue of whether the independent counsel law is a tool of fairness or a weapon of politics.

In a recent Law Day speech, independent counsel Kenneth Starr proclaimed that, ''No one is above the law.'' He is correct. No one is above the law—certainly not the President, who was the focus of Starr's remarks, but equally so, not an independent counsel.

The question I want to discuss today is whether independent counsels are themselves complying with the law, in particular a provision at 28 U.S.C. 594(f)(1), which states that independent counsels ''shall'' comply with the ''written or other established policies of the Department of Justice.''

This is a straightforward provision. The law says ''shall,'' not ''may,'' not ''should.'' It makes compliance with established Justice Department policies mandatory, not discretionary, for every independent counsel. The only exception to this rule is where compliance with Departmental policies would be ''inconsistent with the purposes of the statute'' such as, for example, compliance with a policy requiring the permission of the Attorney General to take a specific act. Barring this exception, the law's clear general rule is that independent counsels must comply with established Justice Department policies.

This provision in the law is an important one. It is a key constraint to ensure that persons who are subject to independent counsel investigations receive the same treatment as ordinary citizens—no better and no worse. It is a key safeguard against an overly zealous prosecutor.

The Senate felt so strongly about this requirement that, during the law's 1994 reauthorization, the Senate approved an amendment by Senator Bob Dole emphasizing that failure to follow Justice Department policies constitutes ''cause'' for removing an independent counsel from office. The final conference report on the law, while omitting the Senate provision as accurate but too limiting, said, ''refusal to follow important Department guidelines . . .—like many other circumstances—do provide potential grounds for removing an independent counsel from office.''

Independent counsel compliance with Justice Department policies was important to the Supreme Court. In the key decision upholding the independent counsel law, Morrison v. Olson, the Supreme Court referred to the requirement as one of the keys to the law's constitutionality. The Court did so when determining whether the independent counsel law, ''taken as a whole, violates the principle of separation of powers by unduly interfering with the role of the Executive Branch,'' in particular the Constitutional requirement that the President, as head of the executive branch, ensure that the laws be faithfully executed. The Supreme Court stated:

> It is undeniable that the Act reduces the amount of control or supervision that the Attorney General and, through him, the President exercises over the investigation and prosecution of a certain class of alleged criminal activity. . . . Nonetheless, the Act does give the Attorney General several means of supervising or controlling the prosecutorial powers that may be wielded by an independent counsel. Most importantly, the Attorney General retains the power to remove the counsel for 'good cause,' a power that we have already concluded provides the Executive with substantial ability to ensure that the laws are 'faithfully executed' by an independent counsel. No independent counsel may be appointed without a specific request by the Attorney General, and the Attorney General's decision not to request appointment if he finds 'no reasonable grounds to believe that further investigation is warranted' is committed to his unreviewable discretion. . . . In addition, the jurisdiction of the independent counsel is defined with reference to the facts submitted by the Attorney General, and once a counsel is appointed, the Act requires that the counsel abide by Justice Department policy unless it is not 'possible' to do so.

The Court then went on to say, in language directly relevant to this issue: ''Notwithstanding the fact that the counsel is to some degree 'independent' and free from executive supervision to a greater extent than other federal prosecutors, in our view these features of the Act give the Executive Branch sufficient control over the independent counsel to ensure the President is able to perform his constitutionally assigned duties.''

The Supreme Court thus highlighted four ''features'' of the independent counsel law which enable the Attorney General to meet the constitutional requirement that the President, as head of the executive branch, ensure the faithful execution of the law. The four features identified by the Court are the Attorney General's sole authority to request appointment of an independent counsel, her authority to remove an independent counsel from office for good cause, her authority to define the scope of an independent counsel's investigation, and the requirement that independent counsels must abide by Justice Department policy.

Mandatory compliance with Justice Department policies is important not only for the law to be constitutional, but also because that compliance is one of the few practical constraints on the conduct of an independent counsel. The Supreme Court has held that the special court which appoints independent counsels ''has no power to supervise or control the activities of the counsel'' it has appointed. Congress, legally empowered to oversee independent counsels, has shown little interest under the current Republican leadership in monitoring independent counsels investigating the Clinton Administration.

The law does empower the Attorney General to remove an independent counsel from office for good cause, but that draconian penalty is not a practical one and has never been used. For example, if Attorney General Reno were to fire independent counsel Starr for enforcing subpoenas served on Secret Service personnel, the Republican Congress as well as the news media would have her head. The power to terminate an independent counsel, while an essential element in the law's architecture for purposes of constitutionality, is simply not, except for unusual circumstances, a practical means for limiting an independent counsel's individual prosecutorial decisions.

That means a key remaining constraint on independent counsels is the legal requirement that they comply with established Justice Department policies.

Yet questions have increasingly arisen about whether sitting independent counsels are acting in ways that an ordinary federal prosecutor would, or

whether they are taking actions outside the established practices of the Department of Justice.

A prime example is an independent counsel subpoena so troubling that the Supreme Court has agreed to review it on an expedited basis next month. This subpoena was served by independent counsel Starr on a private attorney who, in 1993, met with Vincent Foster nine days before his suicide to discuss representing him during inquiries into the White House travel office. The Starr subpoena demands the notes taken by the attorney during that meeting, on the ground that the attorney-client relationship dissolved upon Mr. Foster's death.

The U.S. Attorney Manual states that the Justice Department, ''as a matter of policy will respect bona fide attorney-client relationships, wherever possible, consistent with its law enforcement responsibilities and duties.'' But instead of respecting the bona fide attorney-client relationship between Mr. Foster and his attorney, Starr asserted a legal position that the Justice Department—in over one hundred years of criminal prosecution—has never taken. As Starr admits in a Supreme Court filing, the Foster case ''is the first federal decision addressing the question . . . of whether attorney-client privilege fully survives the client's death.''

A federal trial judge asked to enforce the Starr subpoena struck it down for violating attorney-client confidentiality, but an appeals court, in a 2–1 decision over a strong dissent, reversed. The dissenting judge wrote that the Starr subpoena is contrary to the law in all 50 states, the Supreme Court's advisory committee, and model codes of evidence. He characterized the Starr subpoena as striking ''a fundamental blow to the attorney-client privilege.'' An independent counsel stretching that far is assuming the authority of the Justice Department to set legal policy for the United States.

Required compliance with Departmental policies not only helps ensure that persons who are subjects of independent counsel investigations receive the same treatment as ordinary citizens, but also guards against an independent counsel's misuse of the authority to represent the United States. Developing federal legal policy is the province of the Justice Department, which is institutionally motivated and equipped to consider competing public policies, constitutional values, and the long-term health of the American legal system. It is not the province of an independent counsel who has a narrow mandate and operates without accountability for legal positions that may reverberate throughout the federal criminal justice system.

Yet in the Foster matter, we have an independent counsel arguing a dramatically new position, that the attorney-client privilege disappears at death, without the Justice Department's ever determining whether that is a suitable position for the United States to take.

And the prosecutorial stretch illustrated by the issuance of the Foster subpoena is not the only instance in which an independent counsel appears to have stretched his authority. Just last week, over the strenuous objection of the Justice Department and for the first time in the nation's history, Starr asked a federal court to force Secret Service personnel to disclose how they operate and what they have observed of the President in the course of protecting him. No federal prosecutor has ever before asked a court to compel such testimony from a Secret Service agent, according to the Justice Department.

But Starr is undeterred by the opposition of both the Justice Department and Secret Service. Discounting arguments regarding the safety of the presidency and effective operation of Secret Service personnel, Starr has assumed the role of policymaker. In so doing, he has issued subpoenas which are not only unprecedented, but also, judging from the opposition of the Justice Department, in violation of Justice Department policy and in violation of Mr. Starr's obligation to comply with Justice Department policy.

There's more. The Department of Justice has carefully constructed policies determining when government attorneys may contact possible targets of prosecution without the knowledge and consent of their attorney. These policies are intended to protect every citizen's right to legal counsel in the criminal justice arena. In a Departmental regulation, 28 CFR 77.8, the Justice Department explicitly prohibits federal prosecutors from offering an immunity deal to a target without the consent of the target's legal counsel. Yet independent counsel Starr's staff reportedly confronted Monica Lewinsky, in the first contact they had with her, at a shopping mall outside the presence of her counsel for the express purpose of offering her an immunity deal. Indeed, it has been alleged that the independent counsel's office made the immunity deal contingent upon her NOT contacting her counsel. The press has reported that the judge supervising independent counsel Starr's grand jury proceedings issued a sealed opinion expressing concern about the actions of the independent counsel in this matter and indicating she may refer the matter to the Justice Department's Office of Professional Responsibility which is authorized to examine alleged violations of the rules prohibiting contact with a represented person.

There's more. Independent counsel Starr issued subpoenas to force two bookstores to disclose all purchases by Monica Lewinsky over a 2 year period. The bookstores, supported by the publishing and bookselling communities, the American Library Association and others, moved to quash the subpoenas. Ruling that the subpoenas implicate the First Amendment, the presiding judge required Starr to provide additional justification for the subpoenas. The American Booksellers Foundation for Free Expression has stated that ''in the long experience'' of their members, these subpoenas are ''unprecedented'' in their breadth and ''threaten free speech by making people afraid that the government will find out what they are reading.''

Then there are the subpoenas Starr has issued to news organizations to obtain nonpublic information from their news gathering efforts. Long-standing Justice Department regulations caution federal prosecutors against such subpoenas in order to safeguard freedom of the press. The regulations require trying elsewhere for the information, negotiating requests for information first, and, in a final provision that a court has found falls within the exception to the compliance requirement, obtaining the Attorney General's permission prior to issuing a subpoena. Despite the established policy discouraging media subpoenas, independent counsel Starr and independent counsel Donald Smaltz have issued subpoenas to news organizations on several occasions. When ABC News objected to one such subpoena, Starr stated in a court pleading that the Justice regulations ''do not govern an Independent Counsel, who, by statutory design, operates for the most part outside the Department of Justice.''

Then there are the subpoenas Starr issued calling a White House aide before the grand jury to question him about his communications with the media and calling another White House aide before the grand jury to question him about his communications with his local Democratic party. In both cases, Starr created the appearance of using the grand jury to silence or intimidate critics of his office—surely not an established practice of the Justice Department.

Then there is the subpoena to Monica Lewinsky's mother despite a stated policy in the U.S. Attorneys' Manual that, ''the Department will ordinarily avoid seeking to compel the testimony of a witness who is a close family relative of . . . the person upon whose conduct grand jury scrutiny is focusing.''

The list goes on.

The key question, here, is whether the actions taken by Starr were in compliance with established Justice Department policies or whether they were actions that no ordinary federal prosecutor would take. The test, by the way, is not whether a judge would uphold the action in a court of law—prosecutorial conduct not in accordance with Justice policies may still be legal. The proper test is not whether the prosecutor's action is legal, but whether it is the type of action that the Justice Department has determined represents what federal prosecutors ought to be doing.

A federal prosecutor may be legally able to subpoena a target's mother, but

should he? A federal prosecutor may be legally able to subpoena a Secret Service agent, but should he? A federal prosecutor may be legally able to offer immunity to a target without telling her attorney, but should he? A federal prosecutor may be legally able to subpoena the media's nonpublic information, but should he? Justice Department policy says, in most cases, he should not. Such policies raise serious questions as to whether independent counsel Starr is meeting his legal obligation to comply with Justice Department policies.

Starr is not, by the way, the only independent counsel to raise these concerns. Independent counsel Smaltz, appointed to determine whether then-Agriculture Secretary Mike Espy violated criminal laws, is another example. One key issue in this area involves the role that courts play in enforcing independent counsel compliance with Justice Department policies, as mandated by statute. To date, several courts have held that criminal defendants lack standing to enforce such compliance and have declined to examine the substance of their claims. One judge handling a prosecution by independent counsel Smaltz went further, all but reading the requirement to comply with Justice Department policies out of the law.

The case involved Ronald Blackley, one time chief of staff to Secretary Espy. Independent counsel Smaltz charged Blackley, among other crimes, with making false statements on a financial disclosure form. Blackley moved for dismissal, in part by citing section 9–85A.304 of the U.S. Attorneys' Manual which he said prohibited:

> prosecuting alleged violations of financial disclosure requirements under 18 U.S.C. 1001 ''unless a nondisclosure conceals significant wrongdoing.'' . . . [T]here is no allegation of any underlying wrongdoing. . . . We have found no case where an individual filer has been criminally prosecuted in a situation similar to this one.

In a published decision, *United States* v. *Blackley*, 986 F. Supp. 607 (1997), the judge held the following:

> It undeniable that Congress's addition of section 594(f) to the Independent Counsel statute in 1982 created somewhat of a paradox between that provision's purpose and the rationale underlying the overall Independent Counsel framework. On the one hand, through section 594(f)(1), Congress is ensuring that there are not two different standards of justice depending on the prosecutor; that ''treatment of officials is equal to that given to ordinary citizens under similar circumstances.'' . . . To prevent against public officials being subject to potentially capricious prosecutorial conduct, an Independent Counsel needs to be tethered to some quantifiable standard, and the Department of Justice policy guidelines provide arguably the most complete, detailed and time-tested standards available. Furthermore . . . adherence to the executive branch's established prosecutorial guidelines helps to guard against constitutional separation-of-powers challenges to the Independent Counsel statute. . . . On the other hand, if an Independent Counsel is supposed to operate as nothing more than the identical twin of the Department of Justice, with no permissible variance in prosecutorial discretion, then the need for the Independent Counsel structure becomes highly questionable. . . . For the Independent Counsel to play a meaningful role, he or she is necessarily expected to act in a manner different from, and sometimes at odds with, the Department of Justice. . . . Therefore, the Independent Counsel may prosecute this case, even if said prosecution is contrary to the general prosecutorial policies of DOJ. . . . Potential criminal ethical violations that may be too small to concern the Department of Justice are nonetheless properly within the purview of the Independent Counsel because the Independent Counsel is, in a sense, charged with the responsibility of ensuring that public officials have maintained the highest standards of ethical conduct.

The court then upheld the indictment of Blackley, ruling that it was irrelevant whether or not the charge in question complied with Justice Department policy.

Contrary to the court's ruling, however, Congress has never charged independent counsels with ethics enforcement. Independent counsels are federal prosecutors required to act in accordance with established Justice Department policies. The Blackley decision misreads both the law and the legislative history, not only by expanding the mission of independent counsels beyond criminal law into ethics enforcement, but also in essentially reading out of the statute the requirement that independent counsels comply with Justice Department policies.

The Blackley decision is now on appeal. It brings legal focus to the issue of independent counsel compliance with established Justice Department policies—its importance to the law and the question of how to enforce it.

The Supreme Court stated the following in a 1935 case about prosecutorial misconduct, *Berger* v. *United States*, 295 U.S. 78:

> The United States Attorney is the representative not of an ordinary party to a controversy, but of a sovereignty whose obligation to govern impartially is as compelling as its obligation to govern at all; and whose interest, therefore, in a criminal prosecution is not that it shall win a case, but that justice shall be done. . . . He may prosecute with earnestness and vigor—indeed, he should do so. But, while he may strike hard blows, he is not at liberty to strike foul ones. It is as much his duty to refrain from improper methods calculated to produce a wrongful conviction as it is to use every legitimate means to bring about a just one.

This language applies with equal force to an independent counsel, and mandatory compliance with established Justice Department policies is a means to that end.

As the chief law enforcement officer of the United States, the Attorney General is responsible for ensuring that ''no one is above the law.'' The law requires independent counsel compliance with established Justice Department policies. Where there is evidence that independent counsels are not complying with Justice Department policies, the Attorney General has a legal obligation to determine if that is so and, if so, to take whatever action is appropriate to obtain independent counsel compliance. In light of court rulings that persons who are the victims of independent counsel noncompliance lack standing to contest the independent counsel's actions in this area, no one other than the Attorney General has the responsibility and the capability to enforce independent counsel compliance with the law.

If the Attorney General does not act, we need to understand why. If the reason is that the Attorney General feels she has insufficient statutory authority to obtain independent counsel compliance with Justice Department policies, we need to clarify the statute. If the reason is not the wording of the law, but politics that makes it impossible for the Attorney General to insist on compliance, we need to design new enforcement mechanisms which are more politically feasible. Stronger enforcement mechanisms could include, for example, amending the law to require an independent counsel to obtain from the Attorney General a certification of compliance with Justice Department policies before seeking court enforcement of a subpoena or filing an appeal of a question of law, or adding a provision giving affected persons legal standing in court to force independent counsel compliance with Justice Department policies.

The requirement for compliance with Justice Department policies is central to the law's constitutionality and fairness. The Attorney General and the Attorney General alone can enforce it. Since an independent counsel is not above the law, the Attorney General must enforce Section 594(f), which is the law of the land and essential to the independent counsel law's constitutionality and purpose.

ISRAELI MEMBERSHIP IN A UNITED NATIONS REGIONAL GROUP

Mr. MOYNIHAN. Mr. President, today a unanimous Senate will state in clear and simple terms that we will no longer abide by the discrimination faced by Israel at the United Nations. I speak of the fact that Israel is excluded from a United Nations regional group. Israel is the only one of the 185 member states of the United Nations barred from membership in a regional group. The United Nations member states have organized themselves by regional groups since before Israel joined the United Nations in 1949. Membership in a United Nations regional group confers eligibility to sit on the Security Council, the Economic and Social Council, as well as other United Nations councils, commissions, and committees.

For the first time, the Senate provides notice of its intention to work to end this Cold War anachronism. One sorry throwback to an era when the institutionalized isolation of Israel was a given in international affairs—the ugly

''gentlemen's agreement'' that excludes Israel and only Israel from membership in any United Nations Regional Group. Israel, and only Israel, can never sit on the United Nations Security Council. Israel, and only Israel, can never serve on the United Nations Economic and Social Council, where her expertise is so sorely missed. Israel, and only Israel, is less than a full member of the very international organization which bravely voted on November 29, 1947 to create it.

Today we call for Israel's admission to a United Nations Regional Group. This must be a goal of our government's foreign policy and a priority of reform efforts at the United Nations. That such legislation is necessary is a reminder that, despite the unparalleled success of the Zionist movement in its first hundred years, the state created half a century ago, as the fruit of this ideal, still requires support from its friends to overcome this institutional prejudice.

It is a fitting tribute to this vision that our country will take its rightful place in the forefront of the effort to allow Israel to participate fully in international affairs and to be counted as a legitimate member among the nations of the world. I am joined in this effort by 54 cosponsors. I thank my colleagues for their support and in particular the distinguished senior Senator from Indiana, Senator LUGAR, for his leadership.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting two treaties and sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT TO CONGRESS ON THE WHEREABOUTS OF THE U.S. CITIZENS WHO HAVE BEEN MISSING FROM CYPRUS SINCE 1974—MESSAGE FROM THE PRESIDENT—PM 133

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Foreign Relations.

To the Congress of the United States:

In accordance with Public Law 103–372, I hereby submit the enclosed ''Report to Congress on the Investigation of the Whereabouts of the U.S. Citizens Who Have Been Missing from Cyprus Since 1974.'' The report was prepared by retired Ambassador Robert S. Dillon, with significant contribution by former State Department Associate Director of Security Edward L. Lee, II. Their intensive investigation centered on Cyprus, but it followed up leads in the United States, Turkey, Greece, Switzerland, and the United Kingdom.

The investigation led to the recovery of partial remains that were identified through DNA testing (done at the Armed Forces Institute of Pathology DNA Identification Laboratory) and other evidence as being those of one of the missing Americans, Andreas Kassapis. The report concludes that Mr. Kassapis was killed shortly after his capture in August 1974. The report also concludes that, although their remains could not be recovered, the other four missing U.S. citizens in all likelihood did not survive the events in Cyprus in July and August 1974.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *May 22, 1998*.

MESSAGES FROM THE HOUSE

At 1:12 p.m., a message from the House of Representatives, delivered by Ms. Goetz, 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. 3616. An act to authorize appropriations for fiscal year 1999 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

The message also announced that the Houses has agreed to the following concurrent resolution, without amendment:

S. Con. Res. 98. Concurrent resolution providing for a conditional adjournment or recess of the Senate and the House of Representatives.

MEASURES PLACED ON THE CALENDAR

The following bill was read the first and second times, and placed on the calendar:

H.R. 3616. An act to authorize appropriations for fiscal year 1999 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–5025. A communication from the Secretary of Health and Human Services, transmitting, a draft of proposed legislation entitled, ''The Health Insurance Purchasing Cooperative Act''; to the Committee on Labor and Human Resources.

EC–5026. A communication from the Acting Assistant Secretary for Employment and Training, Department of Labor, transmitting, pursuant to law, the report of an administrative directive regarding prevailing wage policy for researchers received on May 20, 1998; to the Committee on Labor and Human Resources.

EC–5027. A communication from the Director of the Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Food Labeling; Petitions for Nutrient Content and Health Claims, General Provisions'' (Docket 98N–0274) received on May 20, 1998; to the Committee on Labor and Human Resources.

EC–5028. A communication from the Director of the Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Revocation of Lather Brushes Regulation'' (Docket 97P–0418) received on May 20, 1998; to the Committee on Labor and Human Resources.

EC–5029. A communication from the Acting Administrator of the General Services Administration, transmitting, pursuant to law, the report under the Freedom of Information Act for the period January 1, 1997 through September 30, 1997; to the Committee on the Judiciary.

EC–5030. A communication from the Acting General Counsel of the Department of Defense, transmitting, the draft of two items of proposed legislation that provide specific exemptions under the Freedom of Information Act in order to address management concerns of the Department of Defense; to the Committee on the Judiciary.

EC–5031. A communication from the Director of the National Legislative Commission of the American Legion, transmitting, pursuant to law, a report of statements describing the financial condition of the American Legion as of December 31, 1997; to the Committee on the Judiciary.

EC–5032. A communication from the Executive Director of the Committee for Purchase from People Who Are Blind or Severely Disabled, transmitting, pursuant to law, the report of additions to the Procurement List received on May 18, 1998; to the Committee on Governmental Affairs.

EC–5033. A communication from the Chairman of the Postal Rate Commission, transmitting, a report regarding the Postal Rate Commission's recommended decision on the Omnibus Rate Case R97–1; to the Committee on Governmental Affairs.

EC–5034. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, the report of the certification of a proposed license for the export of major defense equipment to Chile (DTC–40–98); to the Committee on Foreign Relations.

EC–5035. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, notification that the danger pay allowance for Cambodia has been eliminated; to the Committee on Foreign Relations.

EC–5036. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, the report of the certification of a proposed license for the export of defense services to Saudi Arabia (DTC–31–98); to the Committee on Foreign Relations.

EC–5037. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, the report of the certification of a proposed license for the export of defense services to Kuwait (DTC–56–98); to the Committee on Foreign Relations.

EC–5038. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to

law, the report of the certification of a proposed transfer of major defense equipment to Australia (RSAT–3–98); to the Committee on Foreign Relations.

EC–5039. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, the report of the certification of a proposed license for the export of major defense equipment to Japan (DTC–53–98); to the Committee on Foreign Relations.

EC–5040. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, the report of the certification of a proposed license for the export of defense equipment to Japan (DTC–51–98); to the Committee on Foreign Relations.

EC–5041. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, the report of the certification of a proposed manufacturing license agreement with Japan (DTC–57–98); to the Committee on Foreign Relations.

EC–5042. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to law, the report of the texts of international agreements other than treaties and background statements; to the Committee on Foreign Relations.

EC–5043. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Distribution of Stock and Securities of a Controlled Corporation'' (Notice 98–27) received on May 18, 1998; to the Committee on Finance.

EC–5044. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Administrative, Procedural, and Miscellaneous Service-Initiated Accounting Method Changes'' (Notice 98–31) received on May 20, 1998; to the Committee on Finance.

EC–5045. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Electronic Funds Transfer — Temporary Waiver of Failure to Deposit Penalty for Certain Taxpayers'' (Notice 98–30) received on May 20, 1998; to the Committee on Finance.

EC–5046. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Determination of Issue Price in the Case of Certain Debt Instruments Issued for Property'' (Notice 98–28) received on May 20, 1998; to the Committee on Finance.

EC–5047. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule relative to foreign insurance companies (Procedure 98–31) received on May 20, 1998; to the Committee on Finance.

EC–5048. A communication from the General Counsel of the Department of the Treasury, transmitting, a draft of legislation regarding the proposed Treasury International Affairs Technical Assistance Program; to the Committee on Finance.

EC–5049. A communication from the Chief of Staff of the Office of the Commissioner, Social Security Administration, transmitting, pursuant to law, the report of a rule regarding the application of holdings of the United States Courts of Appeals received on May 20, 1998; to the Committee on Finance.

EC–5050. A communication from the Secretary of the Treasury, transmitting, pursuant to law, the report of the Treasury Forfeiture Fund for fiscal year 1997; to the Committee on Finance.

EC–5051. A communication from the Director of the Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''Year 2000 Readiness of Computer Systems at Nuclear Power Plants'' (Letter 98–01) received on May 18, 1998; to the Committee on Environment and Public Works.

EC–5052. A communication from the Service Federal Register Liaison Officer, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of an emergency rule to establish an additional manatee sanctuary in Kings Bay, Crystal River, FL (RIN1018–AE47) received on May 20, 1998; to the Committee on Environment and Public Works.

EC–5053. A communication from the Director of the Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''Access Authorization Fee Schedule for Licensee Personnel'' (RIN3150–AF90) received on May 18, 1998; to the Committee on Environment and Public Works.

EC–5054. A communication from the Director of the Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''Physical Protection for Spent Nuclear Fuel and High-Level Radioactive Waste'' (RIN3150–AF32) received on May 18, 1998; to the Committee on Environment and Public Works.

EC–5055. A communication from the Director of the Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule regarding a complete revision of the agency's Enforcement Policy (NUREG–1600, Rev.1) received on May 18, 1998; to the Committee on Environment and Public Works.

EC–5056. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of three rules regarding OMB approval numbers, Michigan Implementation Plans, and Illinois Implementation Plans (FRL6013–2, FRL6003–6, FRL6012–7) received on May 18, 1998; to the Committee on Environment and Public Works.

EC–5057. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of four rules regarding new CI marine engines, Bacillus thuringiensis plant pesticide, HEDP antimicrobial pesticide, and OMB approval numbers (FRL6014–4, FRL5790–3, FRL5790–1, FRL6013–2) received on May 18, 1998; to the Committee on Environment and Public Works.

EC–5058. A communication from the Director of the Office of Rulemaking Coordination, Department of Energy, transmitting, pursuant to law, the report of a rule entitled ''Energy Conservation Program for Consumer Products: Test Procedure for Water Heaters'' (RIN1904–AA52) received on May 18, 1998; to the Committee on Energy and Natural Resources.

EC–5059. A communication from the Commissioner of the Bureau of Reclamation, Department of the Interior, transmitting, a report regarding safety modifications and proposed corrective actions applicable to the Pueblo Dam, Fryingpan-Arkansas Project; to the Committee on Energy and Natural Resources.

EC–5060. A communication from the Chief Counsel, Office of Foreign Assets Control, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Burmese Sanctions Regulations'' received on May 18, 1998; to the Committee on Banking, Housing, and Urban Affairs.

EC–5061. A communication from the Chairman of the Federal Housing Finance Board, transmitting, pursuant to law, the annual report for 1997; to the Committee on Banking, Housing, and Urban Affairs.

EC–5062. A communication from the General Counsel of the Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled ''Manufactured Home Construction and Safety Standards: Metal Roofing; Interpretative Bulletin I–2–98'' received on May 18, 1998; to the Committee on Banking, Housing, and Urban Affairs.

EC–5063. A communication from the General Counsel of the Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled ''Section 8 Voucher and Certificate Programs: Restrictions on Leasing to Relatives'' received on May 20,1998; to the Committee on Banking, Housing, and Urban Affairs.

EC–5064. A communication from the Acting Deputy Secretary of Housing and Urban Development, transmitting, three reports on the HUD 2020 Management Reform Plan; to the Committee on Banking, Housing, and Urban Affairs.

EC–5065. A communication from the General Counsel of the Federal Emergency Management Agency, transmitting, pursuant to law, the report of five rules: ''Suspension of Community Eligibility'' (Docket FEMA–7686), ''Communities Eligible for Sale of Flood Insurance'' (Docket FEMA–7687), ''Changes in Flood Elevation Determinations'' (2 rules), ''Final Flood Elevation Determination'' received on May 20, 1998; to the Committee on Banking, Housing, and Urban Affairs.

EC–5066. A communication from the Acting Assistant Secretary for Force Management Policy, Department of Defense, transmitting, pursuant to law, the annual DoD Education Activity Accountability Report and Accountability Profiles of the DoD Dependents Schools; to the Committee on Armed Services.

EC–5067. A communication from the Deputy Secretary of Defense, transmitting, pursuant to law, a report entitled ''Report to Congress on the Use of the DoD Laboratory Revitalization Demonstration Program''; to the Committee on Armed Services.

EC–5068. A communication from the Acting General Counsel of the Department of Defense, transmitting, a draft of proposed legislation entitled ''The Pilot Program for Micro-Purchases''; to the Committee on Armed Services.

EC–5069. A communication from the General Counsel of the Department of Defense, transmitting, a draft of proposed legislation to authorize the transfer of naval vessels to certain foreign countries; to the Committee on Armed Services.

EC–5070. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Mediterranean Fruit Fly; Addition to Quarantined Area'' (Docket 97–056–12) received on May 18, 1998; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5071. A communication from the Director of Procurement and Property Management, Office of the Assistant Secretary for Administration, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Agriculture Acquisition Regulation; Preference for Selected Biobased Products'' (RIN0599–AA00) received on May 18, 1998; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5072. A communication from the Deputy Executive Director, U.S. Commodity Futures Trading Commission, transmitting,

pursuant to law, the report of a rule entitled ''Chicago Board of Trade Futures Contracts in Corn and Soybeans; Order to Designate Contract Markets and Amending Order of November 7, 1997, as Applied to Such Contracts'' received on May 18, 1998; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5073. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 12–344 adopted by the Council on April 7, 1998; to the Committee on Governmental Affairs.

EC–5074. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 12–343 adopted by the Council on April 7, 1998; to the Committee on Governmental Affairs.

EC–5075. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 12–342 adopted by the Council on April 7, 1998; to the Committee on Governmental Affairs.

EC–5076. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 12–341 adopted by the Council on April 7, 1998; to the Committee on Governmental Affairs.

EC–5077. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 12–340 adopted by the Council on April 7, 1998; to the Committee on Governmental Affairs.

EC–5078. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 12–338 adopted by the Council on April 7, 1998; to the Committee on Governmental Affairs.

EC–5079. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 12–337 adopted by the Council on April 7, 1998; to the Committee on Governmental Affairs.

EC–5080. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 12–336 adopted by the Council on April 7, 1998; to the Committee on Governmental Affairs.

EC–5081. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 12–335 adopted by the Council on April 7, 1998; to the Committee on Governmental Affairs.

EC–5082. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 12–334 adopted by the Council on April 7, 1998; to the Committee on Governmental Affairs.

EC–5083. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 12–333 adopted by the Council on April 7, 1998; to the Committee on Governmental Affairs.

EC–5084. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 12–332 adopted by the Council on April 7, 1998; to the Committee on Governmental Affairs.

EC–5085. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 12–330 adopted by the Council on April 7, 1998; to the Committee on Governmental Affairs.

EC–5086. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 12–329 adopted by the Council on April 7, 1998; to the Committee on Governmental Affairs.

EC–5087. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 12–328 adopted by the Council on April 7, 1998; to the Committee on Governmental Affairs.

EC–5088. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule regarding marine events in the vicinity of Annapolis Harbor, Maryland (RIN2115–AE46 1998–0015) received on May 18, 1998; to the Committee on Commerce, Science, and Transportation.

EC–5089. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Drawbridge Regulations; New Rochelle Harbor, New York'' (RIN2115–AE47 1998–0016) received on May 18, 1998; to the Committee on Commerce, Science, and Transportation.

EC–5090. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety/Security Zone Regulations; San Juan Harbor, San Juan, Puerto Rico'' (RIN2115–AA97 1998–0019) received on May 18, 1998; to the Committee on Commerce, Science, and Transportation.

EC–5091. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety/Security Zone Regulations; FLEET WEEK Air/Sea Demonstrations, Hudson River, New York'' (RIN2115–AA97 1998–0020) received on May 18, 1998; to the Committee on Commerce, Science, and Transportation.

EC–5092. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Metric Conversion—Tires'' (RIN2127–AH07) received on May 18, 1998; to the Committee on Commerce, Science, and Transportation.

EC–5093. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Metric Conversion—Phase II'' (RIN2127–AG55) received on May 18, 1998; to the Committee on Commerce, Science, and Transportation.

EC–5094. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Revision of Class E Airspace; Eastland Municipal, TX'' (RIN2120–AA66 1998–0209) received on May 18, 1998; to the Committee on Commerce, Science, and Transportation.

EC–5095. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Revision of Class E Airspace; Gallup, NM'' (RIN2120–AA66 1998–0208) received on May 18, 1998; to the Committee on Commerce, Science, and Transportation.

EC–5096. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Revision of Class E Airspace; Barltlesville, OK'' (RIN2120–AA66 1998–0207) received on May 18, 1998; to the Committee on Commerce, Science, and Transportation.

EC–5097. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Revision of Class E Airspace; Cleveland, OK'' (RIN2120–AA66 1998–0206) received on May 18, 1998; to the Committee on Commerce, Science, and Transportation.

EC–5098. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Revision of Class E Airspace; Pawnee, OK'' (RIN2120–AA66 1998–0205) received on May 18, 1998; to the Committee on Commerce, Science, and Transportation.

EC–5099. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Revision of Class E Airspace; Wagoner, OK'' (RIN2120–AA66 1998–0204) received on May 18, 1998; to the Committee on Commerce, Science, and Transportation.

EC–5100. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Revision of Class E Airspace; Coalgate, OK'' (RIN2120–AA66 1998–0203) received on May 18, 1998; to the Committee on Commerce, Science, and Transportation.

EC–5101. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Revision of Class E Airspace; Bristow, OK'' (RIN2120–AA66 1998–0202) received on May 18, 1998; to the Committee on Commerce, Science, and Transportation.

EC–5102. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Revision of Class E Airspace; Claremore, OK'' (RIN2120–AA66 1998–0201) received on May 18, 1998; to the Committee on Commerce, Science, and Transportation.

EC–5103. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Revision of Class E Airspace; Shawnee, OK'' (RIN2120–AA66 1998–0200) received on May 18, 1998; to the Committee on Commerce, Science, and Transportation.

EC–5104. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Revision of Class E Airspace; Muskogee, OK'' (RIN2120–AA66 1998–0199) received on May 18, 1998; to the Committee on Commerce, Science, and Transportation.

EC–5105. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Revision of Class E Airspace; Poteau, OK'' (RIN2120–AA66 1998–0198) received on May 18, 1998; to the Committee on Commerce, Science, and Transportation.

EC–5106. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Revision of Class E Airspace; Fryer, OK'' (RIN2120–AA66 1998–0197) received on May 18, 1998; to the Committee on Commerce, Science, and Transportation.

EC–5107. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Revision of Class E Airspace; Stillwater, OK'' (RIN2120–AA66 1998–0196) received on May 18, 1998; to the Committee on Commerce, Science, and Transportation.

EC–5108. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Revision of Class E Airspace; Tahlequah, OK'' (RIN2120–AA66 1998–0195) received on May 18, 1998; to the Committee on Commerce, Science, and Transportation.

EC–5109. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Revision of Class E Airspace; Grove, OK'' (RIN2120–AA66 1998–0194) received on May 18, 1998; to the Committee on Commerce, Science, and Transportation.

EC–5110. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Revision of Class E Airspace; Henryetta, OK'' (RIN2120–AA66 1998–0193) received on May 18, 1998; to the Committee on Commerce, Science, and Transportation.

EC–5111. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Revision of Class E Airspace; McAlester, OK'' (RIN2120–AA66 1998–0191) received on May 18, 1998; to the Committee on Commerce, Science, and Transportation.

EC–5112. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Revision of Class E Airspace; Miami, OK'' (RIN2120–AA66 1998–0190) received on May 18, 1998; to the Committee on Commerce, Science, and Transportation.

EC–5113. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment to Class E Airspace; Wrightstown, NJ'' (Docket 98–AEA–01) received on May 18, 1998; to the Committee on Commerce, Science, and Transportation.

EC–5114. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment to Class E Airspace; Downingtown, PA'' (Docket 98–AEA–04) received on May 18, 1998; to the Committee on Commerce, Science, and Transportation.

EC–5115. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class E Airspace; Martin, SD'' (Docket 97–AGL–62) received on May 18, 1998; to the Committee on Commerce, Science, and Transportation.

EC–5116. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of Class E Airspace; Casey, IL'' (Docket 98–AGL–10) received on May 18, 1998; to the Committee on Commerce, Science, and Transportation.

EC–5117. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class E Airspace; Nauvoo, IL'' (Docket 98–AGL–12) received on May 18, 1998; to the Committee on Commerce, Science, and Transportation.

EC–5118. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class E Airspace; Lakeview, MI'' (Docket 98–AGL–14) received on May 18, 1998; to the Committee on Commerce, Science, and Transportation.

EC–5119. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of Class E Airspace; Milwaukee, WI'' (Docket 98–AGL–5) received on May 18, 1998; to the Committee on Commerce, Science, and Transportation.

EC–5120. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class E Airspace; Wautoma, WI'' (Docket 98–AGL–7) received on May 18, 1998; to the Committee on Commerce, Science, and Transportation.

EC–5121. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of Class E Airspace; Portland, IN'' (Docket 98–AGL–8) received on May 18, 1998; to the Committee on Commerce, Science, and Transportation.

EC–5122. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of Class E Airspace; Millersburg, OH'' (Docket 98–AGL–9) received on May 18, 1998; to the Committee on Commerce, Science, and Transportation.

EC–5123. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of Class E Airspace; Chicago, IL'' (Docket 98–AGL–11) received on May 18, 1998; to the Committee on Commerce, Science, and Transportation.

EC–5124. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class E Airspace; Watford City, ND, and Modification of Class E Airspace; Williston, ND'' (Docket 98–AGL–15) received on May 18, 1998; to the Committee on Commerce, Science, and Transportation.

EC–5125. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Raytheon Aircraft Company Models B200, B200C, and B200T Airplanes'' (Docket 97–CE–72–AD) received on May 18, 1998; to the Committee on Commerce, Science, and Transportation.

EC–5126. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; CFM International CFM56–3, –3B, –3C, –5, –5B and –5C Series Turbofan Engines'' (Docket 97–ANE–54–AD) received on May 18, 1998; to the Committee on Commerce, Science, and Transportation.

EC–5127. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; REVO, Incorporated Models Colonial C–2, Lake LA–4, Lake LA–4A, Lake LA–4P, and Lake LA–4–200 Airplanes'' (Docket 98–CE–48–AD) received on May 18, 1998; to the Committee on Commerce, Science, and Transportation.

EC–5128. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Lockheed Model L–1011–385 Series Airplanes'' (Docket 96–NM–257–AD) received on May 18, 1998; to the Committee on Commerce, Science, and Transportation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. THOMPSON, from the Committee on Governmental Affairs, without amendment:

S. 1642. A bill to improve the effectiveness and performance of Federal financial assistance programs, simplify Federal financial assistance application and reporting requirements, and improve the delivery of services to the public (Rept. No. 105–194).

By Mr. MCCAIN, from the Committee on Commerce, Science, and Transportation, with an amendment in the nature of a substitute and an amendment to the title:

S. 1250. A bill to authorize appropriations for the National Aeronautics and Space Administration for fiscal years 1998 and 1999, and for other purposes (Rept. No. 105–195).

By Mr. MCCAIN, from the Committee on Commerce, Science, and Transportation, with amendments and an amendment to the title:

S. 1325. A bill to authorize appropriations for the Technology Administration of the Department of Commerce for fiscal years 1998 and 1999, and for other purposes (Rept. No. 105–196).

EXECUTIVE REPORTS OF COMMITTEE

The following executive report of committee was submitted:

By Mr. SHELBY, from the Select Committee on Intelligence: Joan Avalyn Dempsey, of Virginia, to be Deputy Director of Central Intelligence for Community Management. (New Position)

(The above nomination was reported with the recommendation that she be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

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

By Mr. ENZI (for himself, Mr. BINGAMAN, Mr. KENNEDY, Mr. JEFFORDS, Mr. HUTCHINSON, Mr. BROWNBACK, Mr. THOMAS, and Mr. NICKLES):

S. 2112. A bill to make the Occupational Safety and Health Act of 1970 applicable to the United States Postal Service in the same manner as any other employer; to the Committee on Labor and Human Resources.

By Mr. ROBB:

S. 2113. A bill to reduce traffic congestion, promote economic development, and improve the quality of life in the metropolitan Washington region; to the Committee on Environment and Public Works.

By Mr. DURBIN (for himself, Ms. COLLINS, Mr. FAIRCLOTH, Mr. AKAKA, Ms. MOSELEY-BRAUN, Mr. HARKIN, Ms. MIKULSKI, Mr. WELLSTONE, Mr. GRAHAM, Mr. JOHNSON, Mr. CLELAND, Ms. LANDRIEU, Mr. REID, Mr. TORRICELLI, Mr. DODD, Mr. KOHL, Mr. WARNER, Mrs. BOXER, and Mrs. MURRAY):

S. 2114. A bill to amend the Violence Against Women Act of 1994, the Family Violence Prevention and Services Act, the Older Americans Act of 1965, and the Public Health Service Act to ensure that older women are protected from institutional, community, and domestic violence and sexual assault and to improve outreach efforts and other services available to older women victimized by such violence, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. ROCKEFELLER (for himself and Ms. MIKULSKI):

S. 2115. A bill to amend title 38, United States Code, to establish a scholarship program and an education loan debt reduction program to facilitate the employment of primary care and other health care professionals by the Veterans Health Administration, and for other purposes; to the Committee on Veterans Affairs.

By Mr. LUGAR:

S. 2116. A bill to clarify and enhance the authorities of the Chief Information Officer of the Department of Agriculture; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. JOHNSON (for himself and Mr. DASCHLE):

S. 2117. A bill to authorize the construction of the Perkins County Rural Water System and authorize financial assistance to the Perkins County Rural Water System, Inc., a nonprofit corporation, in the planning and construction of the water supply system, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. CHAFEE (for himself, Mr. BREAUX, Mr. MURKOWSKI, Mr. COCHRAN, Mr. INOUYE, Mr. DASCHLE, Mr. ROCKEFELLER, Mr. MACK, Mr. LUGAR, Mr. BUMPERS, Mr. FRIST, and Mr. SANTORUM):

S. 2118. A bill to amend the Internal Revenue Code of 1986 to reduce the tax on vaccines to 25 cents per dose; to the Committee on Finance.

By Mr. STEVENS (for himself and Mr. CAMPBELL):

S. 2119. A bill to amend the Amateur Sports Act to strengthen provisions protecting the right of athletes to compete, recognize the Paralympics and growth of disabled sports, improve the U.S. Olympic Committee's ability to resolve certain disputes, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. ROCKEFELLER (for himself and Mr. FRIST):

S. 2120. A bill to improve the ability of Federal agencies to license federally-owned inventions; to the Committee on Commerce, Science, and Transportation.

By Mr. BREAUX:

S. 2121. A bill to encourage the development of more cost effective commercial space launch industry in the United States, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. ROTH (for himself and Mr. MOYNIHAN):

S. 2122. A bill to amend the Internal Revenue Code of 1986 to provide that certain liquidating distributions of a regulated investment company or real estate investment trust which are allowable as a deduction shall be included in the gross income of a distributee; to the Committee on Finance.

By Mr. SANTORUM:

S. 2123. A bill to amend the Higher Education Act of 1965 to improve accountability and reform certain programs; to the Committee on Labor and Human Resources.

By Mrs. HUTCHISON (for herself and Mr. INOUYE):

S. 2124. A bill to authorize appropriations for fiscal year 1999 for the Maritime Administration and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. D'AMATO:

S. 2125. A bill to amend the Internal Revenue Code of 1986 to provide for the tax treatment of section 42 housing cooperatives and the shareholders of such cooperatives, and for other purposes; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. AKAKA (for himself, Mr. HELMS, Mr. BIDEN, Mr. THOMAS, Mr. INOUYE, Mr. LUGAR, Mrs. BOXER, Mr. COCHRAN, Mrs. MURRAY, Mr. ROTH, Mr. COVERDELL, Mrs. FEINSTEIN, and Mr. DURBIN):

S. Res. 235. A resolution commemorating 100 years of relations between the people of the United States and the people of the Philippines; to the Committee on Foreign Relations.

By Mr. DOMENICI (for himself, Mr. MCCAIN, Mr. HATCH, Mr. DEWINE, Mr. CHAFEE, Mr. LUGAR, Mr. HAGEL, Mr. GRASSLEY, Mr. ABRAHAM, and Mrs. HUTCHISON):

S. Res. 236. A resolution to express the sense of the Senate regarding English plus other languages; to the Committee on Labor and Human Resources.

By Mr. FEINGOLD (for himself, Mr. REED, Mr. LEAHY, Mr. MOYNIHAN, Mr. KOHL, Mr. KENNEDY, Mr. HARKIN, and Mr. WELLSTONE):

S. Res. 237. A resolution expressing the sense of the Senate regarding the situation in Indonesia and East Timor; to the Committee on Foreign Relations.

By Mr. LOTT:

S. Con. Res. 99. A concurrent resolution authorizing the flying of the POW/MIA flag; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. ENZI (for himself, Mr. BINGAMAN, Mr. KENNEDY, Mr. JEFFORDS, Mr. HUTCHINSON, Mr. BROWNBACK, Mr. THOMAS, and NICKLES):

S. 2112. A bill to make the Occupational Safety and Health Act of 1970 applicable to the United States Postal Service in the same manner as any other employer; to the Committee on Labor and Human Resources.

POSTAL EMPLOYEES SAFETY ENHANCEMENT ACT

Mr. ENZI. Mr. President, I rise to introduce the Postal Employees Safety Enhancement Act of 1998.

Mr. President, this bipartisan legislation, cosponsored by my colleagues Senators BINGAMAN, KENNEDY, JEFFORDS and HUTCHINSON would fully bring the United States Postal Service under the regulatory umbrella of the Occupational Safety and Health Administration. It has always been my unshakeable belief that the Government must play by its own rules. This important legislation is an incremental step in the effort to ensure that the ''law of the land'' applies equally to all branches of the Government as well as the private sector —and everything in-between.

Since I became a member of this distinguished body, I've been advocating legislation geared to improve the safety and health of our nation's workplaces. My sincere devotion to this issue, however, goes back much farther than my work here in Washington. For 12 years, I was an accountant for Dunbar Well Service in Gillette, WY, an oil well servicing company with offices throughout Wyoming. Like most businesses in my home state, Dunbar Well Service is a small business. The payroll consisted of 130 employees. As a result, I wore several hats. One of my roles was safety instruction, which required me to travel the state teaching employees about the importance of workplace safety and health. The company's rigorous safety program even had me collecting samples for drug tests—an extremely effective method of deterring workplace injuries and fatalities, by the way.

I saw things with OSHA that I thought needed to be changed. I served in the State legislature. I was told that States can't change that and I understand that. Then I got to come to Washington, and in Washington we can make a difference in the workplace. I went to work on a SAFE Act, one that will provide safety in all businesses. That has been through hearings. It has been through markups in the Labor Committee and is ready to be debated on this floor. I have had hands-on experience in the workplace with safety, and I know that workplace safety and health is everyone's business. And that's the only way it works. It is not a political issue, it is an issue that cannot be divided by a barrier that separates even the public and the private sector. It's everybody's concern, and that is the only way it works.

We must ensure the safety and health of all employees because they are the most important asset of any business. It's success or failure rests with their ability to provide efficient care and service to their customers, whoever they may be. Although all Federal agencies must comply with the 1970 Occupational Safety and Health statute, they are not required to pay penalties issued to them by OSHA. The bill I am introducing today is the first step in the effort to eliminate this barrier.

It is important to point out that this legislation is not intended to single out the Postal Service. My first look at how ineffective Federal agencies are at making workplace safety and health a priority began when I noted that Yellowstone National Park was cited by OSHA last February for 600 violations—92 of them serious. One of those serious violations was the Park's failure to report an employee's death to OSHA. In fact, Yellowstone has posted five employee deaths in the past three and one-half years. Although there are these and other serious problems noted in the Park's safety and health record, I later found that it pales in comparison to the United States Postal Service's record.

After looking at the past 5 year totals for all Federal workplace injuries, illnesses, lost work time and fatalities, I was shocked to see the Postal Service at the very top of the list. It was my initial feeling that the armed forces would be the most hazardous occupation in the Federal Government. That notion was proven wrong. Surprisingly, the Postal Service employs relatively the same number of workers as the Department of Defense. Yet it has double the number of total workplace injuries and illnesses and almost double the number of lost work-time cases as the Department of Defense.

What is most troubling about the Postal Service's safety record, however, is its annual workers' compensation payments. From 1992 to 1997, the Postal Service paid an annual average of $505 million in workers' compensation costs—placing them once again at the top of the Federal Government's list. Moreover, the Postal Service's annual contribution to workers' compensation amounts to almost one-third of the Federal program's $1.8 billion price tag. These facts are simply inexcusable and clearly justify the need for legislation. Better yet, this legislation would likely decrease the annual expenditures for workers' compensation because of a reduction in workplace injuries, illnesses, lost time and fatalities.

In 1970, Congress passed the Postal Reorganization Act, eliminating the old Postal Department status as a cabinet office. Twelve years later, the Postal Service became fiscally self-sufficient—depending on market-driven revenues rather than taxpayer dollars.

Of course the Postal Service is big. The Postal Service is 43 percent of the world's mail. It has annual profits that exceed $1.5 billion. If the Postal Service were a private company, it would be the 9th largest business in the United States and 29th in the entire world. It is bigger than Coca-Cola, Xerox, and Kodak combined. It has offices in virtually every community. In fact, some of the communities in my State are communities because they are a post office. So it covers the big and it covers the small.

When I did the SAFE Act I talked to my colleagues on both sides of the aisle. I talked to any group that would talk to me. I talked to businesses, I talked to employers, I talked to employees, I talked to unions, and then drafted a bill. That bill is going through the process.

When I noticed this problem, I went through the same process. I have met with those groups—agencies, unions that are involved in this process—and I have to say, I have gotten some very helpful, constructive suggestions from those groups. Those suggestions appear in the bill.

I have talked to the Postal Service about it. They have reviewed it. They have asked for additional time to review it. The bill is only five pages long. I don't know how long it takes to review that, so I can only assume that they have no problem with the bill either, although I am sure they are not excited to come under the same rules that everyone else plays under.

The point of this legislation is simple. If government makes the rules, Government must play by them. this is the same basic premise adopted by Congress when it passed the Congressional Accountability Act during the 104th Congress. The Postal Service is not above the law and its employees are no less important to its daily operations than the employees of private businesses are to the companies that employ them. When advocating workplace safety and health in this context, I can think of no better place to start than the Postal Service—which calls itself a Federal agency when it is helpful to refer to itself as such. In fact, it's not a Federal agency at all. It's a self-sufficient, quasi-governmental entity. How many Federal agency's employees can collectively bargain under the 1935 National Labor Relations Act? How many Federal agencies don't receive one dime of the taxpayers' money? How many Federal agencies post annual profits exceeding $1.5 billion? The Postal Service exhibits almost every characteristic of a private business. Still, it's reluctant to fully comply with Federal occupational safety and health law. Clearly, that must change.

After carefully examining the perspectives of the Postal Service and the unions representing its employees, I have concluded that the Postal Employees Safety Enhancement Act is necessary legislation. The bill would permit OSHA to fully regulate the Postal Service the same way it does private businesses. In addition, the bill would prevent the Post Office from closing or consolidating rural post offices or services simply because it's required to comply with OSHA. Service to all areas of the Nation, rural or urban, was made a part of the Postal Service's mission by the 1970 Postal Reorganization Act. The quality of the service it provides should not decrease because of efforts to protect and ensure employee safety and health. Along this same premise, the bill would prevent the Postal Rate Commission from raising the price of stamps to help the Postal Service pay for potential OSHA fines. Rather, the Postal Service should offset the potential for OSHA fines by improving workplace conditions which would decrease its annual $500 million expenditure on workers' compensation claims.

This bipartisan bill will make the law of the land mean what it says. Congress would only be applying those standards to the Postal Service that it applied to itself three years ago. The Postal Service has the most alarming occupational safety and health record in the Federal Government. It should therefore be the first to be reined in.

Every schoolchild is familiar with the words on the New York Post Office that became the motto of the Postal Service, ''Neither snow, nor rain, nor heat, nor gloom of night stays these couriers from the swift completion of their appointed rounds.'' Add to that the million and one barriers, complaints, dogs, assaults and other obstacles our postal workers must deal with every day and it is clear that they have more than enough to deal with without having to worry about the conditions of their workplace as well.

I urge my colleagues to support this necessary, common sense legislation to show our support for workplace safety and health everywhere throughout the country, in every business and corporation, in both private and the public sector.

I ask unanimous consent the text of the bill be printed in the RECORD.

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

S. 2112

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Postal Employees Safety Enhancement Act''.

SEC. 2. APPLICATION OF ACT.

(a) DEFINITION.—Section 3(5) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 652(5)) is amended by inserting after ''the United States'' the following: ''(not including the United States Postal Service)''.

(b) FEDERAL PROGRAMS.—

(1) OCCUPATIONAL SAFETY AND HEALTH.—Section 19(a) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 668(a)) is amended by inserting after ''each Federal Agency'' the following: ''(not including the United States Postal Service)''.

(2) OTHER SAFETY PROGRAMS.—Section 7902(a)(2) of title 5, United States Code, is amended by inserting after ''Government of the United States'' the following: ''(not including the United States Postal Service)''.

SEC. 3. CLOSING OR CONSOLIDATION OF OFFICES NOT BASED ON OSHA COMPLIANCE.

Section 404(b)(2) of title 39, United States Code, is amended to read as follows:

''(2) The Postal Service, in making a determination whether or not to close or consolidate a post office—

''(A) shall consider—

''(i) the effect of such closing or consolidation on the community served by such post office;

''(ii) the effect of such closing or consolidation on employees of the Postal Service employed at such office;

''(iii) whether such closing or consolidation is consistent with the policy of the Government, as stated in section 101(b) of this title, that the Postal Service shall provide a maximum degree of effective and regular postal services to rural areas, communities, and small towns where post offices are not self-sustaining;

''(iv) the economic savings to the Postal Service resulting from such closing or consolidation; and

''(v) such other factors as the Postal Service determines are necessary; and

''(B) may not consider compliance with any provision of the Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et seq.).''.

SEC. 4. PROHIBITION ON RESTRICTION OR ELIMINATION OF SERVICES.

(a) IN GENERAL.—Chapter 4 of title 39, United States Code, is amended by adding after section 414 the following:

''§ 415. Prohibition on restriction or elimination of services

''The Postal Service may not restrict, eliminate, or adversely affect any service provided by the Postal Service as a result of the payment of any penalty imposed under the Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et seq.).''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 4 of title 39, United States Code, is amended by adding at the end the following:

''415. Prohibition on restriction or elimination of services.''.

SEC. 5. LIMITATIONS ON RAISE IN RATES.

Section 3622 of title 39, United States Code, is amended by adding at the end the following:

''(c) Compliance with any provision of the Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et seq.) shall not be considered by the Commission in determining whether to increase rates and shall not otherwise affect the service of the Postal Service.''.

Mr. BINGAMAN. Mr. President, I am pleased to join with my friend and colleague from Wyoming, Senator ENZI, in introducing the Postal Employees Safety Enhancement Act of 1998.

I want to begin by commending the distinguished Senator from Wyoming for bringing this issue before the Senate. As my colleagues know, in the short time he has been in the Senate, Senator ENZI has become one of the leading experts on the Occupational Health and Safety Act of 1970. I have found him to be extremely willing to listen to all sides of what are complex issues, to work in a bipartisan manner and to engage all interested parties in a constructive dialogue on OSHA related issues. I also commend him for recognizing the need which this legislation will address and for working with all interested parties over the past few weeks to draft a bill that will address that need.

Mr. President, the bill we are introducing today is really rather simple. It will make the Occupational Health and Safety Act applicable to the United States Postal Service as it would be to any other private sector employer. The reasons for doing this, and the need to do so, are very obvious to anyone who looks at this issue. A comparison of all of the worker's compensation costs charged to federal employing agencies from July 1, 1993 to July 30, 1994 showed the Postal Service had a significantly higher rate of employment based injury claims than any federal agency. There are numerous reports of safety and health problems that have gone unaddressed by the P.O., some of which have been laid out by Senator ENZI this morning. Unfortunately, unlike every other private sector employee in America, Postal Service workers do not have the benefit, or the protections of the OSHA Act. While the Postal Service has some internal mechanisms for addressing employee injuries most would find these to be inadequate to protect employees and to help the Postal Service provide a safer workplace. This legislation should be welcomed by all who care about worker safety and health and I believe the Postal Service does care.

As my colleagues know, the Postal Service is one of the largest U.S. employers. Over the past several years it has gone through a series of reorganizations and restructuring to improve the quality of the service it provides. I commend the Postal Service for many of these initiatives and appreciate the service it provides to the people of my state. Like Senator ENZI, I do not mean to single out the Postal Service with this legislation. However, because the Postal Service operates in essence like any other private business, I think it is appropriate to expect that it complies with the same safety and health standards as other businesses. Likewise I think Postal workers deserve the same protections afforded all other private sector workers, under the Act.

Mr. President, I hope the Senate will work quickly to adopt this legislation this year. I see no reason why this bill should not pass quickly and overwhelmingly.

Again Mr. President, I commend Senator ENZI for bringing this important worker safety measure before the Senate and look forward to working with him to ensure its swift passage.

Mr. KENNEDY. Mr. President, I am proud to join my colleagues, Senator ENZI, Senator JEFFORDS, and Senator BINGAMAN, in introducing the Postal Employees Safety Enhancement Act. This important legislation will extend coverage of the Occupational Safety and Health Act to employees of the United States Postal Service.

Few issues are more important to working families than health and safety on the job. For the past 28 years, OSHA has performed a critical role—protecting American workers from on-the-job injuries and illnesses.

In carrying out this mission, OSHA has made an extraordinary difference in people's lives. Death rates from on-the-job accidents have dropped by over 60% since 1970—much faster than before the law was enacted. More than 140,000 lives have been saved.

Occupational illnesses and injuries have dropped by one-third since OSHA's enactment—to a record low rate of 7.4 per 100 workers in 1996.

These numbers are still unacceptably high, but they demonstrate that OSHA is a success by any reasonable measure.

Even more lives have been saved in the two places where OSHA has concentrated its efforts. Death rates have fallen by 61% in construction and 67% in manufacturing. Injury rates have dropped by half in construction, and nearly one-third in manufacturing. Clearly, OSHA works best where it works hardest.

Unfortunately, these efforts do not apply to federal agencies. The original OSHA statute required only that federal agencies provide ''safe and healthful places and conditions of employment'' to their employees. Specific OSHA safety and health rules did not apply.

In 1980, President Carter issued an Executive Order that solved this problem in part. It directed federal agencies to comply with all OSHA safety standards, and it authorized OSHA to inspect workplaces and issue citations for violations.

President Carter's action was an important step, but more needs to be done. When OSHA inspects a federal workplace and finds a safety violation, OSHA can direct the agency to eliminate the hazard. But OSHA has no authority to seek enforcement of its order in court, and it cannot assess a financial penalty on the agency to obtain compliance.

The situation is especially serious in the Postal Service. Postal employees suffer one of the highest injury rates in the federal government. In 1996 alone, 78,761 postal employees were injured on the job—more than nine injuries and illnesses for every hundred workers. This rate is 23% higher than the overall private sector rate, and 40% higher than the overall federal rate. Fourteen postal employees were killed on the job in 1996—one-sixth of the federal total. Workers' compensation charges at the Postal Service are also high—$538 million in 1997.

This legislation will bring down these unacceptably high rates. It permits OSHA to issue citations for safety hazards, and back them up with penalties. This credible enforcement threat will encourage the Postal Service to comply with the law. It will save taxpayer dollars currently spent on worker's compensation costs.

Most important, it will reduce the extraordinarily high rate of injuries among postal employees. Every worker deserves a safe and healthy place to work, and this bill will help achieve that goal for the 860,000 employees of the Postal Service. They deserve it, and I urge my colleagues to provide it.

By Mr. DURBIN (for himself, Ms. COLLINS, Mr. FAIRCLOTH, Mr. AKAKA, Ms. MOSELEY-BRAUN, Mr. HARKIN, Ms. MIKULSKI, Mr. WELLSTONE, Mr. GRAHAM, Mr. JOHNSON, Mr. CLELAND, Ms. LANDRIEU, Mr. REID, Mr. TORRICELLI, Mr. DODD, Mr. KOHL, Mr. WARNER, Mrs. BOXER, and Mrs. MURRAY):

S. 2114. A bill to amend the Violence Against Women Act of 1994, the Family Violence Prevention and Services Act, the Older Americans Act of 1965, and the Public Health Service Act to ensure that older women are protected from institutional, community, and domestic violence and sexual assault and to improve outreach efforts and other services available to older women victimized by such violence, and for other purposes; to the Committee on Labor and Human Resources.

OLDER WOMEN'S PROTECTION FROM VIOLENCE ACT OF 1998

• Mr. DURBIN. Mr. President, today I introduce this legislation with my distinguished colleague from Maine, Senator COLLINS. Unfortunately for some, domestic violence is a life long experience. Those who perpetrate violence against their family members do not desist because the family member grows older. In fact, in some cases, the abuse may become more severe as the victim ages becoming more isolated from the community with their removal from the workforce. Other age-related factors such as increased frailty may increase a victim's vulnerability. It also is true that older victims' ability to report abuse is frequently confounded by their reliance on their abuser for care or housing. Every seven minutes in Illinois, there

is an incidence of elder abuse. Several research studies have shown that elder abuse is the most under reported familial crime. It is even more under reported than child abuse with only between one in eight and one in fourteen incidents estimated to be reported. Seniors who experience abuse worry they will be banished to a nursing home if they report abuse. They also must struggle with the ethical dilemma of reporting abuse by their children to the authorities and thus increasing their child's likelihood of going to jail. Shame and fear gag them so that they remain ''silent victims.''

Domestic violence programs have a moral and ethical responsibility to provide services to individuals of any age who are the victims of domestic abuse. Yet most domestic violence programs see only a few older women a year. That is not to say that the domestic violence service providers actively discriminate against older victims. Analysis of the few studies that do exist of elder domestic abuse indicate that the vast majority do not themselves seek to access existing services. There may be many reasons for this. The images portrayed in the media of the victims of domestic violence generally depict a young woman, with small children. Seniors suffering domestic abuse may not readily identify with these images and, therefore, may not see those services as being for them. Other cultural barriers may also exist. Many older women were raised to believe that family business is a private matter. Problems within families were not to be discussed with anyone, especially strangers or counselors. Only a handful of domestic abuse programs throughout the country are reaching out to older women.

This legislation seeks to improve current federal family violence programs, such as The Violence Against Women Act (VAWA) and Family Violence Prevention Services Act (FVPSA), to make them more sensitive to the needs of the nations seniors. Title I of this bill promotes the inclusion of elder abuse cases in law school clinics and training for law enforcement in the identification and referral of older victims of domestic violence or elder abuse to services. Title II allows FVPSA grant funds to be used for outreach to older individuals. We know that great improvements have taken place since VAWA was first passed. One of the most successful programs is the law enforcement training program, which received $200 million in FY 1998. However, improvement can be made with respect to identifying abuse among all age groups. When the abuser is old, there may be a reticence on the part of law enforcement to deal with this person in the same way that they might deal with a younger person. Who wants to send an ''old guy'' to jail? However, lack of action jeopardizes the victim further because then the abuser has every reason to believe that there are no consequences for their actions. Another common problem is differentiating between injuries related to abuse and injuries arising from aging, frailty or illness. Too many older women's broken bones have been attributed to disorientation, osteoporosis or other age-related vulnerabilities without any questions being asked to make sure that they are not the result of abuse.

Title III reauthorizes the very important Elder Rights programs contained within the Older Americans Act. These programs provide seed money for state elder abuse programs. Included here is the Long-term-care Ombudsman program that monitors nursing homes and investigates reports of abuse in such institutions.

Most domestic abuse shelters are filled with young families. The staff and volunteers are predominantly younger than 50 years old. The recreation calendar has activities for young women and children. Discussions at support groups can be dominated by younger women talking about their children, child care and custody. Many domestic abuse shelters are not readily accessible to those who are less mobile. For instance, some may not be accessible via the ground floor. Moving from your home into a shelter is always a traumatic event. However, it may be even harder for those who find themselves in surroundings so unfamiliar and so totally oriented to a different age group. In my home state of Illinois, there are only two centers that focus on the shelter needs of seniors. One is the Center for Prevention of Abuse in Peoria, the other is the Swan center in Olney, which has a comprehensive elder protective services program. Title III seeks to address this shortage by encouraging expanded access to domestic violence shelters that cater to the needs of older individuals.

This bill seeks to help foster collaboration between the aging networks and domestic violence coalitions. Throughout the United States, through the Older Americans Act, a variety of programs seek to serve seniors in their communities. Home-delivered meals and other services provide an opportunity for seniors to interact with individuals outside their own homes. Increasing the knowledge of such care providers in how to identify and refer victims of domestic violence would likely provide much-needed relief to many of these individuals. Title III of this bill contains a ''Community Initiatives and Outreach'' grants program to help coordinate both public and private efforts in elder domestic abuse prevention and treatment. Fostering communication between these two groups has the potential of dramatically increasing the number of individuals that are sensitive to these issues of abuse and, also, to increase the number of individuals who are served by domestic violence programs generally.

Family violence is one of the most common causes of disease and distress seen by physicians. In spite of its existence as a pervasive and debilitating medical and social problem, many advocates in the domestic violence community believe that it receives insufficient attention in the curricula of most schools of medicine or other health professional training institutions. Dr. Jane Jackman, past president of the Illinois State Medical Society noted last year ''Doctors are finding that the problem is under-recognized. Elder abuse or maltreatment is growing in significance as a factor in trauma, hospital admissions, rising costs of long term care and, ultimately, deaths.'' Title III of this bill directs the Assistant Secretary of Aging to collaborate with other Departments of Health and Human Services and the National Institute of Aging to update and improve curricula for both training and retraining of health professionals and others in the area of elder domestic abuse. These curricula would be made available to educational institutions involved in training health professionals. Title IV would amend the Area Health Education Center and Geriatric Education Centers funded through the Health Professionals Education Act to allow them to use funds for training and retraining health professionals in elder domestic abuse.

The last title of the bill, Title V, examines the issue of financial exploitation of seniors. Take the case of Helen (not her real name) reported in the Chicago Tribune last year. Helen was a 66-year-old mother and grandmother from DuPage County. Early in 1997, Helen lost $90,000 and even access to her own kitchen due to the actions of her daughter. Helen describes how she felt like a P.O.W. Helen had agreed to pool resources with her daughter and son-in-law and buy a house where all of them would live; the deal seemed like a win-win proposition. Unbeknownst to Helen, most of the money went to pay off her son-in-law's debts. Soon the young couple asked Helen for thousands more and $300 in monthly rent. Shortly after this, her daughter had construction done on the house which put a new wall between Helen's bedroom and the kitchen, blocking her way to the kitchen and forcing her to prepare her food in the bathroom. Eventually, Helen found herself in a shelter. She now lives in a government subsidized apartment.

The Illinois Department of Aging and other elder abuse service providers will attest to the fact that Helen is not alone in experiencing such financial exploitation. Of the 5,833 reports of elder abuse in Illinois in 1997, nearly half (44.6%) were reports of financial exploitation. Statistics compiled by the Illinois Department on Aging show that the majority of financial abuse victims are female and that most have a functional impairment, such as Alzheimer's disease. For some, financial exploitation may at times be accompanied by physical abuse or the threat of physical abuse or other form of coercion. The states Attorneys General have efforts underway to examine this area and are

cooperating in sharing information on how best to deal with such abuse. Financial exploitation is probably more complex and sometimes more difficult to detect than other forms of abuse. Therefore, we are proposing a study by experts in the field to more comprehensively analyze the problem and to make recommendations for future actions.

With the greying of America, the problems of elder domestic abuse in all its many ugly manifestations, is likely to grow. I believe that we need to take a comprehensive look at our existing family violence programs and ensure that these and other programs that serve seniors are sensitive and knowledgeable of elder domestic abuse. I am pleased that Senators AKAKA, MOSELEY-BRAUN, HARKIN, MIKULSKI, WELLSTONE, DODD, KOHL, WARNER, BOXER, GRAHAM, CLELAND, LANDRIEU, REID, TORRICELLI and FAIRCLOTH have all joined Senator COLLINS and myself in introducing this bill, and I hope that many more will join us in this effort to focus attention on the needs of the ''forgotten older victims of domestic violence.''

Mr. President, I ask unanimous consent that the text of the bill be printed the the RECORD.

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

S. 2114

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 ''Older Women's Protection From Violence Act of 1998''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

SEC. 2. FINDINGS.

Congress finds that—

(1) of the estimated more than 1,000,000 persons age 65 and over who are victims of abuse each year, at least two-thirds are women;

(2) in almost 9 out of 10 incidents of domestic elder abuse and neglect, the perpetrator is a family member and adult children of the victims are the largest category of perpetrators and spouses are the second largest category of perpetrators;

(3) the number of reports of elder abuse in the United States increased by 150 percent between 1986 and 1996 and is expected to continue growing;

(4) it is estimated that at least 5 percent of the Nation's elderly are victims of moderate to severe abuse and that the rate for all forms of abuse may be as high as 10 percent;

(5) elder abuse is severely underreported, with 1 in 5 cases being reported in 1980 and 1 in 8 cases being reported today;

(6) based on site-specific information from the Indian Health Service, the rate of trauma and violence faced by Indian women could be considered to be epidemic;

(7) elder abuse takes on many forms, including physical abuse, sexual abuse, psychological (emotional) abuse, neglect (intended or unintended), and financial exploitation;

(8) many older persons, particularly women and minorities, fail to report abuse because of shame or as a result of prior unsatisfactory experiences with individual agencies or others who lacked sensitivity to the concerns or needs of older people;

(9) the lack of culturally relevant elder abuse services for Indian women makes access to shelter and other services difficult and often impossible for some Indian women;

(10) many older persons fail to report abuse because they are dependent on their abusers and fear being abandoned or institutionalized;

(11) the lack of access to telephones, law enforcement, and health services in remote areas, including Indian reservations, makes access to relief from elder abuse particularly difficult for some populations;

(12) public and professional awareness and identification of elder abuse is difficult because older persons are not tied into many social networks (such as schools or jobs), and may become isolated in their homes, which can increase the risk of elder abuse;

(13) the Department of Justice does not include age as a category for criminal statistics reporting;

(14)(A) there are relatively few statistics and research studies regarding violence against older women, and even less is known about the incidence of violence against Indian women; and

(B) there is no national data base regarding violence against Indian women; and

(15) older persons would greatly benefit from policies that develop, strengthen, and implement programs for the prevention of abuse, including neglect and exploitation, and provide related assistance for victims.

TITLE I—VIOLENCE AGAINST WOMEN ACT OF 1994

SEC. 101. ELDER ABUSE, NEGLECT, AND EXPLOITATION.

The Violence Against Women Act of 1994 (108 Stat. 1902) is amended by adding at the end the following:

''Subtitle H—Elder Abuse, Neglect, and Exploitation, Including Domestic Violence and Sexual Assault Against Older Individuals

''SEC. 40801. DEFINITIONS.

''In this subtitle:

''(1) IN GENERAL.—The terms 'elder abuse, neglect, and exploitation', 'domestic violence', and 'older individual' have the meanings given the terms in section 102 of the Older Americans Act of 1965 (42 U.S.C. 3002).

''(2) SEXUAL ASSAULT.—The term 'sexual assault' has the meaning given the term in section 2003 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg–2).

''SEC. 40802. LAW SCHOOL CLINICAL PROGRAMS ON ELDER ABUSE, NEGLECT, AND EXPLOITATION.

''The Attorney General shall make grants to law school clinical programs for the purposes of funding the inclusion of cases addressing issues of elder abuse, neglect, and exploitation, including domestic violence, and sexual assault, against older individuals.

''SEC. 40803. TRAINING PROGRAMS FOR LAW ENFORCEMENT OFFICERS.

''The Attorney General shall develop curricula and offer, or provide for the offering of, training programs to assist law enforcement officers, prosecutors, and relevant officers of Federal, State, tribal, and local courts in recognizing, addressing, investigating, and prosecuting instances of elder abuse, neglect, and exploitation, including domestic violence, and sexual assault, against older individuals.

''SEC. 40804. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated such sums as may be necessary to carry out this subtitle.''.

TITLE II—FAMILY VIOLENCE PREVENTION AND SERVICES ACT

SEC. 201. DEFINITIONS.

Section 309 of the Family Violence Prevention and Services Act (42 U.S.C. 10408) is amended by adding at the end the following:

''(7) The term 'elder domestic abuse' means domestic violence, as defined in section 102 of the Older Americans Act of 1965 (42 U.S.C. 3002), against an older individual, as defined in such section.''.

SEC. 202. DOMESTIC ABUSE SERVICES FOR OLDER INDIVIDUALS.

Section 311(a) of the Family Violence Prevention and Services Act (42 U.S.C. 10410(a)) is amended—

(1) in paragraph (4), by striking ''and'' at the end;

(2) in paragraph (5), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(6) work with domestic violence programs to encourage the development of programs, including outreach, support groups, and counseling, targeted to victims of elder domestic abuse.''.

SEC. 203. STATE GRANTS.

Section 303(a)(2)(C) of the Family Violence Prevention and Services Act (42 U.S.C. 10402(a)(2)(C)) is amended by inserting ''age,'' after ''because of''.

SEC. 204. DEMONSTRATION GRANTS FOR COMMUNITY INITIATIVES.

Section 318(b)(2)(F) of the Family Violence Prevention and Services Act (42 U.S.C. 10418(b)(2)(F)) is amended by inserting ''and adult protective services entities'' before the semicolon.

SEC. 205. STUDY REGARDING HEALTH PROFESSIONAL TRAINING WITH RESPECT TO DETECTION AND REFERRAL OF VICTIMS OF FAMILY VIOLENCE.

The Family Violence Prevention and Services Act (42 U.S.C. 10401 et seq.) is amended by adding at the end the following:

''SEC. 319. STUDY REGARDING HEALTH PROFESSIONAL TRAINING WITH RESPECT TO DETECTION AND REFERRAL OF VICTIMS OF FAMILY VIOLENCE.

''(a) IN GENERAL.—The Secretary shall request that the Institute of Medicine of the National Academy of Sciences, in collaboration with the Family Violence Prevention Fund, conduct a study of the adequacy of training for health professionals with respect to the detection and referral of victims of family violence.

''(b) PURPOSE OF STUDY.—The study conducted under this section shall—

''(1) determine the number of teaching institutions that incorporate training for health professionals in the area of domestic violence and elder abuse;

''(2) assess whether when such training is available, the training is adequate for both detection and referral of victims of domestic violence and elder abuse; and

''(3) examine whether increased training is needed with respect to detection of domestic violence and elder abuse.

''(c) RECOMMENDATIONS.—The Secretary shall ensure that the Institute of Medicine, in consultation with the Family Violence Prevention Fund and based on the results of the study under this section, develops recommendations for improvements in training for health professionals with respect to detection and referral of victims of family violence, through legislative or nonlegislative means.

''(d) FACTORS FOR CONSIDERATION.—In developing the recommendations described in subsection (c), the Secretary shall ensure that Institute of Medicine—

''(1) examines whether preferences, in federally funded educational programs for medical educational entities that include domestic violence and elder abuse training in the curricula of the entities, are effective in providing an incentive for incorporation of such training in the curricula;

''(2) determines whether there are other legislative means that may be effective in encouraging the training described in paragraph (1), such as grant programs for curriculum development; and

''(3) determines an appropriate level of funding for any such grant program recommended.

''(e) REPORT.—The Secretary shall ensure that, not later than 12 months after the date of enactment of the Older Women's Protection From Violence Act of 1998, a report concerning the study conducted under this section is prepared by the Institute of Medicine and submitted to Congress.''.

TITLE III—OLDER AMERICANS ACT OF 1965

SEC. 301. DEFINITIONS.

Section 102 of the Older Americans Act of 1965 (42 U.S.C. 3002) is amended by adding at the end the following:

''(45) The term 'domestic violence' means an act or threat of violence, not including an act of self defense, committed—

''(A) by a current or former spouse of the victim;

''(B) by a person related by blood or marriage to the victim;

''(C) by a person who is cohabiting with or has cohabited with the victim;

''(D) by a person with whom the victim shares a child in common;

''(E) by a person who is or has been in the social relationship of a romantic or intimate nature with the victim; or

''(F) by a person similarly situated to a spouse of the victim, or by any other person, if the domestic or family violence laws of the jurisdiction of the victim provide for legal protection of the victim from the person.

''(46) The term 'sexual assault' has the meaning given the term in section 2003 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg–2).''.

SEC. 302. RESEARCH ABOUT THE SEXUAL ASSAULT OF WOMEN WHO ARE OLDER INDIVIDUALS.

Section 202(d)(3)(C) of the Older Americans Act of 1965 (42 U.S.C. 3012(d)(3)(C)) is amended—

(1) by striking ''and'' at the end of clause (i);

(2) by striking the period at the end of clause (ii) and inserting ''; and''; and

(3) by adding at the end the following:

''(iii) in establishing research priorities under clause (i), consider the importance of research about the sexual assault of women who are older individuals.''.

SEC. 303. STATE LONG-TERM CARE OMBUDSMAN PROGRAM.

Section 303(a)(1) of the Older Americans Act of 1965 (42 U.S.C. 3023(a)(1)) is amended by inserting before the period the following: '', except that for grants to carry out section 321(a)(10), there are authorized to be appropriated such sums as may be necessary without fiscal year limitation''.

SEC. 304. DOMESTIC VIOLENCE SHELTERS AND PROGRAMS FOR OLDER INDIVIDUALS.

Section 422(b) of the Older Americans Act of 1965 (42 U.S.C. 3035a(b)) is amended—

(1) by striking ''and'' at the end of paragraph (11);

(2) by striking the period at the end of paragraph (12) and inserting a semicolon; and

(3) by adding at the end the following:

''(13) expand access to domestic violence shelters and programs, including mental health services, for older individuals and encourage the use of senior housing, nursing homes, or other suitable facilities or services when appropriate as emergency short-term shelters or measures for older individuals who are the victims of elder abuse, including domestic violence, and sexual assault, against older individuals; and

''(14) promote research on legal, organizational, or training impediments to providing services to older individuals through shelters and programs, such as impediments to provision of the services in coordination with delivery of health care or senior services.''.

SEC. 305. AUTHORIZATION OF APPROPRIATIONS.

(a) OMBUDSMAN PROGRAM.—Section 702(a) of the Older Americans Act of 1965 (42 U.S.C. 3058a(a)) is amended to read as follows:

''(a) OMBUDSMAN PROGRAM.—There are authorized to be appropriated to carry out chapter 2 such sums as may be necessary without fiscal year limitation.''.

(b) ELDER ABUSE PREVENTION PROGRAM.—Section 702(b) of the Older Americans Act of 1965 (42 U.S.C. 3058a(b)) is amended to read as follows:

''(b) PREVENTION OF ELDER ABUSE, NEGLECT, AND EXPLOITATION.—There are authorized to be appropriated to carry out chapter 3 such sums as may be necessary without fiscal year limitation.''.

SEC. 306. COMMUNITY INITIATIVES AND OUTREACH.

Title VII of the Older Americans Act of 1965 (42 U.S.C. 3058 et seq.) is amended—

(1) by redesignating subtitle C as subtitle D;

(2) by redesignating sections 761 through 764 as sections 771 through 774, respectively; and

(3) by inserting after subtitle B the following:

''Subtitle C—Community Initiatives and Outreach

''SEC. 761. COMMUNITY INITIATIVES TO COMBAT ELDER ABUSE, NEGLECT, AND EXPLOITATION.

''(a) IN GENERAL.—The Assistant Secretary shall make grants to nonprofit private organizations or tribal organizations to support projects in local communities, involving diverse sectors of each community, to coordinate activities concerning intervention in and prevention of elder abuse, neglect, and exploitation, including domestic violence, and sexual assault, against older individuals.

''(b) AWARD REQUIREMENT.—In awarding grants under subsection (a) the Assistant Secretary shall take into consideration—

''(1) State and tribal efforts to carry out the activities described in such subsection; and

''(2) encouraging coordination among the State and tribal efforts, State adult protective service activities, and activities of private nonprofit organizations.

''SEC. 762. OUTREACH TO OLDER INDIVIDUALS.

''(a) IN GENERAL.—The Assistant Secretary shall make grants to develop and implement outreach programs directed toward assisting older individuals who are victims of elder abuse, neglect, and exploitation (including domestic violence, and sexual assault, against older individuals), including programs directed toward assisting the individuals in senior housing complexes, nursing homes, board and care facilities, and senior centers.

''(b) AWARD REQUIREMENT.—In awarding grants under subsection (a) the Assistant Secretary shall take into consideration—

''(1) State and tribal efforts to develop and implement outreach programs described in such subsection; and

''(2) encouraging coordination among the State and tribal efforts, State adult protective service activities, and activities of private nonprofit organizations.

''SEC. 763. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated to carry out this subtitle such sums as may be necessary without fiscal year limitation.''.

SEC. 307. TRAINING FOR HEALTH PROFESSIONALS, AND OTHER PROVIDERS OF SERVICES TO OLDER INDIVIDUALS, ON SCREENING FOR ELDER ABUSE, NEGLECT, AND EXPLOITATION.

Section 411 of the Older Americans Act of 1965 (42 U.S.C. 3031) is amended by adding at the end the following:

''(f)(1) The Assistant Secretary for Aging shall, in consultation with the Assistant Secretary for Children and Families, the Surgeon General, the Indian Health Service, the Director of the National Institute on Aging, the Family Violence Prevention Fund, the National Center on Elder Abuse, the National Coalition Against Domestic Violence, and other specialists working in the areas of domestic violence against seniors and elder abuse, update and improve curricula and implement continuing education training programs for adult protective service workers, persons carrying out a State Long-Term Care Ombudsman program, health care providers (including home health care providers) and mental health providers (including specialists), social workers, clergy, domestic violence service providers, and other community-based social service providers in settings, including senior centers, adult day care facilities, nursing homes, board and care facilities, senior housing, and the homes of older individuals, to improve the ability of the persons using the curriculum and training programs to recognize and address instances of elder abuse, neglect, and exploitation, including domestic violence, and sexual assault, against older individuals.

''(2) In carrying out paragraph (1), the Assistant Secretary shall develop and implement separate curricula and training programs for medical students, physicians, mental health providers, physician assistants, nurse practitioners, nurses, and social workers.

''(3) In carrying out paragraph (1), the Assistant Secretary shall provide information about the curricula and training programs to entities described in sections 791(c)(2) and 860(f)(2) of the Public Health Service Act (42 U.S.C. 295j(c)(2) and 298b–7(f)(2)) that seek grants or contracts under title VII or VIII of such Act.''.

TITLE IV—PUBLIC HEALTH SERVICE ACT

SEC. 401. AREA HEALTH EDUCATION CENTERS.

Subparagraphs (D) and (E) of section 746(d)(2) of the Public Health Service Act (42 U.S.C. 293j(d)(2) are each amended by inserting '', which may include training in domestic violence and elder abuse screening and referral protocols'' before the semicolon.

SEC. 402. GERIATRIC CENTERS AND TRAINING.

(a) GERIATRIC EDUCATION CENTERS.—Section 777(a)(4) of the Public Health Service Act (42 U.S.C. 294o(a)(4)) is amended by inserting '', including training and retraining of faculty to provide instruction regarding identification and treatment of older individuals who are the victims of domestic violence and elder abuse'' before the semicolon.

(b) GERIATRIC TRAINING REGARDING PHYSICIANS AND DENTISTS.—Section 777(b)(2)(D) of the Public Health Service Act (42 U.S.C. 294o(b)(2)(D)) is amended—

(1) by striking ''and exposure'' and inserting '', exposure''; and

(2) by inserting '', and screening for elder abuse and domestic abuse,'' after ''of elderly individuals''.

TITLE V—FINANCIAL EXPLOITATION OF OLDER INDIVIDUALS

SEC. 501. STUDY AND REPORT.

(a) DEFINITIONS.—In this section—

(1) the term ''financial exploitation'' means any fraud, coercion, or other conduct by a caregiver, family member, or fiduciary that constitutes a violation of any Federal, State, or tribal law, including any legally enforceable professional standard applicable to any profession or occupation;

(2) the term ''financial institution'' has the meaning given the term in section 1101 of the Right to Financial Privacy Act of 1978 (12 U.S.C. 3401);

(3) the term ''older individual'' has the meaning given the term in section 102 of the Older Americans Act of 1965 (42 U.S.C. 3002); and

(4) the term ''Secretary'' means the Secretary of the Treasury.

(b) STUDY.—The Secretary, in consultation with the Attorney General of the United States, State attorneys general, and tribal and local prosecutors, shall conduct a study of the nature and extent of financial exploitation of older individuals.

(c) CONSULTATION.—In conducting the study under this section, the Secretary shall solicit comments and information from—

(1) senior citizen advocacy groups;

(2) law centers specializing in elder law;

(3) financial institutions;

(4) elder abuse coalitions;

(5) privacy experts;

(6) providers of adult protective services;

(7) Indian tribes, the Director of Indian Health Service of the Department of Health and Human Services, and the Commissioner of Indian Affairs of the Department of the Interior;

(8) State Long-Term Care Ombudsmen described in the Older Americans Act of 1965 (42 U.S.C. 3001 et seq.);

(9) area agencies on aging (as defined in section 102 of the Older Americans Act of 1965 (42 U.S.C. 3002));

(10) recipients of grants under title VI of the Older Americans Act of 1965 (42 U.S.C. 3057 et seq.); and

(11) other service providers.

(d) PURPOSE OF STUDY.—In conducting the study under this section, the Secretary shall—

(1) define and describe the scope of the problem of financial exploitation of older individuals;

(2) conduct a survey of financial institutions in order to obtain—

(A) an estimate of the number and type of financial transactions that are considered by those institutions to constitute financial exploitation of older individuals; and

(B) a detailed description of the types and characteristics of risk faced by elderly customers with respect to financial exploitation;

(3) examine whether Federal, State, and tribal laws and regulatory practices are adequate to protect older individuals from financial exploitation; and

(4) examine the extent to which a better public understanding of Federal, State, and tribal laws would help to prevent financial exploitation of older individuals, including an examination regarding whether improved training of officers, employees, and agents of financial institutions concerning their responsibilities under section 1103 of the Right to Financial Privacy Act of 1978 (12 U.S.C. 3403) would help to combat the problem of financial exploitation of older individuals.

(e) RECOMMENDATIONS.—

(1) IN GENERAL.—Based on the results of the study under this section, the Secretary, in consultation with the Attorney General and State attorneys general, shall develop recommendations for legislative or other action to prevent the financial exploitation of older individuals.

(2) FACTORS FOR CONSIDERATION.—In developing the recommendations under paragraph (1), the Secretary shall—

(A) balance the needs of older individuals to be free from financial exploitation with their need for financial privacy, and their right against self-incrimination;

(B) consider the most effective and least intrusive legislative solutions to combat the problem of financial exploitation of older individuals;

(C) with respect to the reporting of incidences of financial exploitation of older individuals, consider—

(i) the appropriate Federal, State, or tribal agency to which such incidences should be reported, and the means by which a financial institution would obtain information regarding the manner in which to report such an incidence; and

(ii) whether there should be limitations on the authority of a financial institution to disclose information relating to an older individual who is a customer of the financial institution in order to combat the problem of financial exploitation of older individuals, including limitations on—

(I) the number of times such a disclosure may be made;

(II) the number and type of governmental or tribal agencies to which such a disclosure may be made; and

(III) the duration of the authority of the financial institution to make such a disclosure; and

(D) whether there is a need for adult protective services to combat such exploitation.

(f) REPORT.—Not later than 18 months after the date of enactment of this Act, the Secretary shall submit to Congress a report, which shall include—

(1) the results of the study conducted under this section, including an analysis of the extent of the problem of financial exploitation of older individuals; and

(2) the recommendations developed under subsection (e).●

● Ms. COLLINS. Mr. President, there is no conduct less consistent with the precepts of a civilized society than the physical abuse of those unable to defend themselves. Our recognition of this has led to an aggressive and ongoing campaign against child abuse, and it must lead to an equally strong response to domestic violence directed at older Americans. For that reason, I am honored to rise today to cosponsor the Older Women's Protection from Violence Act, legislation introduced by my distinguished colleague from Illinois, Senator DURBIN, and I commend Senator DURBIN for his leadership in this area.

Mr. President, at a 1995 hearing in Portland, Maine, chaired by my predecessor, Senator Cohen, elder abuse was aptly described as ''society's secret shame.'' Family violence, particularly when directed at the elderly, was a major concern of Senator Cohen, and I welcome the opportunity to continue his efforts to combat this intolerable mistreatment of older Americans.

Mr. President, earlier this month my home state released its crime statistics for 1997. I was cheered by the wonderful news that crime fell by 8.7% from 1996, to the lowest rate in at least 20 years. Hidden behind this positive statistic, however, was one that was very disquieting, namely, that domestic violence increased by 7.8%. Ironically, at the same time as we are becoming less likely to be harmed by strangers, many of our neighbors face an increasing threat from members of their own households.

National data demonstrate that cases of domestic elder abuse, which includes neglect as well as physical abuse, are steadily increasing. From 1986 to 1996, the number of cases went from 117,000 to 293,000, an increase of 150%. Furthermore, there is widespread agreement that this type of abuse is greatly underreported. For example, although the number of reported cases in 1994 was 241,000, the National Center on Elder Abuse estimates that the true number of cases was 818,000.

Mr. President, while these numbers indicate a serious and growing problem, all of the statistics in the world do not describe the problem as eloquently as the words of a single victim. At the Maine hearing, one such victim told what happened to her at the hands of her husband after her children left home.

[T]hings got really bad. I had two broken wrists, cracked ribs, held down with his knee on my chest with a knife at my throat. I was made to crawl across the floor with a gun resting on my head, ready to fire. I've been choked until I was limp, and then he would drop me on the floor with a kick. I've been spit on, thrown through a window, dragged into the lake as he said he was going to drown me.

Astonishingly, but not atypically, the witness was married to her husband for 44 years.

Compounding the physical abuse suffered by elderly victims of violence is the sense of being trapped. Again, one of the witnesses at the Portland hearing described this far more effectively than I can.

People ask why I remained under such circumstances. It was fear that kept me

there. . . . I had been on an island for eight years. Where would I go? I had no money, no home, no job, and no credit. Although I had left good jobs to follow him from job to job, at age 60 who would hire me? Health insurance was my greatest concern.

With a dependence on the abuser for financial support and physical care, with a long history of emotional ties to that person, with the fear of being held up to ridicule, and with a sense of hopelessness about finding a way out of the predicament, it is hardly surprising that the elderly victim is often reluctant to report domestic assaults.

Domestic violence against older women is a complex problem about which we still lack adequate information. This has led to some erroneous assumptions. For example, it had been thought that assaults against the elderly usually result from caregiver stress, but while this is a factor, its effect now appears to have been overstated. Indeed, according to a recent report, ''[a]busers are not identical in their behavior or their assumptions about abusive conduct.'' As the report points out, this means that a ''cookie cutter'' approach will not solve the problem.

Furhter complicating our efforts to deal with domestic violence against older women are the conflicting feelings and desires of many of the victims. It is quite common for the victim to have a familial relationship with the abuser, and thus, far more is likely to be involved in dealing with these situations that in dealing with an assault committed by a stranger. For understandable reasons, the older woman may want to preserve the relationship while ending the abuse. Finding effective ways to accomplish this can be a formidable challenge.

Mr. President, the legislation that Senator DURBIN and I are introducing today recognizes that complex problems defy simple solutions. Thus, the Older Women's Protection from Violence Act does not purport to contain a magic bullet that will eliminate this reprehensible conduct, but rather looks to a multi-faceted approach to address a multi-faceted problem. Similarly, the bill does not offer revolutionary solutions; instead, its message is that the time has come for society to roll up its sleeves and engage in the hard work of protecting those who have contributed so much to our individual and collective well-being.

In keeping with the nature of the problem, the legislation provides for training those who are in a position to identify cases of domestic violence against older women. Consistent with the notion that we cannot stop or correct what we do not discover, the primary recipients of that training would be law enforcement officers and health professionals. In addition, the Attorney General is authorized to make grants to law school clinical programs to include elder abuse cases.

The bill reauthorizes and expands programs that provide services to battered older women. Such services include outreach, support, and counseling. It also enhances their access to domestic violence shelters, something that can mean the difference between life and death in some cases. I should emphasize that the provision of these services will be largely at the local level, with financial assistance from the federal government.

Mr. President, in a prior position, I managed a state agency that has as one of its principal mandates that protection of Maine people, many of them elderly, from fraud and other financial abuses. Thus, I am especially pleased that in addition to addressing violence against older women, this bill seeks to shed light on a problem affecting the elderly that has received even less attention, namely, their financial exploitation by a caregiver or family member.

Two cases discussed at the Maine hearing illustrate my point. In one, an elderly gentleman from southern Maine went without food because his two nephews were stealing his money. Yet, he refused to send them away because they were ''family.'' In the second case, a 75-year old eastern Maine woman returned from the hospital after a severe stroke to find that her daughter and son-in-law had changed the locks on her house. The physical and emotional impact of the experience was so great that she was unable to undertake the legal battle to reclaim her home.

This bill will shed light on this type of abuse by requiring the Secretary of the Treasury to conduct a study of the nature and extent of financial exploitation of older individuals. Our society simply cannot allow our senior citizens who have labored hard to build up a nest egg to have it wrongfully taken from them a the time they need it most.

Mr. President, interest in elder abuse did not begin in our country until the late 1980s, long after we began to focus on child abuse in the 1960s. This may be because these cases are among the least likely to be reported. It may also be because our culture tends to worship youth, perhaps giving our older citizens the sense that we care less about them. In any case, this must change, not only because of demographic trends, but also because it is right.

This bill will contribute to that change by dealing specifically with domestic violence against older women. In addition to providing services to the victims of this conduct, it funds research into various aspects of the problem to enhance our understanding and improve our ability to respond. Our secret shame must not remain a secret.

Mr. President, in 1996 the average age of elder abuse victims was 78. There can be no justification for letting these older Americans, who have reached the point in life where they deserve peace, comfort, and respect, to be the victims of domestic violence or any other form of abuse. This bill is designed to prevent that, and I trust that my colleagues will support us in the effort.●

By Mr. ROCKEFELLER (for himself and Ms. MIKULSKI):

S. 2115. A bill to amend title 38, United States Code, to establish a scholarship program and an education loan debt reduction program to facilitate the employment of primary care and other health care professional by the Veterans Health Administration, and for other purposes; to the Committee on Veterans' Affairs.

DEPARTMENT OF VETERANS AFFAIRS PRIMARY CARE PROVIDERS INCENTIVE ACT OF 1998

● Mr. ROCKEFELLER. Mr. President, I am pleased today to introduce the following legislation, ''The Department of Veterans Affairs Primary Care Providers Incentive Act of 1998.'' This legislation is intended to revitalize the VA's Health Professionals Education Assistance Program, thereby reducing waste, targeting primary care professions and under-served areas, and making the VA more competitive with private employers for skilled personnel. I am pleased to be joined by my respected colleague from Maryland, Senator MIKULSKI, in this effort. I urge our colleagues to join us in supporting this legislation.

The VA health care system is in the midst of a major reorganization that is simultaneously reducing the current workforce and creating the need for more primary care health professionals. This reorganization has dramatically changed the way the VA delivers health care, by shifting the emphasis to outpatient rather than inpatient care. As part of this process, the Department of Veterans Affairs has set a goal of doubling the number of primary care providers in the VA health care system, and we want to assist them. There are two good ways to hire and keep highly skilled professionals—offer incentives to current employees to get training in new areas of need by providing scholarships, and recruit new primary care providers by offering assistance in paying off student loans. This legislation, which includes both a scholarship program and an education debt reduction program, can help.

The VA needs educational assistance programs such as these to effectively recruit and retain trained primary care health professionals. In the VA hospitals and clinics, some of the most difficult positions to fill are those of nurse practitioners, physical therapists, and occupational therapists. In my home state of West Virginia, for example, at one of the VA hospitals there has been a vacancy for an occupational therapist for over twelve years! Two of the VA hospitals have no physical therapists at all. This is simply unacceptable.

The plain fact is that the VA cannot offer the same starting salaries as those available in private practice. The Education Debt Reduction Program included within the Primary Care Providers Incentive Act gives the VA a financial recruitment tool that will be

an enormous help in making the VAMCs more competitive for these much-needed and highly skilled individuals. This program was first designed by Senator MIKULSKI in 1993 in recognition of this very problem. It was needed then, and it is still needed now.

Recruitment is only half the problem in building a new workforce that is geared toward providing primary care. Retention of trained people, especially in the face of low morale due to budget cuts, is equally important. The scholarship program in this legislation is designed to answer this very need. Eligibility is limited to current VA employees, thus enabling VA to build staff morale. The scholarship program provides a means for vulnerable employees to protect themselves against future RIFs by acquiring training in the new areas of need. And, VA gets the workforce they need, composed of motivated and loyal employees.

Professional associations representing primary care health workers, VAMC human resources personnel, and past recipients of VA scholarships are strongly in support of this legislation. Although this is a time of budget reductions in health care, these programs are a worthwhile investment, enhancing morale of the VA health care providers in the short term, while building a workforce that matches VA's needs and improves veterans' health care in the long run.

Mr. President, I ask that the text of the bill be printed in the RECORD at this point.

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

S. 2115

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Department of Veterans Affairs Primary Care Providers Incentive Act of 1998''.

SEC. 2. SCHOLARSHIP PROGRAM FOR DEPARTMENT OF VETERANS AFFAIRS EMPLOYEES RECEIVING EDUCATION OR TRAINING IN THE HEALTH PROFESSIONS.

(a) PROGRAM AUTHORITY.—(1) Chapter 76 of title 38, United States Code, is amended by adding at the end the following new subchapter:

''SUBCHAPTER VI—EMPLOYEE INCENTIVE SCHOLARSHIP PROGRAM

''§ 7671. Authority for program

''As part of the Educational Assistance Program, the Secretary shall carry out a scholarship program under this subchapter. The program shall be known as the Department of Veterans Affairs Employee Incentive Scholarship Program (hereinafter in this subchapter referred to as the 'Program').

''§ 7672. Eligibility; agreement

''(a) ELIGIBILITY.—To be eligible to participate in the Program, an individual—

''(1) must be an eligible Department employee who is accepted for enrollment or enrolled (as described in section 7602 of this title) as a full-time or part-time student in a field of education or training described in subsection (c); and

''(2) must demonstrate financial need, as determined under regulations prescribed by the Secretary.

''(b) ELIGIBLE DEPARTMENT EMPLOYEES.—For purposes of subsection (a), an eligible Department employee is any employee of the Department who, as of the date on which the employee submits an application for participation in the Program, has been continuously employed by the Department for not less than two years.

''(c) QUALIFYING FIELDS OF EDUCATION OR TRAINING.—A scholarship may be awarded under the Program only for education and training in a field leading to appointment or retention in a position under section 7401 of this title.

''(d) PREFERENCE IN AWARD OF SCHOLARSHIPS.—(1) Notwithstanding section 7603(d) of this title and subject to paragraph (2), in selecting participants in the Program, the Secretary shall give preference to the following applicants, in the order specified:

''(A) Applicants who are or will be pursuing a course of education or training in a field relating to the provision of primary care health services, as designated by the Secretary.

''(B) Applicants who are employed at Department health-care facilities located in rural areas or at which there is an inadequate supply of individuals qualified to hold a position under section 7401 of this title, as so designated.

''(2) In the case of a pool of applicants covered by subparagraph (A) or (B) of paragraph (1), the Secretary shall give preference in the award of scholarships to the members of the pool who have the greatest financial need.

''(3) The Secretary shall maintain, and update periodically, a list setting forth—

''(A) the fields of education or training covered by subparagraph (A) of paragraph (1); and

''(B) the facilities covered by subparagraph (B) of that paragraph.

''(e) AGREEMENT.—(1) An agreement between the Secretary and a participant in the Program shall (in addition to the requirements set forth in section 7604 of this title) include the following:

''(A) The Secretary's agreement to provide the participant with a scholarship under the Program for a specified number (from one to three) of school years during which the participant pursues a course of education or training described in subsection (c) that meets the requirements set forth in section 7602(a) of this title.

''(B) The participant's agreement to serve as a full-time employee in the Veterans Health Administration for a period of time (hereinafter in this subchapter referred to as the 'period of obligated service') of one calendar year for each school year or part thereof for which the participant was provided a scholarship under the Program, but for not less than two years.

''(C) The participant's agreement to serve under subparagraph (B) in a Department facility selected by the Secretary.

''(2) In a case in which an extension is granted under section 7673(c)(2) of this title, the number of years for which a scholarship may be provided under the Program shall be the number of school years provided for as a result of the extension.

''(3) In the case of a participant who is a part-time student—

''(A) the period of obligated service shall be reduced in accordance with the proportion that the number of credit hours carried by such participant in any such school year bears to the number of credit hours required to be carried by a full-time student in the course of training being pursued by the participant, but in no event to less than one year; and

''(B) the agreement shall include the participant's agreement to maintain employment, while enrolled in such course of education or training, as a Department employee permanently assigned to a Department health-care facility.

''§ 7673. Scholarship

''(a) SCHOLARSHIP.—A scholarship provided to a participant in the Program for a school year shall consist of payment of the tuition of the participant for that school year and payment of other reasonable educational expenses (including fees, books, and laboratory expenses) for that school year.

''(b) AMOUNTS.—The total amount of the scholarship payable under subsection (a)—

''(1) in the case of a participant in the Program who is a full-time student, may not exceed $10,000 for any one year; and

''(2) in the case of a participant in the Program who is a part-time student, shall be the amount specified in paragraph (1) reduced in accordance with the proportion that the number of credit hours carried by the participant in that school year bears to the number of credit hours required to be carried by a full-time student in the course of education or training being pursued by the participant.

''(c) LIMITATION ON YEARS OF PAYMENT.—(1) Subject to paragraph (2), a participant in the Program may not receive a scholarship under subsection (a) for more than three school years.

''(2) The Secretary may extend the number of school years for which a scholarship may be awarded to a participant in the Program who is a part-time student to a maximum of six school years if the Secretary determines that the extension would be in the best interest of the United States.

''(d) PAYMENT OF EDUCATIONAL EXPENSES BY EDUCATIONAL INSTITUTIONS.—The Secretary may arrange with an educational institution in which a participant in the Program is enrolled for the payment of the educational expenses described in subsection (a). Such payments may be made without regard to subsections (a) and (b) of section 3324 of title 31.

''§ 7674. Status of certain participants

''(a) STATUS.—A participant in the Program described in subsection (b) shall not, by reason of such participation—

''(1) be considered an employee of the Federal Government; or

''(2) be counted against any personnel ceiling affecting the Veterans Health Administration.

''(b) COVERED PARTICIPANTS.—Subsection (a) applies in the case of any participant in the Program who is a student on a full-time basis and is not performing service for the Department.

''§ 7675. Obligated service

''(a) IN GENERAL.—Each participant in the Program shall provide service as a full-time employee of the Department for the period of obligated service provided in the agreement of the participant entered into under section 7603 of this title. Such service shall be provided in the full-time clinical practice of such participant's profession or in another health-care position in an assignment or location determined by the Secretary.

''(b) DETERMINATION OF SERVICE COMMENCEMENT DATE.—(1) Not later than 60 days before a participant's service commencement date, the Secretary shall notify the participant of that service commencement date. That date is the date for the beginning of the participant's period of obligated service.

''(2) As soon as possible after a participant's service commencement date, the Secretary shall—

''(A) in the case of a participant who is not a full-time employee in the Veterans Health

Administration, appoint the participant as such an employee; and

''(B) in the case of a participant who is an employee in the Veterans Health Administration but is not serving in a position for which the participant's course of education or training prepared the participant, assign the participant to such a position.

''(3)(A) In the case of a participant receiving a degree from a school of medicine, osteopathy, dentistry, optometry, or podiatry, the participant's service commencement date is the date upon which the participant becomes licensed to practice medicine, osteopathy, dentistry, optometry, or podiatry, as the case may be, in a State.

''(B) In the case of a participant receiving a degree from a school of nursing, the participant's service commencement date is the later of—

''(i) the participant's course completion date; or

''(ii) the date upon which the participant becomes licensed as a registered nurse in a State.

''(C) In the case of a participant not covered by subparagraph (A) or (B), the participant's service commencement date is the later of—

''(i) the participant's course completion date; or

''(ii) the date the participant meets any applicable licensure or certification requirements.

''(4) The Secretary shall by regulation prescribe the service commencement date for participants who were part-time students. Such regulations shall prescribe terms as similar as practicable to the terms set forth in paragraph (3).

''(c) COMMENCEMENT OF OBLIGATED SERVICE.—(1) Except as provided in paragraph (2), a participant in the Program shall be considered to have begun serving the participant's period of obligated service—

''(A) on the date, after the participant's course completion date, on which the participant (in accordance with subsection (b)) is appointed as a full-time employee in the Veterans Health Administration; or

''(B) if the participant is a full-time employee in the Veterans Health Administration on such course completion date, on the date thereafter on which the participant is assigned to a position for which the participant's course of training prepared the participant.

''(2) A participant in the Program who on the participant's course completion date is a full-time employee in the Veterans Health Administration serving in a capacity for which the participant's course of training prepared the participant shall be considered to have begun serving the participant's period of obligated service on such course completion date.

''(d) COURSE COMPLETION DATE DEFINED.—In this section, the term 'course completion date' means the date on which a participant in the Program completes the participant's course of education or training under the Program.

''§ 7676. Breach of agreement: liability

''(a) LIQUIDATED DAMAGES.—A participant in the Program (other than a participant described in subsection (b)) who fails to accept payment, or instructs the educational institution in which the participant is enrolled not to accept payment, in whole or in part, of a scholarship under the agreement entered into under section 7603 of this title shall be liable to the United States for liquidated damages in the amount of $1,500. Such liability is in addition to any period of obligated service or other obligation or liability under the agreement.

''(b) LIABILITY DURING COURSE OF EDUCATION OR TRAINING.—(1) Except as provided in subsection (d), a participant in the Program shall be liable to the United States for the amount which has been paid to or on behalf of the participant under the agreement if any of the following occurs:

''(A) The participant fails to maintain an acceptable level of academic standing in the educational institution in which the participant is enrolled (as determined by the educational institution under regulations prescribed by the Secretary).

''(B) The participant is dismissed from such educational institution for disciplinary reasons.

''(C) The participant voluntarily terminates the course of education or training in such educational institution before the completion of such course of education or training.

''(D) The participant fails to become licensed to practice medicine, osteopathy, dentistry, podiatry, or optometry in a State, fails to become licensed as a registered nurse in a State, or fails to meet any applicable licensure requirement in the case of any other health-care personnel who provide either direct patient-care services or services incident to direct patient-care services, during a period of time determined under regulations prescribed by the Secretary.

''(E) In the case of a participant who is a part-time student, the participant fails to maintain employment, while enrolled in the course of training being pursued by the participant, as a Department employee.

''(2) Liability under this subsection is in lieu of any service obligation arising under a participant's agreement.

''(c) LIABILITY DURING PERIOD OF OBLIGATED SERVICE.—(1) Except as provided in subsection (d), if a participant in the Program breaches the agreement by failing for any reason to complete such participant's period of obligated service, the United States shall be entitled to recover from the participant an amount determined in accordance with the following formula:

$$A = 3\Phi \left(\frac{t - s}{t} \right)$$

''(2) In such formula:

''(A) 'A' is the amount the United States is entitled to recover.

''(B) 'Φ' is the sum of—

''(i) the amounts paid under this subchapter to or on behalf of the participant; and

''(ii) the interest on such amounts which would be payable if at the time the amounts were paid they were loans bearing interest at the maximum legal prevailing rate, as determined by the Treasurer of the United States.

''(C) 't' is the total number of months in the participant's period of obligated service, including any additional period of obligated service in accordance with section 7673(c)(2) of this title.

''(D) 's' is the number of months of such period served by the participant in accordance with section 7673 of this title.

''(d) LIMITATION ON LIABILITY FOR REDUCTIONS-IN-FORCE.—Liability shall not arise under subsection (b)(1)(E) or (c) in the case of a participant otherwise covered by the subsection concerned if the participant fails to maintain employment as a Department employee due to a reduction-in-force.

''(e) PERIOD FOR PAYMENT OF DAMAGES.—Any amount of damages which the United States is entitled to recover under this section shall be paid to the United States within the one-year period beginning on the date of the breach of the agreement.

''§ 7677. Expiration of program

''The Secretary may not furnish scholarships to individuals who commence participation in the Program after December 31, 2001.''.

(2) The table of sections at the beginning of chapter 76 of title 38, United States Code, is amended by adding at the end the following:

''SUBCHAPTER VI—EMPLOYEE INCENTIVE SCHOLARSHIP PROGRAM

''7671. Authority for program.
''7672. Eligibility; agreement.
''7673. Scholarship.
''7674. Status of certain participants.
''7675. Obligated service.
''7676. Breach of agreement: liability.
''7677. Expiration of program.''.

(b) REGULATIONS.—The Secretary of Veterans Affairs may treat regulations prescribed subchapter II of chapter 76 of title 38, United States Code, as regulations required under subchapter VI of that chapter, as added by subsection (a), but only to the extent that the regulations prescribed under such subchapter II are not inconsistent with the provisions of such subchapter VI.

SEC. 3. EDUCATION DEBT REDUCTION PROGRAM FOR VETERANS HEALTH ADMINISTRATION HEALTH PROFESSIONALS.

(a) PROGRAM AUTHORITY.—Chapter 76 of title 38, United States Code (as amended by section 2), is further amended by adding after subchapter VI the following new subchapter:

''SUBCHAPTER VII—EDUCATION DEBT REDUCTION PROGRAM

''§ 7681. Authority for program

''(a) IN GENERAL.—(1) As part of the Educational Assistance Program, the Secretary may carry out an education debt reduction program under this subchapter. The program shall be known as the Department of Veterans Affairs Primary Care Workers Education Debt Reduction Program (hereinafter in this subchapter referred to as the 'Education Debt Reduction Program').

''(2) The purpose of the Education Debt Reduction Program is to assist personnel serving in health-care positions in the Veterans Health Administration in reducing the amount of debt incurred by such personnel in completing programs of education or training that qualified such personnel for such service.

''(b) RELATIONSHIP TO EDUCATIONAL ASSISTANCE PROGRAM.—Education debt reduction payments under the Education Debt Reduction Program shall be in addition to other assistance available to individuals under the Educational Assistance Program.

''§ 7682. Eligibility

''(a) ELIGIBILITY.—An individual eligible to participate in the Education Debt Reduction Program is any individual who—

''(1) is serving in a position in the Veterans Health Administration under an appointment under section 7402(b) of this title; and

''(2) owes any amount of principal or interest under a loan the proceeds of which were used by or on behalf of the individual to pay costs relating to a course of education or training which led to a degree that qualified the individual for a position referred to in paragraph (1).

''(b) COVERED COSTS.—For purposes of subsection (a)(2), costs relating to a course of education or training include—

''(1) tuition expenses;

''(2) all other reasonable educational expenses, including expenses for fees, books, and laboratory expenses; and

''(3) reasonable living expenses.

''§ 7683. Preference

''(a) PREFERENCE.—Notwithstanding section 7603(d) of this title, in selecting individuals for education debt reduction payments

under the Education Debt Reduction Program, the Secretary shall give preference to the following (in the order specified):

''(1) Individuals recently appointed by the Secretary to positions under section 7401 of this title in fields relating to primary care health services, as designated by the Secretary.

''(2) Individuals recently appointed by the Secretary to positions under such section in areas in which the recruitment or retention of an adequate supply of qualified healthcare personnel is difficult, as so designated.

''(3) Any other individuals serving in appointments to positions described in paragraphs (1) and (2).

''(b) RECENTLY APPOINTED INDIVIDUALS.—An individual shall be treated as recently appointed to a position for purposes of subsection (a) if the individual was appointed to the position not more than 6 months before the date of treatment for such purposes.

''§ 7684. Education debt reduction

''(a) IN GENERAL.—Education debt reduction payments under the Education Debt Reduction Program shall consist of payments to individuals selected to participate in the program of amounts to reimburse such individuals for payments by such individuals of principal and interest on loans described in section 7682(a)(2) of this title.

''(b) FREQUENCY OF PAYMENT.—(1) The Secretary may make education debt reduction payments to any given participant in the Education Debt Reduction Program on a monthly or annual basis, at the election of the Secretary.

''(2) The Secretary shall make such payments at the end of the period elected by the Secretary under paragraph (1).

''(c) PERFORMANCE REQUIREMENT.—The Secretary may make education debt reduction payments to a participant in the Education Debt Reduction Program for a period only if the Secretary determines that the individual maintained an acceptable level of performance in the position or positions served by the participant during the period.

''(d) MAXIMUM ANNUAL AMOUNT.—(1) Subject to paragraph (2), the total amount of education debt reduction payments made to a participant for a year under the Education Debt Reduction Program shall be—

''(A) $6,000 for the first year of the participant's participation in such Program;

''(B) $8,000 for the second year of the participant's participation in such Program; and

''(C) $10,000 for the third year of the participant's participation in such Program.

''(2) The total amount payable to a participant in such Program for any year may not exceed the amount of the principle and interest on loans referred to in subsection (a) that is paid by the individual during such year.

''§ 7685. Expiration of program

''The Secretary may not make education debt reduction payments to individuals who commence participation in the Education Debt Reduction Program after December 31, 2001.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 76 of title 38, United States Code (as amended by section 2(b)), is further amended by adding at the end the following:

''SUBCHAPTER VII—EDUCATION DEBT REDUCTION PROGRAM

''7681. Authority for program.
''7682. Eligibility.
''7683. Preference.
''7684. Education debt reduction.
''7685. Expiration of program.''.

SEC. 4. REPEAL OF PROHIBITION ON PAYMENT OF TUITION LOANS.

Section 523(b) of the Veterans Health Care Act of 1992 (Public Law 102–585; 106 Stat. 4959; 38 U.S.C. 7601 note) is repealed.

SEC. 5. OUTREACH.

The Secretary of Veterans Affairs shall take appropriate actions to notify employees of the Department of Veterans Affairs of the benefits available under the Department of Veterans Affairs Employee Incentive Scholarship Program under subchapter VI of chapter 76 of title 38, United States Code (as added by section 2), and under the Department of Veterans Affairs Primary Care Workers Education Debt Reduction Program under subchapter VII of that chapter (as added by section 3).

SEC. 6. CONFORMING AMENDMENTS.

Chapter 76 of title 38, United States Code (as amended by this Act), is further amended as follows:

(1) In section 7601(a)—

(A) by striking out ''and'' at the end of paragraph (2);

(B) by striking out the period at the end of paragraph (3) and inserting in lieu thereof a semicolon; and

(C) by adding at the end the following:

''(4) the employee incentive scholarship program provided for in subchapter VI of this chapter; and''; and

''(5) the education debt reduction program provided for in subchapter VII of this chapter.''.

(2) In section 7602—

(A) in subsection (a)(1)—

(i) by striking out ''subchapter I or II'' and inserting in lieu thereof ''subchapter II, III, or VI'';

(ii) by striking out ''or for which'' and inserting in lieu thereof '', for which''; and

(iii) by inserting before the period at the end the following: '', or for which a scholarship may be awarded under subchapter VI of this chapter, as the case may be''; and

(B) in subsection (b), by striking out ''subchapter I or II'' and inserting in lieu thereof ''subchapter II, III, or VI''.

(3) In section 7603—

(A) in subsection (a)—

(i) by striking out ''To apply to participate in the Educational Assistance Program,'' and inserting in lieu thereof ''(1) To apply to participate in the Educational Assistance Program under subsection II, III, V, or VI of this chapter,''; and

(ii) by adding at the end the following:

''(2) To apply to participate in the Educational Assistance Program under subchapter VII of this chapter, an individual shall submit to the Secretary an application for such participation.''; and

(B) in subsection (b)(1), by inserting ''(if required)'' before the period at the end.

(4) In section 7604, by striking out ''subchapter II, III, or V'' each place it appears in paragraphs (1)(A), (2)(D), and (5) and inserting in lieu thereof ''subchapter II, III, V, or VI''.

(5) In section 7632—

(A) in paragraph (1)—

(i) by striking out ''and the Tuition Reimbursement Program'' and inserting in lieu thereof '', the Tuition Reimbursement Program, the Employee Incentive Scholarship Program, and the Education Debt Reduction Program''; and

(ii) by inserting ''(if any)'' after ''number of students'';

(B) in paragraph (2), by inserting ''(if any)'' after ''education institutions''; and

(C) in paragraph (4)—

(i) by striking ''and per participant'' and inserting in lieu thereof '', per participant''; and

(ii) by inserting '', per participant in the Employee Incentive Scholarship Program, and per participant in the Education Debt Reduction Program'' before the period at the end.

(6) In section 7636, by striking ''or a stipend'' and inserting ''a stipend, or education debt reduction''.●

● Ms. MIKULSKI. Mr. President, today I am cosponsoring with Senator ROCKEFELLER, the DVA Primary Care Incentive Act of 1998.

Mr. President, I believe that this bill will ultimately benefit our veterans. It will help the Department of Veterans Affairs in its effort to provide the highest quality of care that our veterans deserve.

Mr. President, this bill will create a new Education Debt Reduction program, and an Employee Incentive Scholarship Program. The Debt Reduction Program will aid the VA in its efforts to increase its number of primary care professionals. Preference will be given to those choosing to serve at rural or under-served sites, and to those professionals in hard to fill specialties. The bill provides the Secretary of the VA with the discretion to determine priority needs with respect to profession, and locations with the greatest need. Debt Reduction program recipients will have to serve a term with the VA equivalent to the length of the repayments. A key component of the Debt Reduction Program is that each years repayments won't begin until a person has completed a corresponding year of service to the VA. This requirement is critical to ensuring that our veterans get the service they deserve, and that taxpayers get a return on their tax dollars invested.

Mr. President, I introduced a debt reduction bill in 1992 because I recognized the need to provide the VA with adequate resources to recruit the professionals it needs. And I realized that some who may want to get the training to help our veterans may not have all of the necessary means to do so. I applaud Senator ROCKEFELLER for including an updated debt reduction component to this bill.

The second component of the bill is the Employee Incentive Scholarship Program. This is designed to help meet the VA's need for more primary care professionals and to help retain and retrain some of the VA's current employees. Like the Debt Reduction program, priority would be given to those willing to serve in under-served areas and in hard to fill specialties. Recipients would also have to serve at a VA clinical site for a term equivalent to the scholarship term. The difference is that the Scholarship program would be open only to current VA employees with a minimum of two years of service. We want to ensure that those benefiting from the Scholarship program have demonstrated a commitment to the VA. We also want to provide the opportunity structure for those employees who want to expand their skills and move into new fields.

In 1996, Veterans Health Administration Under Secretary for Health, Dr. Kenneth Kizer, published a work called ''Prescription for Change''. In it, he noted the VA's goal to increase the

number of VA non-physician primary care providers by 200 percent by 1998. While the VA has made progress, it has not met its goal. This bill seeks to provide another tool in the VA's tool belt that will allow it to meet its goal.

Mr. President, I have been an advocate for our nation's veterans for years. I firmly believe that promises made to our nations veterans must be promises kept. Our veterans risked their lives for our freedom and the protection of democracy. I believe that we as a nation are committed to providing the services that our veterans need.

As the VA continues its move to more outpatient primary care, we must make sure that the VA can attract and retain the type of professionals who can give our veterans the medical care and treatment they deserve.

I urge my colleagues' support.●

By Mr. LUGAR:

S. 2116. A bill to clarify and enhance the authorities of the Chief Information Officer of the Department of Agriculture; to the Committee on Agriculture, Nutrition, and Forestry.

THE USDA INFORMATION TECHNOLOGY REFORM AND YEAR-2000 COMPLIANCE ACT OF 1998

● Mr. LUGAR. Mr. President, today I introduce the USDA Information Technology Reform and Year-2000 Compliance Act of 1998. This legislation aims to centralize all year 2000 computer conversion and other information technology acquisition and management activities within the Officer of the Chief Information Office of the Department of Agriculture. Centralization is the most efficient way to manage the complex and important task of ensuring that all critical computer functions at the department are operational on January 1, 2000. It is also a wiser and more cost effective way to construct an information technology infrastructure to enable USDA's hundreds of computer systems to interoperate, which unfortunately they cannot now do.

The Department of Agriculture is charged with enormous responsibilities and its year 2000 readiness is crucial. It has a diverse portfolio of over 200 federal programs throughout the nation and the world. The department delivers about $80 billion in programs. It is the fourth largest federal agency, with 31 agencies and offices. The department is responsible for the safety of our food supply, nutrition programs that serve the poor, young and old, and the protection of our natural resources. Since forty percent of the non-tax debt owed to the federal government is owed to USDA, the department has a responsibility to ensure the financial soundness of taxpayers' investments.

The dentralized approach to the year 2000 issue at USDA has led to a lack of focus on departmental priorities. In fact, none exist. No planning to assure the continuation of the overall mission of the department has occurred. Each agency has been allowed to determine what services, programs and activities it deems important enough to be operational at the end of the millennium. This decentralized approach has also led to a lack of guidance, oversight and the development of contingency plans. At a hearing before the Committee on Agriculture, Nutrition, and Forestry on May 14th, the General Accounting Office reported that eighty percent of the work remains to be done in the ten component agencies reviewed. Responsibility for keeping the mission-critical information technology functioning should clearly rest with the Chief Information Officer.

In fiscal year 1998 alone, USDA plans to spend approximately $1.2 billion on information technology and related information resources management activities. The General Accounting Office has chronicled USDA's long history of problems in managing its substantial information technology investments. The GAO reports that such ineffective planning and management have resulted in USDA's wasting millions of dollars on computer systems.

Last year, I introduced S. 805, a bill to reform the information technology systems of the Department of Agriculture. It gave the Chief Information Officer control over the planning, development and acquisition of information technology at the department. Introduction of that bill prompted some coordination of information technology among the department's agencies and offices. However, component agencies are still allowed to independently acquire and manage information technology investments solely on the basis of their own parochial interests or needs. This revised legislation is now needed to strengthen that coordination and ensure that centralized information technology management continues in the future.

This legislation further requires that the Chief Information Officer manage the design and implementation of an information technology architecture based on strategic business plans that maximizes the effectiveness and efficiency of USDA's program activities. Included in the bill is authority for the Chief Information Officer to approve expenditures for information resources and for year 2000 compliance purposes, except for minor acquisitions. To accomplish these purposes, the bill requires that each agency transfer not less than five percent of its information technology budget to the Chief Information Officer's control.

The bill makes the Chief Information Officer responsible for ensuring that the information technology architecture facilitates a flexible common computing environment for the field service centers based on integrated program delivery and provides maximum data sharing with USDA customers and other federal and state agencies, which is expected to result in significant reduction in operating costs.

Mr. President, this is a bill whose time has come. Unfortunately, USDA's problems in managing information technology are not unusual among government agencies, according to the General Accounting Office. I commend the attention of my colleagues to this bill designed to address a portion of the information resource management problems of the federal government and ask for their support of it.●

By Mr. JOHNSON (for himself and Mr. DASCHLE):

S. 2117. A bill to authorize the construction of the Perkins County Rural Water System and authorize financial assistance to the Perkins County Rural Water System, Inc., a nonprofit corporation, in the planning and construction of the water supply system, and for other purposes; to the Committee on Energy and Natural Resources.

PERKINS COUNTY RURAL WATER SYSTEM ACT OF 1998

● Mr. JOHNSON. Mr. President, today I am proud to introduce legislation to authorize a critically important rural water system in South Dakota, the ''Perkins County Rural Water System Act of 1998.'' I am pleased to have my good friend and colleague from South Dakota, Senator DASCHLE, as an original cosponsor of this important legislation, which I had introduced during the 104th Congress as a Member of the House of Representatives. Congressman THUNE of South Dakota is the sponsor of similar legislation in the House during this Congress. This legislation is also strongly supported by the State of South Dakota and local project sponsors, who have demonstrated that support by agreeing to substantial financial contributions from the local level.

Like many parts of South Dakota, Perkins County has insufficient water supplies of reasonable quality available, and the water supplies that are available do not meet the minimum health and safety standards, thereby posing a threat to public health and safety.

In addition to improving the health of residents in the region, I strongly believe that this rural drinking water delivery project will help to stabilize the rural economy as well. Water is a basic commodity and is essential if we are to foster rural development in many parts of rural South Dakota, including the Perkins County area.

The ''Perkins County Rural Water System Act of 1998'' authorizes the Bureau of Reclamation to construct a Perkins County Rural Water System providing service to approximately 2,500 people, including the communities of Lemmon and Bison, as well as rural residents. The Perkins County Rural Water System is located in northwestern South Dakota along the South Dakota/North Dakota border and it will be an extension of an existing rural water system in North Dakota, the Southwest Pipeline Project. The State of South Dakota has worked closely with the State of North Dakota over the years on the Perkins County connection to the Southwest Pipeline Project. A feasibility study completed

in 1994 looked at several alternatives for a dependable water supply, and the connection to the Southwest Pipeline Project is clearly the most feasible for the Perkins County area.

Mr. President, South Dakota is plagued by water of exceedingly poor quality, and the Perkins County rural water project is an effort to help provide clean water—a commodity most of us take for granted—to the people of Perkins County, South Dakota. I am a strong believer in the federal governments role in rural water delivery, and I hope to continue to advance that agenda both in South Dakota and around the country. I urge my colleagues to support this important rural water legislation, and I look forward to working with my colleagues on the Senate Energy and Natural Resources Committee to move forward on enactment as quickly as possible.

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. 2117

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Perkins County Rural Water System Act of 1997''.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) there are insufficient water supplies of reasonable quality available to the members of the Perkins County Rural Water System located in Perkins County, South Dakota, and the water supplies that are available do not meet minimum health and safety standards, thereby posing a threat to public health and safety;

(2) in 1977, the North Dakota State Legislature authorized and directed the State Water Commission to conduct the Southwest Area Water Supply Study, which included water service to a portion of Perkins County, South Dakota;

(3) amendments made by the Garrison Diversion Unit Reformulation Act of 1986 (Public Law 101–294) authorized the Southwest Pipeline project as an eligible project for Federal cost share participation;

(4) the Perkins County Rural Water System has continued to be recognized by the State of North Dakota, the Southwest Water Authority, the North Dakota Water Commission, the Department of the Interior, and Congress as a component of the Southwest Pipeline Project; and

(5) the best available, reliable, and safe rural and municipal water supply to serve the needs of the Perkins County Rural Water System, Inc., members is the waters of the Missouri River as delivered by the Southwest Pipeline Project in North Dakota.

(b) PURPOSES.—The purposes of this Act are—

(1) to ensure a safe and adequate municipal, rural, and industrial water supply for the members of the Perkins County Rural Water Supply System, Inc., in Perkins County, South Dakota;

(2) to assist the members of the Perkins County Rural Water Supply System, Inc., in developing safe and adequate municipal, rural, and industrial water supplies; and

(3) to promote the implementation of water conservation programs by the Perkins County Rural Water System, Inc.

SEC. 3. DEFINITIONS.

In this Act:

(1) FEASIBILITY STUDY.—The term ''feasibility study'' means the study entitled ''Feasibility Study for Rural Water System for Perkins County Rural Water System, Inc.'', as amended in March 1995.

(2) PROJECT CONSTRUCTION BUDGET.—The term ''project construction budget'' means the description of the total amount of funds that are needed for the construction of the water supply system, as described in the feasibility study.

(3) PUMPING AND INCIDENTAL OPERATIONAL REQUIREMENTS.—The term ''pumping and incidental operational requirements'' means all power requirements that are incidental to the operation of intake facilities, pumping stations, water treatment facilities, cooling facilities, reservoirs, and pipelines to the point of delivery of water by the Perkins County Rural Water System to each entity that distributes water at retail to individual users.

(4) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior, acting through the Commissioner of the Bureau of Reclamation.

(5) WATER SUPPLY SYSTEM.—The term ''water supply system'' means the Perkins County Rural Water System, Inc., a nonprofit corporation, established and operated substantially in accordance with the feasibility study.

SEC. 4. FEDERAL ASSISTANCE FOR WATER SUPPLY SYSTEM.

(a) IN GENERAL.—The Secretary shall make grants to the water supply system for the Federal share of the costs of—

(1) the planning and construction of the water supply system; and

(2) repairs to existing public water distribution systems to ensure conservation of the resources and to make the systems functional under the new water supply system.

(b) SERVICE AREA.—The water supply system shall provide for safe and adequate municipal, rural, and industrial water supplies, mitigation of wetlands areas, repairs to existing public water distribution systems, and water conservation in Perkins County, South Dakota.

(c) AMOUNT OF GRANTS.—Grants made available under subsection (a) to the water supply system shall not exceed the Federal share under section 10.

(d) LIMITATION ON AVAILABILITY OF CONSTRUCTION FUNDS.—The Secretary shall not obligate funds for the construction of the water supply system until—

(1) the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) are met with respect to the water supply system;

(2) a final engineering report has been prepared and submitted to Congress for a period of not less than 90 days before the commencement of construction of the system; and

(3) the water supply system has developed and implemented a water conservation program.

SEC. 5. WATER CONSERVATION PROGRAM.

(a) PURPOSE.—The water conservation program under section 4(d)(3) shall be designed to ensure that users of water from the water supply system will use the best practicable technology and management techniques to conserve water use.

(b) DESCRIPTION.—The water conservation program shall include—

(1) low consumption performance standards for all newly installed plumbing fixtures;

(2) leak detection and repair programs;

(3) rate structures that do not include declining block rate schedules for municipal households or special water users (as defined in the feasibility study);

(4) public education programs;

(5) coordinated operation and maintenance (including necessary repairs to ensure minimal water losses) by and between the water supply system and any member of the system that is a preexisting water supply facility within the service area of the system; and

(6) coordinated operation between the Southwest Pipeline Project of North Dakota and the Perkins County Rural Water System, Inc., of South Dakota.

(c) REVIEW AND REVISION.—The program described in subsection (b) shall contain provisions for periodic review and revision, in cooperation with the Secretary.

SEC. 6. MITIGATION OF FISH AND WILDLIFE LOSSES.

Mitigation of fish and wildlife losses incurred as a result of the construction and operation of the water supply system shall be on an acre-for-acre basis, based on ecological equivalency, concurrent with project construction, as provided in the feasibility study.

SEC. 7. USE OF PICK-SLOAN POWER.

(a) IN GENERAL.—From power designated for future irrigation and drainage pumping for the Pick-Sloan Missouri River Basin Program, the Western Area Power Administration shall make available the capacity and energy required to meet the pumping and incidental operational requirements of the water supply system during the period beginning May 1 and ending October 31 of each year.

(b) CONDITIONS.—The capacity and energy described in subsection (a) shall be made available on the following conditions:

(1) The water supply system shall be operated on a not-for-profit basis.

(2) The water supply system shall contract to purchase its entire electric service requirements, including the capacity and energy made available under subsection (a), from a qualified preference power supplier that itself purchases power from the Western Area Power Administration.

(3) The rate schedule applicable to the capacity and energy made available under subsection (a) shall be the firm power rate schedule of the Pick-Sloan Eastern Division of the Western Area Power Administration in effect when the power is delivered by the Administration.

(4) It shall be agreed by contract among—

(A) the Western Area Power Administration;

(B) the power supplier with which the water supply system contracts under paragraph (2);

(C) the power supplier of the entity described in subparagraph (B); and

(D) the Perkins County Rural Water System, Inc.;

that in the case of the capacity and energy made available under subsection (a), the benefit of the rate schedule described in paragraph (3) shall be passed through to the water supply system, except that the power supplier of the water supply system shall not be precluded from including, in the charges of the supplier to the water system for the electric service, the other usual and customary charges of the supplier.

SEC. 8. NO LIMITATION ON WATER PROJECTS IN STATES.

This Act does not limit the authorization for water projects in South Dakota and North Dakota under law in effect on or after the date of enactment of this Act.

SEC. 9. WATER RIGHTS.

Nothing in this Act—

(1) invalidates or preempts State water law or an interstate compact governing water;

(2) alters the rights of any State to any appropriated share of the waters of any body of

surface or ground water, whether determined by past or future interstate compacts or by past or future legislative or final judicial allocations;

(3) preempts or modifies any Federal or State law, or interstate compact, dealing with water quality or disposal; or

(4) confers on any non-Federal entity the ability to exercise any Federal right to the waters of any stream or to any ground water resource.

SEC. 10. FEDERAL SHARE.

The Federal share under section 4 shall be 75 percent of—

(1) the amount allocated in the total project construction budget for the planning and construction of the water supply system under section 4; and

(2) such sums as are necessary to defray increases in development costs reflected in appropriate engineering cost indices after March 1, 1995.

SEC. 11. NON-FEDERAL SHARE.

The non-Federal share under section 4 shall be 25 percent of—

(1) the amount allocated in the total project construction budget for the planning and construction of the water supply system under section 4; and

(2) such sums as are necessary to defray increases in development costs reflected in appropriate engineering cost indices after March 1, 1995.

SEC. 12. CONSTRUCTION OVERSIGHT.

(a) AUTHORIZATION.—The Secretary may provide construction oversight to the water supply system for areas of the water supply system.

(b) PROJECT OVERSIGHT ADMINISTRATION.—The amount of funds used by the Secretary for planning and construction of the water supply system may not exceed an amount equal to 3 percent of the amount provided in the total project construction budget for the portion of the project to be constructed in Perkins County, South Dakota.

SEC. 13. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated—

(1) $15,000,000 for the planning and construction of the water system under section 4; and

(2) such sums as are necessary to defray increases in development costs reflected in appropriate engineering cost indices after March 1, 1995.●

By Mr. CHAFEE (for himself, Mr. BREAUX, Mr. MURKOWSKI, Mr. COCHRAN, Mr. INOUYE, Mr. DASCHLE, Mr. ROCKEFELLER, Mr. MACK, Mr. LUGAR, Mr. BUMPERS, Mr. FRIST, and Mr. SANTORUM):

S. 2118. A bill to amend the Internal Revenue Code of 1986 to reduce the tax on vaccines to 25 per dose; to the Committee on Finance.

LEGISLATION LOWERING THE FEDERAL EXCISE TAX ON VACCINES

● Mr. CHAFEE. Mr. President, today I am introducing legislation reducing the excise tax on vaccines from seventy-five cents to twenty-five cents per dose. I am introducing this bill along with my colleagues on the Finance Committee, Senators BREAUX, MACK and ROCKEFELLER as well as Senators DASCHLE, MURKOWSKI, COCHRAN, INOUYE, LUGAR, BUMPERS, FRIST, and SANTORUM.

Vaccines are a modern miracle—preventing disease and illness often for a lifetime with just a few doses. Vaccines have virtually eliminated the scourge of smallpox in the world. Polio as a wild virus has been eliminated in the western hemisphere. Measles, mumps, rubella, pertussis, diphtheria, tetanus and hepatitis vaccines have saved thousands of lives. Technology in vaccines is on the brink of preventing other diseases ranging from Lyme disease to widespread rotavirus in the third world.

Unfortunately, there is a small minority of children whose systems cannot handle vaccines and become injured. Recognizing this problem and acknowledging that childhood vaccination is required, Congress in 1986 set up a Vaccine Injury Compensation Trust Fund into which federal excise taxes are paid. This modified no-fault system allows parents of vaccine-injured children to receive compensation for their children if the vaccine is covered by the fund. Childhood vaccines recommended by the federal government for routine use in children are covered (1) once approved by the Advisory Committee on Immunization Practices, (2) added to the Vaccine Injury Compensation Program (VICP), and (3) included on the list of vaccines on which the tax is imposed by Congress.

When the trust fund was established there was no experience with what claims would commit to and what the size of the tax should be. Estimates were made and different tax levels were established for each vaccine.

By 1993, it was apparent that the tax levels were far too high and a surplus was building up in the fund. Today that surplus totals 1.2 billion dollars. The Ways and Means and Finance Committees directed the Administration to study the system and develop a proposal that solves the overfunding problem.

A consensus proposal was drafted and signed on to by all sectors of the public health community—physicians, manufacturers, parent's groups and health departments. That plan called for a new flat tax of 51 cents per antigen (or disease). But even this new rate was far more than was necessary to fund the system. For example, the guardian of the fund, the Advisory Commission on Childhood Vaccines, recommended 25 cents per antigen even when the surplus was half its level today.

Last year, as part of the balanced budget bill, Congress established a single rate tax structure but did so at a level of seventy-five cents per dose. The seventy-five cents per dose amount was chosen to satisfy the revenue neutrality goals of the overall bill. Congress did not solve the overfunding problem and the result was that while some vaccine taxes were reduced dramatically, others were increased. Three new vaccines were added to the program at the seventy-five cents per dose rate.

At the beginning of this year, the Vaccine Injury Compensation Trust Fund had a balance of 1.2 billion dollars. If you assumed that future outlays from the fund would be twice as large as the fund's average over the past eight years, it would take more than 20 years to exhaust the assets in the trust fund, even if no excise tax revenues were collected from this date forward. Stated another way, the interest earned on the trust fund assets is more than enough to pay annual claims and administrative cost. As with many other trust funds within the federal budget, these taxes are being used for other federal spending.

This proposal will also provide significant benefits to the states. When states purchase vaccines they pay the excise tax. Our bill would save the States $52 million annually. For my home state of Rhode Island, that would amount to 353,000 dollars annually. By lowering these taxes we can lower health care costs to vaccine recipients and providers while saving states and the federal government the money they now pay in excise taxes when they buy vaccines.

This proposal is supported by physicians, state health departments, manufacturers and parental groups. Most significantly, the Advisory Commission on Childhood Vaccines (ACCV) which Congress created to make recommendations on changes to the Vaccine Injury Compensation Program, strongly supports this proposal.

I encourage my colleagues to join me as cosponsors of this important health initiative.●

● Mr. BREAUX. Mr. President, today I introduce with my colleague from Rhode Island, Senator CHAFEE, a very important bill for America's children. Our bill, the Vaccinate America's Children Now Act, will cut the excise tax on all vaccines to twenty-five cents per dose. Lowering the price of vaccines against such deadly and crippling diseases as polio and meningitis will not only result in lower health care costs, but also greater immunization rates. As a result, fewer American children will ever have to know the pain and devastation of childhood disease.

Federal excise taxes on vaccines were first enacted in the late 1980s to fund a vaccine injury compensation fund to pay for those rare injuries associated with vaccination. Since enactment, this compensation fund has accumulated a surplus of $1.2 billion and the surplus continues to grow. However, claims against the fund have been falling as a result of safer vaccines. The interest alone on this fund is now enough to pay the anticipated claims and costs each year. Lowering the excise tax rate on vaccines will not endanger the solvency of the vaccine injury compensation trust fund in any way. In fact, the guardian of the trust fund, the Advisory Commission on Childhood Vaccines has unanimously endorsed our proposal.

Lowering the vaccine tax rates will, however, reduce health care costs and make immunization more affordable. Our bill will save states money because

states pay these excise taxes when vaccines are purchased for state immunization programs. For example, our bill will save my own State of Louisiana approximately $1 million. Nationwide, reducing the excise tax will save the states almost $53 million. These cost savings are one reason why the Association of States and Territorial Health Officers which represents all of the state health departments also supports our bill.

Vaccines are a modern miracle—preventing disease and illness often for a lifetime with just a few doses. Vaccines have virtually eliminated the scourge of smallpox in the world. Polio as a wild virus has been eliminated in the western hemisphere. Measles, mumps, rubella, pertussis, diphtheria, tetanus and hepatitis vaccines have saved thousands of lives. We must do every thing that we can to ensure that children continue to be immunized. Our bill will make these vaccines more affordable and more available to all of America's children.●

By Mr. STEVENS (for himself and Mr. CAMPBELL):

S. 2119. A bill to amend the Amateur Sports Act to strengthen provisions protecting the right of athletes to compete, recognize the Paralympics and growth of disabled sports, improve the U.S. Olympic Committee's ability to resolve certain disputes, and for other purposes; to the Committee on Commerce, Science, and Transportation.

OLYMPIC AND AMATEUR SPORTS ACT AMENDMENTS OF 1998

Mr. STEVENS. Mr. President, I am pleased to introduce the Olympic and Amateur Sports Act Amendments of 1998, a bill to update the federal charter of the U.S. Olympic Committee and the framework for Olympic and amateur sports in the United States. Senator CAMPBELL joins me as an original cosponsor.

This framework is commonly known as the ''Amateur Sports Act,'' because most of its provisions were added by the Amateur Sports Act of 1978 (P.L. 95–606). The Act gives the U.S. Olympic Committee certain trademark protections to raise money—and does not provide recurring appropriations—so therefore does not come up for routine reauthorization.

The Amateur Sports Act has not been amended since the comprehensive revision of 1978—a revision which provided the foundation for the modern Olympic movement in the United States.

Key components of the 1978 Act included—

(1) measures to expand the authority of the U.S. Olympic Committee to allow it to better serve as the coordinating body for amateur sports;

(2) criteria for the selection of national governing bodies, and mechanisms to allow NGBs to be replaced if they are doing a poor job;

(3) and perhaps most importantly—comprehensive measures to protect the right of athletes to compete.

The 1978 Act was based on recommendations of President Ford's Commission on Olympic Sports, which had worked from 1975 until 1977 to determine how to correct factional disputes between sports organizations which were depriving many athletes of the opportunity to compete.

I served on the Commission, along with Senators Culver and Stone. When the Commission's report was delivered to Congress, Chairman Warren Magnuson asked me to head up the Commerce Committee's review. In addition to numerous working sessions, we spent two full days of Commerce Committee hearings on October 18 and October 19, 1977 discussing the report and the bill implementing it.

Our bill was enacted into law on November 8, 1978. It was a tremendous achievement, which had the consensus support of all entities involved—a rarity even then. It is a resilient statute which, to the credit of all involved, served its purposes for 15 years before showing signs of needing a tune-up.

Based on the review we've just completed, I can say that the Act is still fundamentally sound and that it will serve the United States admirably into the 21st century. However, the significant changes which have occurred in the world of Olympic and amateur sports since 1978 warrant some fine-tuning of the Act.

Some of the developments of the past 20 years include:

(1) that the schedule for the Olympics and Winter Olympics has been alternated so that games are held every two years, instead of every four—significantly increasing the workload of the U.S. Olympic Committee;

(2) that sports have begun to allow professional athletes to compete in some Olympic events;

(3) that even sports still considered ''amateur'' have athletes with greater financial opportunities and professional responsibilities than we ever considered in 1978; and

(4) that the Paralympics—the Olympics for disabled amateur athletes—have grown significantly in size and prestige.

These and other changes led me to call for a comprehensive review of the Amateur Sports Act in 1994. The Commerce Committee has held three hearings since then.

At the first and second—on August 11, 1994 and October 18, 1995—witnesses identified where the Amateur Sports Act was showing signs of strain. We postponed our work until after the 1996 Summer Olympics in Atlanta, but on April 21, 1997, held a third hearing at the Olympic Training Center in Colorado Springs to discuss solutions to the problems which had been identified.

By January, 1998, we'd refined the proposals into possible amendments to the Amateur Sports Act, which we discussed at length at an informal working session on January 26, 1998 in the Commerce Committee hearing room.

The bill that Senator CAMPBELL and I introduce today reflects the comments received in January, and excludes proposals for which consensus appeared unachievable.

Some measures in the bill may need further refinement, and if necessary, I will ask for unanimous consent to issue a star print on June 4, 1998. As with the 1978 Act, I believe we will have broad consensus on the bill, and I expect to present the bill to the Commerce Committee for its consideration during June.

I will include a longer summary of the bill for the RECORD, but will briefly explain its primary components:

(1) the bill would change the title of the underlying law to the ''Olympic and Amateur Sports Act'' to reflect that more than strictly amateurs are involved now, but without lessening the amateur and grass roots focus reflected in the title of the 1978 Act;

(2) the bill would add a number of measures to strengthen the provisions which protect athletes' rights to compete;

(3) it would add measures to improve the ability of the USOC to resolve disputes—particularly close the Olympics, Paralympics, or Pan-American Games—and reduce the legal costs and administrative burdens of the USOC;

(4) it would add measures to fully incorporate the Paralympics into the Amateur Sports Act, and update the existing provisions affecting disabled athletes;

(5) it would improve the notification requirements when an NGB has been put on probation or is being challenged;

(6) it would increase the reporting requirements of the USOC and NGB with respect to sports opportunities for women, minorities, and disabled individuals; and

(7) it would require the USOC to report back to Congress in five years with any additional changes that may be needed to the act.

Mr. President, I am the only Senator from President Ford's Commission still serving—and of the Commerce Committee members involved with the 1978 Act, only myself and Senators HOLLINGS, INOUYE, and FORD remain on the Committee.

It has therefore been very helpful to have Senator CAMPBELL—an Olympian himself in 1964—involved in this process. Senator CAMPBELL and I are hopeful the rest of the Senate and Congress will appreciate the need for the relatively minor improvements we propose today, and will help us enact these changes before the end of this Congress.

I ask unanimous consent that both my summary and the bill be printed in the RECORD.

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

S. 2119

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

SECTION 1. SHORT TITLE.

This Act may be referred to as the ''Olympic and Amateur Sports Act Amendments of 1998''.

SEC. 2. OLYMPIC AND AMATEUR SPORTS ACT; AMENDMENT OF ACT.

(a) The Act entitled ''An Act to incorporate the United States Olympic Association'', approved September 21, 1950 (36 U.S.C. 371 et seq.), as amended, shall be cited hereafter as the ''Olympic and Amateur Sports Act''.

(b) Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Olympic and Amateur Sports Act (36 U.S.C. 371 et seq.), as renamed by subsection (a).

SEC. 3. OBJECTS AND PURPOSES.

(a) Section 104(3) (36 U.S.C. 374(3)) is amended by inserting '', the Paralympic Games,'' after ''Olympic Games'' in both places it appears.

(b) Section 104(4) (36 U.S.C. 374(4)) is amended by inserting '', the Paralympic Games,'' after ''Olympic Games''.

(c) Section 104(13) (36 U.S.C. 374(13)) is amended to read as follows:

''(13) encourage and provide assistance to amateur athletic programs and competition for amateur athletes with disabilities, including, where feasible, the expansion of opportunities for meaningful participation by such amateur athletes in programs of athletic competition for able-bodied amateur athletes; and''.

SEC. 4. POWERS OF CORPORATION.

(a) Section 105(a)(2) (36 U.S.C. 375(a)(2)) is amended by inserting before the semicolon, ''and as its national Paralympic committee in relations with the International Paralympic Committee''.

(b) Section 105(a)(3) (36 U.S.C. 375(a)(3)) is amended by inserting '', the Paralympic Games,'' after ''Olympic Games''.

(c) Section 105(a)(4) (36 U.S.C. 375(a)(4)) is amended by inserting '', the Paralympic Games,'' after ''Olympic Games''.

(d) Section 105(a)(5) (36 U.S.C. 375(a)(5)) is amended by striking '', Pan-American world championship competition'' and inserting in lieu thereof ''Paralympic Games, the Pan-American Games, world championship competition''.

(e) Section 105(a)(6) (36 U.S.C. 375(a)(6)) is amended by inserting after ''sued'' a comma and the following, ''except that the Corporation may be sued only in federal court for matters pertaining solely to this Act''.

SEC. 5. MEMBERSHIP; REPRESENTATION.

(a) Section 106(b)(2) (36 U.S.C. 376(b)(2)) is amended to read as follows:

''(2) amateur athletes who are actively engaged in amateur athletic competition or who have represented the United States in international amateur athletic competition within the proceeding 10 years, including through provisions which—

''(A) establish and maintain an Athletes' Advisory Council composed of, and elected by, such amateur athletes to ensure communication between the Corporation and such amateur athletes; and

''(B) ensure that the membership and voting power held by such amateur athletes is not less than 20 percent of the membership and voting power held in the board of directors of the Corporation and in the committees and entities of the Corporation;''.

(b) Section 106(b)(3) (36 U.S.C. 376(b)(3)) is amended by inserting '', the Paralympic Games,'' after ''Olympic Games''.

SEC. 6. USE OF OLYMPIC, PARALYMPIC, AND PAN-AMERICAN SYMBOLS.

(a) Section 110(a) (36 U.S.C. 380(a)) is amended—

(1) in paragraph (1) by inserting before the semicolon, '', the symbol of the International Paralympic Committee, consisting of three TaiGeuks, or the symbol of the Pan-American Sports Organization, consisting of a torch surrounded by concentric rings'';

(2) in paragraph (3) by inserting '', the International Paralympic Committee, the Pan-American Sports Organization,'' after ''International Olympic Committee''; and

(3) in paragraph (4)—

(A) by inserting '''Paralympic', 'Paralympiad', 'Pan-American', 'America Espirito Sport Fraternite','' before ''or any combination''; and

(B) by inserting '', Paralympic, or Pan-American Games'' after ''any Olympic''.

(b) Section 110(b) (36 U.S.C. 380(b)) is amended—

(1) by inserting '', International Paralympic Committee, Pan-American Sports Organization,'' after ''International Olympic Committee''; and

(2) by inserting '', Paralympic,'' before ''or Pan-American team''.

(c) Section 110(c) (36 U.S.C. 380(c)) is amended—

(1) by striking ''symbol'' and inserting ''symbols''; and

(2) by inserting '', 'Paralympic', 'Paralympiad', 'Pan-American','' before ''or any combination''.

SEC. 7. AGENT FOR SERVICE OF PROCESS.—

Section 111 (36 U.S.C. 381) is amended by striking ''file in the office'' and all that follows through the period, and inserting in lieu thereof ''have a designated agent in the State of Colorado to receive service of process for the Corporation. Notice to or service on the agent, or mailed to the business address of the agent, is notice to or service on the corporation.''.

SEC. 8. REPORTS.

Section 113 (36 U.S.C. 382a) is amended to read as follows:

''SEC. 113. The Corporation shall, on or before the first day of June, 2001 and every fourth year thereafter, transmit simultaneously to the President and to each House of Congress a detailed report of its operations for the preceding four years, including a full and complete statement of its receipts and expenditures and a comprehensive description of the activities and accomplishments of the Corporation during such four year period. The report shall contain data concerning the participation of women, disabled individuals, and racial and ethnic minorities in the amateur athletic activities and administration of the Corporation and national governing bodies, and a description of the steps taken to encourage the participation of women, disabled individuals, and racial minorities in amateur athletic activities. Copies of the report shall be made available by the Corporation to interested persons at a reasonable cost.''.

SEC. 9. RESOLUTION OF DISPUTES.

(a) Section 114 (36 U.S.C. 382b) is amended—

(1) by inserting ''(a)'' before the first sentence;

(2) by inserting ''the Paralympic Games,'' before ''Pan-American Games''; and

(3) by inserting at the end the following, ''In any lawsuit relating to the resolution of a dispute involving the opportunity of an amateur athlete to participate in the Olympic Games, the Paralympic Games, or the Pan-American Games, a court shall not grant injunctive relief against the Corporation within 30 days before the beginning of such games if the Corporation has stated in writing to such court that its constitution and bylaws cannot provide for the resolution of such dispute prior to the beginning of such games.''.

(b) Section 114 (36 U.S.C. 382b), as amended by subsection (a), is amended further by adding at the end the following new subsection:

''(b) Upon nomination by the Athletes' Advisory Council, the Corporation shall hire and provide administrative expenses for an ombudsman for athletes. The ombudsman for athletes shall provide advice at no cost to amateur athletes with respect to, among other issues, the resolution of any dispute involving the opportunity of an amateur athlete to participate in an amateur athletic competition, including the Olympic Games, the Paralympic Games, the Pan-American Games, world championship competition or other protected competition. The Corporation may terminate the employment of an individual serving as ombudsman for athletes, and may reduce the salary or administrative expenses of such individual, only if such termination or reduction is approved by a majority of the voting members of the Athletes' Advisory Council. The ombudsman for athletes shall receive salary and administrative cost increases in increments similar to other employees and offices of the Corporation. The Athletes' Advisory Council shall nominate a replacement to fill any vacancy that occurs in the position of ombudsman for athletes.''.

SEC. 10. COMPLETE TEAMS.

Title I (36 U.S.C. 371 et seq.) is amended by inserting after section 114 the following new section:

''SEC. 115. In obtaining representation for the United States in each competition and event of the Olympic Games, Paralympic Games, and Pan-American Games, the Corporation, either directly or by delegation to the appropriate national governing body, may select, but is not obligated to select, athletes who have not met the eligibility standard of at least one of the national governing body, the Corporation, the International Olympic Committee, or the appropriate international sports federation, when the number of athletes who have met the eligibility standard of at least one of such entities is insufficient to fill the roster for an event.''.

SEC. 11. RECOGNITION OF AMATEUR SPORTS ORGANIZATIONS.

(a) Section 201(a)(36 U.S.C. 391(a)) is amended—

(1) by inserting '', the Paralympic Games,'' after ''Olympic Games'';

(2) by inserting before the period at the end of the second sentence '', except as provided in subsection (e)'';

(3) by striking ''hold a hearing'' and inserting in lieu thereof ''hold at least two hearings''; and

(4) by inserting at the end, ''In addition, the Corporation shall send written notice, which shall include a copy of the application, at least 30 days prior to the date of the hearing to all amateur sports organizations known to the Corporation in that sport.''.

(b) Section 201(b) (36 U.S.C. 391(b)) is amended—

(1) in paragraph (3)—

(A) by striking ''commercial rules of the American Arbitration Association'' and inserting in lieu thereof ''Commercial rules of the American Arbitration Association, as modified by the Corporation with the concurrence of the Athletes' Advisory Council,''; and

(B) by striking ''or involving the opportunity of any'' and inserting in lieu thereof ''or, upon demand of the Corporation or any aggrieved amateur athlete, coach, trainer, manager, administrator or official, to such arbitration in any controversy involving the opportunity of such'';

(2) in paragraph (6) by inserting ''that comports with basic concepts of fundamental fairness, due process, and a presumption of innocence'' after opportunity for a hearing'';

(3) in paragraph (8)—

(A) by striking ''includes'' and inserting in lieu thereof ''has established criteria for and maintains'';

(B) by inserting ''that such criteria and the procedure for selecting such individuals is approved by the Athletes' Advisory Council and the Corporation,'' after ''preceding 10 years,''; and

(C) by striking ''membership and'' in both places it appears; and

(4) in paragraph (12) by inserting ''or to participation in the Olympic Games, the Paralympic Games, or the Pan-American Games'' after ''amateur status''.

(c) Section 201 (36 U.S.C. 391), as amended, is amended further by adding at the end the following new subsection:

''(e) For any sport which is included on the program of the Paralympic Games, the Corporation is authorized to designate, where feasible and when such designation would serve the best interest of the sport, a national governing body recognized under subsection (a) to govern such sport. Where such designation is not feasible or would not serve the best interest of the sport, the Corporation is authorized to recognize as a national governing body another amateur sports organization to govern such sport, except that, notwithstanding the other requirements of this Act, such national governing body—

''(1) shall comply only with those requirements, perform those duties, and have those powers that the Corporation determines are appropriate to meet the objects and purposes of the Act; and

''(2) may, with the approval of the Corporation, govern more than one sport included on the program of the Paralympic Games.''.

SEC. 12. DUTIES OF NATIONAL GOVERNING BODIES.

(a) Section 202(a)(3) (36 U.S.C. 392(a)(3) is amended—

(1) by inserting (A)'' immediately after ''(3)'';

(2) by inserting ''and'' after the semicolon; and

(3) by inserting at the end the following new subparagraph:

''(B) disseminate and distribute to amateur athletes, coaches, trainers, managers, administrators and officials in a timely manner the applicable rules and any changes to such rules of the national governing body, the Corporation, the appropriate international sports federation, the International Olympic Committee, the International Paralympic Committee, and the Pan-American Sports Organization;''.

(b) Section 202(a)(7) (36 U.S.C. 392(a)(7)) is amended by striking ''handicapped'' in each of the three places it appears and inserting in lieu thereof ''disabled''.

SEC. 13. AUTHORITY OF NATIONAL GOVERNING BODIES.

(a) Section 203(6) (36 U.S.C. 393(6)) is amended by inserting '', the Paralympic Games,'' after ''Olympic Games''.

(b) Section 203(7) (36 U.S.C. 393(7)) is amended by inserting '', the Paralympic Games,'' after ''Olympic Games''.

SEC. 14. REPLACEMENT OF NATIONAL GOVERNING BODY.

(a) Section 205(a)(3)(C)(i) (36 U.S.C. 395(a)(3)(C)(i)) is amended by inserting ''and notify such national governing body of such probation and of the actions needed to comply with such requirements,'' before ''or''.

(b) Section 205(b) (36 U.S.C. 395(b)) is amended—

(1) in paragraph (1) by striking ''Olympic Games or in both'' and inserting in lieu thereof ''Olympic Games or the Paralympic Games, or in both'';

(2) in paragraph (2)—

(A) by striking ''registered'' and inserting ''certified''; and

(B) by inserting ''and with any other organization that has filed an application'' after ''applicable national governing body''; and

(3) in paragraph (3)—

(A) by inserting ''open to the public'' after ''formal hearing'' in the first sentence; and

(B) by inserting after the second sentence, ''In addition, the Corporation shall send written notice, which shall include a copy of the application, at least 30 days prior to the date of the hearing to all amateur sports organizations known to the Corporation in that sport.''.

SEC. 15. SPECIAL REPORT TO CONGRESS.

Five years from the date of the enactment of this Act, the United States Olympic Committee shall submit a special report to the Congress on the effectiveness of the provisions of this Act, together with any additional proposed changes to the Olympic and Amateur Sports Act the United States Olympic Committee determines are appropriate.

SHORT SUMMARY OF OLYMPIC AND AMATEUR SPORTS ACT AMENDMENTS OF 1998

TITLE CHANGE

The bill would amend the title of the federal statute which is the charter of the United States Olympic Committee (USOC) and national framework for amateur sports activities so that it would be called the ''Olympic and Amateur Sports Act'' (section 2(a) of the bill). The title of the bill, itself, is the ''Olympic and Amateur Sports Act Amendments of 1998.''

The original federal law incorporating the USOC (Public Law 81–805) was enacted in 1950 and is presently known only as the ''Act to incorporate the United States Olympic Association.'' In 1964, not long after the USOC name was changed from ''United States Olympic Association'' to ''United States Olympic Committee,'' technical and conforming changes were made to the 1950 Act through Public Law 88–407. In 1978, the 1950 Act was substantially expanded and rewritten into its present form through amendments made by the landmark statute, the ''Amateur Sports Act of 1978.'' Because the amendments made by the 1978 Act so greatly changed and expanded the 1950 Act, the 1950 Act, as amended, is now commonly referred to as the ''Amateur Sports Act,'' though its title was never changed.

Section 2(a) of the bill would rename this original 1950 law, as amended by the 1964 and 1978 changes, as the ''Olympic and Amateur Sports Act.'' The addition of the word ''Olympic'' to the popularly used title ''Amateur Sports Act'' is meant to take into account the participation of professional and quasi-amateur athletes in some of the sports of the Olympic Games and Pan-American Games, but at the same time continue to reflect the unique role the USOC and national governing bodies have in the national framework of truly amateur sports activities. By giving the entire underlying body of law a new title (replacing the simple descriptive title of the original 1950 Act mentioned above), the amendment would leave in place in federal statute the title of the ''Amateur Sports Act of 1978'' for historic reference.

PROTECTION OF ATHLETES RIGHTS

Athletes' Advisory Council/Athlete Membership on USOC Board—Section 5(a) of the bill would amend the Act to require the creation of an Athletes' Advisory Council (AAC), which is currently created as part of the USOC constitution and bylaws and not recognized in the Act. Section 5(a) would also amend the Act to require that at least 20 percent of the membership and voting power of the USOC Board of Directors and other USOC committees and entities be comprised of athletes. This, too, is presently only required under the USOC constitution and bylaws.

Ombudsman—Section 9(b) of the bill would require the USOC to hire an ombudsman for athletes to provide free advice to athletes about their rights under the Act and under the constitution and bylaws of the USOC and their NGB, and in particular, their rights in any dispute involving an opportunity to compete. The USOC would hire and pay an individual nominated by the AAC to serve as the ombudsman, and could only fire or reduce the pay or administrative expenses of the ombudsman with the consent of the AAC. This restriction is intended to protect the objectivity and autonomy of the ombudsman. The AAC would be expected to consent to the termination of an ombudsman for conduct which would lead to the termination of other USOC employees. The USOC would be required hire another ombudsman nominated by the AAC in the event of a vacancy.

Arbitration—Section 11(b)(1) of the bill would amend the Act to clarify that NGB's must agree to arbitration using the Commercial rules of the American Arbitration Association in disputes with athletes, but that these rules may be modified by the Corporation, with the consent of the AAC. In addition, section 11(b) would clarify that NGB's must agree to submit to arbitration at the request of an amateur athlete regardless of whether the USOC has demanded such arbitration. It is anticipated that these amendments would precipitate a review of the arbitration rules used for NGB/athlete arbitrations under the Act, and that the USOC, AAC, and NGB Council would reach agreement with respect to: (1) the relief available under arbitration; (2) the point during a dispute at which an athlete may obtain arbitration; and (3) the standard of review to be used by arbitration panels.

Due Process/Fairness—Section 11(b)(2) of the bill would amend the Act to clarify that the hearing required under the Act before an NGB can declare an athlete ineligible to participate must comport with basic concepts of fairness, due process, and the presumption of innocence.

Athlete Membership on NGB Boards—Section 11(b)(3) of the bill would amend the Act to allow NGBs individually to establish the criteria and selection procedures for ''active athletes'' in satisfying the existing statutory requirement that 20 percent of NGB governing boards be comprised of amateur athletes. However, the bill would require that both the AAC and USOC approve the criteria and selection process used by an NGB. In addition, the bill would change the Act to require that only 20 percent of the voting power, rather than 20 percent of the voting power and membership, be held by amateur athletes. These amendments are intended to provide flexibility so that the different characteristics of NGB boards and athletes in various sports can be taken into account. The amendments would allow the amateur athlete membership of some NGB boards to dip below 20 percent, but it is expected that this would occur only where the characteristics of the sport or of the governing board make it very difficult to meet a 20 percent membership standard. Under no circumstances would the voting power of amateur athletes on the board of an NGB be allowed to be below 20 percent. It is anticipated that further clarification may be needed as to whether the 20 percent threshold will provide adequate athlete voting power on existing NGBs which become the NGB for a sport on the program of the Paralympic Games.

Distribution of Information—Section 12(a) of the bill would make it a specific duty of NGBs to disseminate and distribute in a timely manner to athletes, coaches and others in the sport the rules—and any changes to the rules—of the NGB, the USOC, the appropriate international sports federation,

the International Olympic Committee, the International Paralympic Committee (as appropriate), and the Pan-American Sports Organization.

USOC AUTHORITY

Jurisdiction—Section 4(e) of the bill would amend the Act so that the USOC could be sued only in federal court for issues pertaining solely to the Act. This amendment is not intended to affect the existing law with respect to private actions.

Trademark Protection—Section 6 of the bill would provide the USOC with the same trademark protection for the Paralympic Games, Pan-American Games and symbols and words associated with those games as it presently has for the Olympics. It would also give the USOC the exclusive power to authorize the use of these names and symbols in order to raise funds to carry out the Act.

Service of Process—Section 7 of the bill would require the USOC have a designated agent in the State of Colorado to receive service of process, rather than an agent in every state. Requiring an agent in only one location is consistent with the service requirements of many other patriotic societies which are catalogued in title 36 of the United States Code. As with these other entities, notice to or service on the agent—or mailed to the business address of the agent—would be considered notice to or service on the USOC.

Report to Congress—Section 8 of the bill would require the USOC to submit a formal report to Congress only once every four years (instead of annually under the present Act) to conform more closely with the four-year budget cycle of the USOC and to reduce administrative burdens. The report would, however, be required to include data on the participation of women, disabled individuals and racial and ethnic minorities, including a description of the steps that have been taken to encourage increased participation by these groups of people in amateur sports.

Injunction Immunity—Section 9(a) of the bill would prevent a court from granting injunctive relief against the USOC in a dispute involving the participation of an athlete within 30 days of the beginning of the Olympics, the Paralympics, or the Pan-American Games if the USOC has stated in writing to the court that its constitution and bylaws cannot provide for the resolution of the dispute before the beginning of the games. The provision is intended to give the USOC the ability to decide who will represent the United States in the rare NGB/athlete dispute which may arise too close to Olympics, Paralympics, or Pan-American Games to be resolved prior to the beginning of those games. It would not take away any other type of relief that may be available, or injunctive relief for disputes which may be resolved under the constitution and bylaws prior to the beginning of the Olympics, Paralympics, or Pan-American Games.

Complete Teams—Section 10 of the bill would give the USOC the authority to send an incomplete team for a sport if not enough athletes have met the eligibility standards of at least one of: the USOC, the NGB, the IOC, or the national federation for the sport. The USOC could send a complete team in that circumstance, but would not be required to send a complete team. The bill (in section 11(b)(4)) would specify, however, that NGB's cannot have eligibility criteria for participation in the Olympics, Pan-American Games or Paralympics which are more restrictive than the criteria for the international sports federation for their sport.

Flexibility for Paralympic NGBs—The bill (see summary of the Paralympic provisions below and section 11(c) of the bill) would give the USOC full flexibility to minimize the potential burdens, financial or otherwise, of integrating the Paralympics into the USOC framework.

NATIONAL GOVERNING BODIES

NGB Selection Hearings—Section 11(a)(3) would require that at least two public hearings be held (instead of one) prior to the recognition of a new NGB.

Written Notice of NGB Hearings—Sections 11(a)(4) and 13(b)(3) would require the USOC to send written notice to known amateur sports organizations in the sport at least 30 days prior to an NGB selection hearings (including a hearing on an application to replace an existing NGB) and to include a copy of the application in the notice.

Participation Critera—Section 11(b)(4) of the bill would prohibit NGBs from having eligibility criteria that is more restrictive than its international sports federation for participation in events at the Olympic Games, Paralympic Games, and Pan-American Games. The amendment in part would help provide balance with an amendment (see above) allowing the USOC not to send a complete team under certain circumstances.

NGB Notification—Section 14(a) of the bill would specifically require the USOC to notify an NGB of the actions the NGB must take to correct violations of the Act if the USOC has placed an NGB on probation after a complaint has been filed.

PARALYMPICS

Recognition of Paralympic Games—The bill would make amendments in a number of places in the Act to provide for the recognition of the Paralympic Games. Under the amendments, the USOC would have same duties as with the Olympic Games to, among other things, ''either directly or [by delegation to NGB]'': select athletes for U.S. teams, represent the United States in relations with the International Paralympic Committee, organize and finance U.S. teams, as well as to provide equitable and fair dispute resolution procedures for disabled athletes. In addition, the USOC would be required: to allow Paralympic sports organizations to join USOC; and to use and protect the trademarks of Paralympics.

Disabled Amateur Athletes—Section 3(c) of the bill would eliminate references in the bill to ''handicapped individual'' and insert instead the term ''amateur athlete with disabilities.'' The use of the new words would update terminology and, more importantly, make clear that disabled athletes are ''amateur athletes'' under the Act's existing definition, provided that they meet the eligibility standards of their NGB, as required by the existing definition of ''amateur athlete''.

Paralympic NGBs—Section 11(c) of the bill would make it the first priority of the USOC to merge sports on the program of the Paralympic Games with existing able-bodied NGBs. Where it is not feasible or in the best interest of a Paralympic sport to put it under an able-bodied NGB, the USOC would be allowed to recognize another amateur sports organization as a new NGB for the Paralympic sport, except that the USOC would be allowed to waive the requirements, duties, and powers of the NGB as necessary to meet the objects and purposes of the Act. In addition, a Paralympic NGB could govern more than one sport on the program of the Paralympic Games with the approval of the USOC. By giving the USOC the authority to waive normal NGB requirements, the bill is intended to allow a smooth transition as Paralympic sports become integrated under the USOC umbrella, and to allow the USOC to prevent any severe financial impacts on existing NGBs. The provisions in the bill are largely consistent with the general direction the USOC has taken already with respect to Paralympics.

World Games for the Deaf—It has been suggested that both the bill and the Committee report which eventually accompanies the bill include language in support of the World Games for Deaf and of deaf athletes. It is anticipated that this issue will be addressed by consensus before the bill becomes enacted.

RESTRICTED COMPETITION

The bill does not amend section 206 of the Act, which addresses the jurisdiction of amateur sports organizations over competitions restricted to certain classes of athletes (such as high school students, college students, etc.). A number of concerns were raised and discussed during the Commerce Committee hearings about section 206, and it has been suggested that the Committee report which eventually accompanies the bill should discuss these concerns.

SPECIAL REPORT TO CONGRESS

Section 15 of the bill would require the USOC to report to Congress after five years on the effectiveness of the new provisions added to the Act by the bill, as well as any additional suggested changes to the Act that the USOC believes are needed. The report would provide an occasion for Congress to review the implementation of the amendments and any modifications proposed by the USOC.

By Mr. ROCKEFELLER (for himself and Mr. FRIST):

S. 2120. A bill to improve the ability of Federal agencies to license federally—owned inventions; to the Committee on Commerce, Science, and Transportation.

TECHNOLOGY TRANSFER COMMERCIALIZATION ACT OF 1998

• Mr. ROCKFELLER. Mr. President, today with my colleague Senator FRIST, I introduce the Technology Transfer Act of 1998. This bill would make technical changes and clarifications to the legislation which governs the transfer of intellectual property from the federal government to the private sector.

The original Technology Transfer Improvements Act (TTIA), which I was author of in 1995, allowed for easier and quicker access to intellectual property which the government owns and private industry wants. It created a win-win situation. The government gets royalties from these licenses, private industry gets the intellectual property that it needs, and Americans get jobs from the production of inventions based on this intellectual property.

This bill builds on the strong positive response from TTIA. It reduces the requirements for obtaining a non-exclusive license in order to allow as many companies and individuals as possible access to the information. It also addresses private industry's concerns about maintaining confidential information within applications.

However, this does not come at the expense of the government being able to keep control of its property. This bill also clarifies the ability of the licensing agencies to terminate a license if certain criteria are not met. Furthermore, it allows the government to consolidate intellectual property which is developed in cooperation with a private entity so that the package can be relicensed to a third party.

Technology transfer is a vital part of our national economy. It is what allows our industries to remain at the leading edge in their field. This bill clarifies and adjusts current legislation to allow for an even better working relationship between the federal government and private industry. I encourage my colleagues to support this bill and I ask unanimous consent that the text of the bill appear in the RECORD.

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

S. 2120

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Technology Transfer Commercialization Act of 1998''.

SEC. 2. COOPERATIVE RESEARCH AND DEVELOPMENT AGREEMENTS.

Section 12(b)(1) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a(b)(1)) is amended by inserting ''or, subject to section 209 of title 35, United States Code, may grant a license to an invention which is Federally owned, made before the signing of the agreement, and directly related to the scope of the work under the agreement,'' after ''under the agreement,''.

SEC. 3. LICENSING FEDERALLY—OWNED INVENTIONS.

(a) AMENDMENT.—Section 209 of title 35, United States Code, is amended to read as follows:

''§ 209. Licensing federally—owned inventions

''(a) AUTHORITY.—A Federal agency may grant an exclusive or partially exclusive license on a federally-owned invention only if—

''(1) granting the license is a reasonable and necessary incentive to—

''(A) call forth the investment capital and expenditures needed to bring the invention to practical application; or

''(B) otherwise promote the invention's utilization by the public;

''(2) the Federal agency finds that the public will be served by the granting of the license, as indicated by the applicant's intentions, plans, and ability to bring to invention to practical application or otherwise promote the invention's utilization by the public, and that the proposed scope of exclusivity is not greater than reasonably necessary to provide the incentive for bringing the invention to practical utilization, as proposed by the applicant, or otherwise to promote the invention's utilization by the public;

''(3) the applicant makes a commitment to achieve practical utilization of the invention within a reasonable time;

''(4) granting the license will not tend to substantially lessen competition or create or maintain a violation of the Federal antitrust laws; and

''(5) in the case of an invention covered by a foreign patent application or patent, the interests of the Federal Government or United States industry in foreign commerce will be enhanced.

''(b) MANUFACTURE IN UNITED STATES.—A Federal agency shall normally grant any license to use or sell any federally-owned invention in the United States only to a licensee who agrees that any products embodying the invention or produced through the use of the invention will be manufactured substantially in the United States.

''(c) SMALL BUSINESS.—First preference for the granting of any exclusively or partially exclusive licenses under this section shall be given to small business firms having equal or greater likelihood as other applicants to bring the invention to practical application within a reasonable time.

''(d) TERMS AND CONDITIONS.—Any licenses granted under section 207 shall contain such terms and conditions as the granting agency considers appropriate. Such terms and conditions—

''(1) shall include provisions—

''(A) retaining a nontransferable, irrevocable, paid-up license for the Federal agency to practice the invention or have the invention practiced throughout the world by or on behalf of the Government of the United States;

''(B) requiring periodic reporting on utilization of the invention, and utilization efforts, by the licensee, but only to the extent necessary to enable the Federal agency to determine whether the terms of the license are being complied with; and

''(C) empowering the Federal agency to terminate the license in whole or in part if the agency determines that—

''(i) the licensee is not executing its commitment to achieve practical utilization of the invention, including commitments contained in any plan submitted in support of its request for a license, and the licensee cannot otherwise demonstrate to the satisfaction of the Federal agency that it has taken, or can be expected to take within a reasonable time, effective steps to achieve practical utilization of the invention;

''(ii) the licensee is in breach of an agreement described in subsection (b);

''(iii) termination is necessary to meet requirements for public use specified by Federal regulations issued after the date of the license, and such requirements are not reasonably satisfied by the licensee; or

''(iv) the licensee has been found by a competent authority to have violated the Federal antitrust laws in connection with its performance under the license agreement.

''(e) PUBLIC NOTICE.—No exclusive or partially exclusive license may be granted under the section unless public notice of the intent to grant such license has been provided at least 30 days before the license is granted, and the Federal agency has considered all comments received in response to that public notice.

''(f) DEVELOPMENT PLAN.— A Federal agency may grant a license on a federally-owned invention only if the person requesting the license has supplied to the agency a basic business plan with development or commercialization milestones. Each Federal Agency, in consultation with the Small Business Administration, shall develop consistent standards for exempting small business firms from the requirements of this subsection or nonexclusive licenses.

''(g) NONDISCLOSURE OF CERTAIN INFORMATION.—An application shall include, as an independent subdocument a detailed description of the applicant's plan for development or marketing (or both) of the invention. The subdocument, which is exempt from disclosure under section 552 of title 5, United States Code, shall include only a statement—

''(1) of the time, nature, and amount of anticipated investment of capital and other resources which the applicant believes will be required to bring the invention to practical application;

''(2) as to the applicant's capability and intention to fulfill the plan, including information regarding manufacturing, marketing, financial, and technical resources;

''(3) of the fields of use for which the applicant intends to practice the invention; and

''(4) of the geographic areas—

''(A) in which the applicant intends to manufacture any product embodying the invention;

''(B) where the applicant intends to use or sell the invention; or

''(C) both.''.

(b) CONFORMING AMENDMENT.—The item relating to section 209 in the table of sections for chapter 18 of title 35, United States Code, is amended to read as follows:

''209. Licensing federally-owned inventions.''

SEC. 4. REVIEW OF COOPERATIVE RESEARCH AND DEVELOPMENT AGREEMENT PROCEDURES.

(a) REVIEW.—The Director of the Office of Science and Technology Policy, in consultation with the Office of Management and Budget, relevant Federal agencies, national laboratories, and any other person the director considers appropriate, shall review the procedures used by Federal agencies to gather and consider the views of other agencies before final approval or disapproval of—

(1) a joint work statement under section 12(c)(5)(C) or (D) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a(c)(5)(C) or (D));or

(2) in the case of a laboratory described in section 12(d)(2)(A) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a(d)(2)(A)), a cooperative research and development agreement under such section 12, that involves national security, or relates to a project which may have a significant impact on domestic or international competitiveness.

(b) PROCEDURES.—Within 1 year after the date of enactment of this Act, the director of the Office of Science and Technology Policy shall establish and distribute to appropriate Federal agencies—

(1) specific criteria to indicate the necessity for interagency review of an approval or disapproval described in subsection (a); and

(2) procedures for carrying out such interagency review.

Procedures established under this subsection shall be designed to the extent possible to use or modify existing procedures, to minimize burdens on Federal agencies, and to minimize delay in the approval of disapproval of the joint work statement or cooperative research and development agreement under interagency review.

SEC. 5. TECHNICAL AMENDMENTS TO BAYH-DOLE ACT.

Chapter 18 of title 35, United States Code (popularly known as the ''Bayh-Dole Act''), is amended—

(1) by amending section 202(e) to read as follows:

''(e) In any case when a Federal employee is a co-inventor of any invention made under a funding agreement with a nonprofit organization or small business firm, the Federal agency employing such coinventor may, for the purpose of consolidating rights in the invention——

''(1) license or assign whatever rights it may acquire in the subject invention to the nonprofit organization or small business firm; or

''(2) acquire any rights in the subject invention from the nonprofit organization or small business firm, but only to the extent the party from whom the rights are acquired voluntarily enters into the transaction.''; and

(2) in section 207(a)—

(A) by striking ''patent applications, patents, or other forms of protection obtained'' and inserting ''inventions'' in paragraph (2); and

(B) by inserting '', including acquiring rights for the Federal Government in any invention, but only to the extent the party from whom the rights are acquired voluntarily enters into the transaction, to facilitate the licensing of a federally-owned invention'' after ''or through contract'' in paragraph (3).

SEC. 6. TECHNICAL AMENDMENTS TO THE STEVENSON-WYDLER TECHNOLOGY INNOVATION ACT OF 1980.

Section 14(a)(1) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710c(a)(1)) is amended——

(1) in subparagraph (A)(i), by inserting '', if the inventor's or coinventor's rights are assigned to the United States'' after ''inventor or coinventors''; and

(2) in subparagraph (B), by striking ''succeeding fiscal year'' and inserting ''2 succeeding fiscal years''.

By Mr. BREAUX:

S. 2121. A bill to encourage the development of more cost effective commercial space launch industry in the United States, and for other purposes; to the Committee on Commerce, Science, and Transportation.

SPACE LAUNCH COST REDUCTION ACT OF 1998

Mr. BREAUX. Mr. President, I take this opportunity to rise to introduce a piece of legislation, which I will send to the desk. It is called the Space Launch Cost Reduction Act of 1998.

The commercial space launch industry is an essential part of the U.S. economy and opportunities for U.S. companies are growing as international markets expand. United States trading partners have been able to aggressively lower their commercial space launch prices either through direct cash payments for commercially targeted product development or with indirect benefits derived from nonmarket economy status. Because United States incentives for launch vehicle development have historically focused on civil and military rather than commercial use, and as a result U.S. launch costs have remained relatively high, the U.S. share of the world commercial market has decreased from nearly 100% twenty years ago to approximately 40% in 1998. This is very serious erosion.

The key to regaining United States leadership in the world market is not another massive government program, but rather provision of just enough government support to enable the more cost effective private sector to build lower-cost space launch vehicles. Private sector companies across the United States are already attempting to develop a variety of lower-cost space launch vehicles, but lack of sufficient private financing has proven a major obstacle, an obstacle our trading partners have chosen to remove by providing direct access to government funding. Given the unique strength of private industry in the United States, a more effective alternative to the approach of our trading partners is for the U.S. government to provide limited financial incentives in the form of loan guarantees, which would help qualifying private-sector companies secure otherwise unattainable private financing, while at the same time keeping government involvement at an absolute minimum.

The purpose of the Space Launch Cost Reduction Act of 1998 is, therefore, to ensure availability of otherwise unattainable private sector financing for private sector development of commercial space launch vehicles with launch costs significantly below current levels. As a result, it will be possible to: increase the international competitiveness of the United States space industry, encourage the growth of space-related commerce in the United States and internationally, increase the number of high-value jobs in United States space-related industries, and reduce United States Government space launch expenditures.

Commercialization of space is an issue of importance not only to our nation as a whole but also to the state of Louisiana. Louisiana is already an active participant in the American space effort. For example, the Michoud Facility in New Orleans has been selected as the fabrication center for the experimental X-33 space vehicle's liquid oxygen tanks. The fuel tanks for the Space Shuttle are also built at Michoud, and Shuttle engines are tested at the Stennis Space Center in neighboring Mississippi. Furthermore, NASA has entered a partnership with the University of Southwestern Louisiana in Lafayette to establish a Regional Application Center for commercial remote sensing technology. Looking toward the future, Louisiana is clearly well positioned to participate actively in the commercialization of space and to benefit from the Space Launch Cost Reduction Act of 1998.

By Mr. ROTH (for himself, and Mr. MOYNIHAN):

S. 2122. A bill to amend the Internal Revenue Code of 1986 to provide that certain liquidating distributions of a regulated investment company or real estate investment trust which are allowable as a deduction shall be included in the gross income of a distributee; to the Committee on Finance.

TAX LEGISLATION

Mr. ROTH. Mr. President, in coordination with the Treasury Department, Senator MOYNIHAN and I are introducing a bill today to eliminate an unwarranted tax benefit which involves the liquidation of a Regulated Investment Company (''RIC'') or Real Estate Investment Trust (''REIT''), where at least 80 percent of the liquidating RIC or REIT is owned by a single corporation. Identical legislation is being introduced in the House of Representatives by Congressman ARCHER.

The RIC and REIT rules allow individual shareholders to invest in stock and securities (in the case of RICs) and real estate assets (in the case of REITs) with a single level of tax. The single level of tax is achieved by allowing RICs and REITs to deduct the dividends they pay to their shareholders.

Some corporations, however, have attempted to use the ''dividends paid deduction'' in combination with a separate rule that allows a corporate parent to receive property from an 80 percent subsidiary without tax when the subsidiary is liquidating. Taxpayers argue that the combination of these two rules permits income deducted by the RIC or REIT and paid to the parent corporation to be entirely tax-free during the period of liquidation of the RIC or REIT (which can extend over a period of years). The legislation is intended to eliminate this abusive application of these rules by requiring that amounts which are deductible dividends to the RIC or REIT are consistently treated as dividends by the corporate parent.

RICs and REITs are important investment vehicles, particularly for small investors. The RIC and REIT rules are designed to encourage investors to pool their resources and achieve the type of investment opportunities, subject to a single level of tax, that would otherwise be available only to a larger investor. This legislation will not affect the intended beneficiaries of the RIC and REIT rules.

Mr. President, I ask unanimous consent that the text of the bill and a technical explanation be printed in the RECORD.

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

S. 2122

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

SECTION 1. TREATMENT OF CERTAIN DEDUCTIBLE LIQUIDATING DISTRIBUTIONS OF REGULATED INVESTMENT COMPANIES AND REAL ESTATE INVESTMENT TRUSTS.

(a) IN GENERAL.—Section 332 of the Internal Revenue Code of 1986 (relating to complete liquidations of subsidiaries) is amended by adding at the end the following new subsection:

''(c) DEDUCTIBLE LIQUIDATING DISTRIBUTIONS OF REGULATED INVESTMENT COMPANIES AND REAL ESTATE INVESTMENT TRUSTS.—If a corporation receives a distribution from a regulated investment company or a real estate investment trust which is considered under subsection (b) as being in complete liquidation of such company or trust, then, notwithstanding any other provision of this chapter, such corporation shall recognize and treat as a dividend from such company or trust an amount equal to the deduction for dividends paid allowable to such company or trust by reason of such distribution.''.

(b) CONFORMING AMENDMENTS.—

(1) The material preceding paragraph (1) of section 332(b) of such Code is amended by striking ''subsection (a)'' and inserting ''this section''.

(2) Paragraph (1) of section 334(b) of such Code is amended by striking ''section 332(a)'' and inserting ''section 332''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to distributions after May 21, 1998.

TECHNICAL EXPLANATION

The bill provides that any amount which a liquidating RIC or REIT may take as a deduction for dividends paid with respect to an otherwise tax-free distribution to an 80-percent corporate owner is includible in the income of the recipient corporation. The includible amount is treated as a dividend received from the RIC or REIT. The liquidating corporation may designate the amount treated as a dividend as a capital gain dividend or, in the case of a RIC, an exempt interest dividend or a dividend eligible for the

70-percent dividends received deduction, to the extent provided by the RIC or REIT provisions of the Code.

The bill does not otherwise change the tax treatment of the distribution under sections 332 or 337. Thus, for example, the liquidating corporation will not recognize gain (if any) on the liquidating distribution and the recipient corporation will hold the assets at a carryover basis.

The bill is effective for distributions on or after May 22, 1998, regardless of when the plan of liquidation was adopted.

No inference is intended regarding the treatment of such transactions under present law.

By Mr. D'AMATO:

S. 2125. A bill to amend the Internal Revenue Code of 1986 to provide for the tax treatment of section 42 housing cooperatives and the shareholders of such cooperatives, and for other purposes; to the Committee on Finance.

LOW-INCOME HOUSING TAX CREDIT LEGISLATION

● Mr. D'AMATO. Mr. President, today I introduce legislation that will create a new homeownership opportunity with a proven method of building affordable housing. Current low-income housing production in the United States is driven largely by the low-income housing tax credit. The credit supports the development of 94 percent of all federally assisted multi-family affordable housing construction. Under current law, however, only rental housing can be developed with the credit. Everyone would agree that building homeownership is better than simply building homes for people. Homeowners are invested in their communities, take pride in their property, and will do what it takes to preserve the security and appearance of their homes.

The legislation that I propose today will enable housing cooperatives and mutual housing associations to be developed with the credit. With these types of multi-family homeownership, tax credit investors can become nonresident shareholders of the developed property while allowing the residents to own their share of the property as well. From the very start, the residents will have a real ownership stake and control over their homes.

A study undertaken by Abt Associates, Inc., commissioned by the National Cooperative Bank found that this legislation could result in the annual production of 1,600 units of low-income housing within five years of enactment. That means as many as 15,000 renters could be homeowners within five years.

Mr. President, I urge my colleagues to join me in cosponsoring legislation to help bring the American dream of homeownership to many more Americans.

Mr. President, I ask unanimous consent that the complete text of the bill be placed in the RECORD.

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

S. 2125

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

SECTION 1. TAX TREATMENT OF SECTION 42 HOUSING COOPERATIVES AND SHAREHOLDERS OF SUCH COOPERATIVES.

(a) IN GENERAL.—Part III of subchapter T of chapter 1 of the Internal Revenue Code of 1986 (relating to cooperatives and their patrons) is amended by adding at the end the following new section:

"SEC. 1389. SPECIAL RULES FOR SECTION 42 HOUSING COOPERATIVES AND THEIR SHAREHOLDERS.

''(a) ALLOWANCE OF DEDUCTIONS AND CREDITS.—

''(1) NON-PATRON SHAREHOLDERS.—In the case of a section 42 housing cooperative (as defined in subsection (b)(1)), the non-patron shareholders of such cooperative shall be allowed to take into account for purposes of calculating the taxable income of such shareholders the following tax items:

''(A) 100 percent of all low-income housing tax credits to which the section 42 housing cooperative is entitled under section 42.

''(B) 100 percent of all interest allowable as a deduction to the cooperative under section 163 and which is incurred and accrued but unpaid by the cooperative on its indebtedness contracted—

''(i) in the acquisition, construction, alteration, rehabilitation, or maintenance of the houses or apartment buildings, or

''(ii) in the acquisition of the land on which the houses (or apartment buildings) are situated.

''(2) PATRON SHAREHOLDERS.—In the case of a section 42 housing cooperative, the patron shareholders of such cooperative shall be allowed a deduction equal to 100 percent of the amounts paid by the cooperative within the taxable year for the following items, except that in no event may a patron shareholder deduct an amount in excess of such patron shareholder's proportionate share of such specified items:

''(A) Real estate taxes allowable as a deduction to the cooperative under section 164 which are paid or incurred by the cooperative on the houses or apartment buildings and on the land on which such houses (or apartment buildings) are situated.

''(B) The interest allowable as a deduction to the cooperative under section 163 for the taxable year and which is paid by the cooperative during such taxable year on its indebtedness contracted—

''(i) in the acquisition, construction, alteration, rehabilitation, or maintenance of the houses or apartment buildings, or

''(ii) in the acquisition of the land on which the houses (or apartment buildings) are situated.

''(b) DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

''(1) SECTION 42 HOUSING COOPERATIVE.—The term 'section 42 housing cooperative' means a corporation—

''(A) having no more than 2 classes of stock outstanding, consisting of—

''(i) shares of stock issued to persons who make an equity contribution to the cooperative but who are not residents in the houses or apartment buildings owned by the cooperative; and

''(ii) shares of stock issued to persons who make an equity contribution to the cooperative and who are residents in the houses or apartment buildings owned by the cooperative;

''(B) in which each of the holders of patron stock is entitled, solely by reason of the patron's ownership of such stock in the cooperative, to occupy for dwelling purposes a house, or an apartment in a building, owned by such cooperative;

''(C) no shareholder of which is entitled (either conditionally or unconditionally) to receive any distribution not out of earnings and profits of the cooperative except on a complete or partial liquidation of the cooperative;

''(D) 80 percent or more of the gross income of which for the taxable year in which the taxes and interest described in subsection (a) are paid or incurred is derived from patron shareholders; and

''(E) which is entitled to claim a low-income housing tax credit under section 42.

''(2) SHAREHOLDER'S PROPORTIONATE SHARE.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), the term 'proportionate share' means that proportion which the stock of the cooperative housing corporation owned by a particular patron shareholder is of the total outstanding patron stock of the corporation (including any stock held by the corporation).

''(B) SPECIAL RULE WHERE ALLOCATION OF TAXES OR INTEREST REFLECT COST TO CORPORATION OF PATRON SHAREHOLDER'S UNIT.—

''(i) IN GENERAL.—If, for any taxable year—

''(I) each dwelling unit owned or leased by a section 42 housing cooperative is separately allocated a share of such cooperative's real estate taxes described in subsection (a)(2)(A) or a share of such cooperative's interest described in subsection (a)(2)(B), and

''(II) such allocation reasonably reflects the cost to such cooperative of such taxes, or of such interest, attributable to the shareholder's dwelling unit (and such unit's share of the common areas),

then the term 'proportionate share' means the shares determined in accordance with the allocations described in subclause (II).

''(ii) ELECTION BY COOPERATIVE REQUIRED.—Clause (i) shall apply with respect to any section 42 housing cooperative only if such cooperative elects its application. Such an election, once made, may be revoked only with the consent of the Secretary.

''(3) PRIOR APPROVAL OF OCCUPANCY.—

''(A) IN GENERAL.—For purposes of this section, in the following cases there shall not be taken into account the fact that (by agreement with the section 42 housing cooperative) the person or the person's nominee may not occupy the house or apartment without the prior approval of such cooperative:

''(i) In any case in which a person acquires stock of a section 42 housing cooperative by operation of law.

''(ii) In any case in which a person other than an individual acquires stock of a section 42 housing cooperative.

''(iii) In any case in which the original seller acquires any stock of the section 42 housing cooperative from the cooperative not later than 1 year after the date on which the apartments or houses (or leasehold interests therein) are transferred by the original seller to the cooperative.

''(B) ORIGINAL SELLER DEFINED.—For purposes of subparagraph (A)(iii), the term 'original seller' means the person from whom the cooperative has acquired the apartments or houses (or leasehold interest therein).

''(4) APPLICATION OF SECTION TO MUTUAL HOUSING ASSOCIATIONS.—

''(A) IN GENERAL.—In the case of a section 42 housing cooperative which is a mutual housing association, this section shall be applied—

''(i) by substituting 'membership certificates' for 'stock' or 'shares of stock', and

''(ii) by substituting 'membership certificate-holders' for 'shareholders'.

''(B) MUTUAL HOUSING ASSOCIATION.—For purposes of subparagraph (A), the term 'mutual housing association' means a resident-controlled, State-chartered organization described in section 501(c)(3) and exempt from tax under section 501(a).

''(c) TREATMENT AS PROPERTY SUBJECT TO DEPRECIATION.—

''(1) IN GENERAL.—

''(A) BY NON-PATRON SHAREHOLDERS.—Non-patron shares of stock (within the meaning of subsection (b)(1)(A)(i)) shall be treated as property subject to the allowance for depreciation under section 167(a). Such shares of stock shall be treated as residential real property for purposes of determining the appropriate depreciation method under section 168(b), the applicable recovery period under section 168(c), and the applicable convention under section 168(d).

''(B) BY PATRON SHAREHOLDERS.—So much of the shares of stock of a patron shareholder (within the meaning of subsection (b)(1)(A)(ii)) as is allocable, under regulations prescribed by section 216(c), to a proprietary lease or right of tenancy subject to the allowance for depreciation under section 167(a) shall, to the extent such proprietary lease or right of tenancy is used by such patron shareholder in a trade or business or for the production of income, be treated as property subject to the allowance for depreciation under section 167(a).

''(2) DEDUCTION LIMITED TO ADJUSTED BASIS IN STOCK.—

''(A) IN GENERAL.—The amount of any deduction for depreciation allowable under section 167(a) to a non-patron or patron shareholder with respect to any stock for any taxable year by reason of subparagraph (A) or (B) of paragraph (1), respectively, shall not exceed the adjusted basis of such stock as of the close of the taxable year of the shareholder in which such deduction was incurred.

''(B) CARRYFORWARD OF DISALLOWED AMOUNT.—The amount of any deduction which is not allowed by reason of subparagraph (A) shall, subject to the provisions of subparagraph (A), be treated as a deduction allowable under section 167(a) in the succeeding taxable year.

''(3) NO LIMITATION ON DEDUCTION BY SECTION 42 HOUSING COOPERATIVE.—Nothing in this section shall be construed to limit or deny a deduction for depreciation under section 167(a) by a section 42 housing cooperative with respect to property owned by such cooperative and occupied by the patron shareholders thereof.

''(d) DISALLOWANCE OF DEDUCTION FOR CERTAIN PAYMENTS TO THE COOPERATIVE.—No deduction shall be allowed to the holder of non-patron or patron stock in a section 42 housing cooperative for any amount paid or accrued to such cooperative during any taxable year to the extent that such amount is properly allocable to amounts paid or incurred at any time by the cooperative which are chargeable to the cooperative's capital account. The shareholder's adjusted basis in the stock in the cooperative shall be increased by the amount of such disallowance.

''(e) RESTRICTION ON THE RESALE OF PATRON STOCK.—Upon the transfer of patron stock, the consideration received by the holder of such stock shall not exceed the shareholder's adjusted equity in such stock. For purposes of this subsection, the term 'adjusted equity' means the sum of—

''(1) the consideration paid for such stock by the first shareholder, as adjusted by a cost-of-living adjustment and any other acceptable adjustments determined by the Secretary, and

''(2) payments made by such shareholder for improvements to the house or apartment occupied by the shareholder.

''(f) DISTRIBUTIONS BY SECTION 42 HOUSING COOPERATIVE.—Except as provided in regulations under section 216(e), no gain or loss shall be recognized on the distribution by a section 42 housing cooperative of a dwelling unit to a holder of patron stock in such cooperative if such distribution is in exchange for the shareholder's stock in the cooperative and such exchange qualifies for nonrecognition of gain under section 1034(f).''.

(b) CONFORMING AMENDMENTS.—

(1) Section 42 of the Internal Revenue Code of 1986 (relating to low-income housing credit) is amended by adding at the end the following new subsection:

''(o) SECTION 42 HOUSING COOPERATIVES.—In the case of a section 42 housing cooperative (as defined in section 1389(b)(1)), the holders of the non-patron stock (within the meaning of section 1389(b)(1)(A)(i)) shall be entitled to any and all tax credits that would otherwise be available to such cooperative under this section. Any recapture of credit calculated against the section 42 housing cooperative under subsection (j) shall be an increase in the tax under this chapter for the holders of the non-patron stock in proportion to the relative holdings of such stock during the period giving rise to such recapture.''.

(2) Section 42(g)(2)(B) of such Code is amended by striking ''and'' at the end of clause (iii), by striking the period at the end of clause (iv) and inserting '', and'', and by inserting after clause (iv) the following new clause:

''(v) does not include any amounts paid by a tenant in connection with the acquisition or holding of any patron stock (within the meaning of section 1389(b)(1)(A)(ii)).''.

(3) Section 42(i) of such Code is amended by adding at the end the following new paragraph:

''(8) IMPACT OF SECTION 42 HOUSING COOPERATIVE'S RIGHT OF FIRST REFUSAL TO ACQUIRE STOCK OF A SECTION 42 HOUSING COOPERATIVE.—

''(A) IN GENERAL.—No Federal income tax benefit shall fail to be allowable to a non-patron or patron shareholder (within the meaning of section 1389(b)(1)) of a section 42 housing cooperative (as defined in section 1389(b)(1)) with respect to any qualified low-income building merely by reason of a right of first refusal or option or both held by the section 42 housing cooperative to purchase non-patron stock of the cooperative after the close of the compliance period for a price which is not less than the minimum purchase price determined under subparagraph (B).

''(B) MINIMUM PURCHASE PRICE.—For purposes of subparagraph (A), the minimum purchase price for the stock of a section 42 housing cooperative is an amount equal to the present value of the remaining depreciation deductions which would be allowable under section 1389(c)(1) to the holder of such stock. For purposes of determining present value, the discount rate provided in subsection (b)(2)(C)(ii) shall be applicable as determined at the time of the exercise of such option or right of first refusal.''.

(4) Section 1381(a) of such Code is amended by striking ''and'' at the end of paragraph (1), by striking the period at the end of paragraph (2) and inserting '', and'', and by adding at the end the following new paragraph:

''(3) any section 42 housing cooperative (as defined in section 1389(b)(1)).''.

(5) The table of sections for part III of subchapter T of chapter 1 of such Code is amended by adding at the end the following new item:

''Sec. 1389. Special rules for section 42 housing cooperatives and their shareholders.''.●

ADDITIONAL COSPONSORS

S. 249

At the request of Mr. D'AMATO, the names of the Senator from Washington (Mrs. MURRAY) and the Senator from Maryland (Ms. MIKULSKI) were added as cosponsors of S. 249, a bill to require that health plans provide coverage for a minimum hospital stay for mastectomies and lymph node dissection for the treatment of breast cancer, coverage for reconstructive surgery following mastectomies, and coverage for secondary consultations.

S. 348

At the request of Mr. MCCONNELL, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 348, a bill to amend title I of the Omnibus Crime Control and Safe Streets Act of 1968 to encourage States to enact a Law Enforcement Officers' Bill of Rights, to provide standards and protection for the conduct of internal police investigations, and for other purposes.

S. 831

At the request of Mr. SHELBY, the names of the Senator from Missouri (Mr. ASHCROFT) and the Senator from North Carolina (Mr. FAIRCLOTH) were added as cosponsors of S. 831, a bill to amend chapter 8 of title 5, United States Code, to provide for congressional review of any rule promulgated by the Internal Revenue Service that increases Federal revenue, and for other purposes.

S. 852

At the request of Mr. LOTT, the names of the Senator from Minnesota (Mr. GRAMS) and the Senator from Colorado (Mr. CAMPBELL) were added as cosponsors of S. 852, a bill to establish nationally uniform requirements regarding the titling and registration of salvage, nonrepairable, and rebuilt vehicles.

S. 912

At the request of Mr. BOND, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 912, a bill to provide for certain military retirees and dependents a special medicare part B enrollment period during which the late enrollment penalty is waived and a special medigap open period during which no under-writing is permitted.

S. 1166

At the request of Mr. CAMPBELL, the name of the Senator from Illinois (Ms. MOSELEY-BRAUN) was added as a cosponsor of S. 1166, a bill to prevent Federal agencies from pursuing policies of unjustifiable nonacquiescence in, and relitigation of, precedents established in the Federal judicial circuits.

S. 1252

At the request of Mr. D'AMATO, the name of the Senator from Nebraska (Mr. KERREY) was added as a cosponsor of S. 1252, a bill to amend the Internal Revenue Code of 1986 to increase the amount of low-income housing credits which may be allocated in each State, and to index such amount for inflation.

S. 1264

At the request of Mr. HARKIN, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 1264, a bill to amend the

Federal Meat Inspection Act and the Poultry Products Inspection Act to provide for improved public health and food safety through enhanced enforcement.

S. 1421

At the request of Mr. KENNEDY, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 1421, a bill to amend the Public Health Service Act to provide additional support for and to expand clinical research programs, and for other purposes.

S. 1480

At the request of Ms. SNOWE, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 1480, a bill to authorize appropriations for the National Oceanic and Atmospheric Administration to conduct research, monitoring, education and management activities for the eradication and control of harmful algal blooms, including blooms of Pfiesteria piscicida and other aquatic toxins.

S. 1641

At the request of Mr. MOYNIHAN, the name of the Senator from Georgia (Mr. COVERDELL) was added as a cosponsor of S. 1641, a bill to direct the Secretary of the Interior to study alternatives for establishing a national historic trail to commemorate and interpret the history of women's rights in the United States.

S. 1759

At the request of Mr. HATCH, the names of the Senator from Massachusetts (Mr. KERRY), the Senator from Illinois (Ms. MOSELEY-BRAUN), the Senator from Kansas (Mr. BROWNBACK), and the Senator from Minnesota (Mr. WELLSTONE) were added as cosponsors of S. 1759, a bill to grant a Federal charter to the American GI Forum of the United States.

S. 1890

At the request of Mr. DASCHLE, the names of the Senator from North Dakota (Mr. DORGAN) and the Senator from Ohio (Mr. GLENN) were added as cosponsors of S. 1890, a bill to amend the Public Health Service Act and the Employee Retirement Income Security Act of 1974 to protect consumers in managed care plans and other health coverage.

S. 1891

At the request of Mr. DASCHLE, the names of the Senator from North Dakota (Mr. DORGAN) and the Senator from Ohio (Mr. GLENN) were added as cosponsors of S. 1891, a bill to amend the Internal Revenue Code of 1986 to protect consumers in managed care plans and other health coverage.

S. 1924

At the request of Mr. GRAMM, his name was added as a cosponsor of S. 1924, a bill to restore the standards used for determining whether technical workers are not employees as in effect before the Tax Reform Act of 1986.

S. 1992

At the request of Mrs. HUTCHISON, the name of the Senator from Georgia (Mr. COVERDELL) was added as a cosponsor of S. 1992, a bill to amend the Internal Revenue Code of 1986 to provide that the $500,000 exclusion of a gain on the sale of a principal residence shall apply to certain sales by a surviving spouse.

S. 2007

At the request of Mr. COCHRAN, the name of the Senator from North Carolina (Mr. FAIRCLOTH) was added as a cosponsor of S. 2007, a bill to amend the false claims provisions of chapter 37 of title 31, United States Code.

S. 2031

At the request of Mr. GRASSLEY, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 2031, a bill to combat waste, fraud, and abuse in payments for home health services provided under the medicare program, and to improve the quality of those home health services.

S. 2045

At the request of Mr. FAIRCLOTH, the name of the Senator from Georgia (Mr. COVERDELL) was added as a cosponsor of S. 2045, a bill to amend title 10, United States Code, to permit certain beneficiaries of the military health care system to enroll in Federal employees health benefits plans, and for other purposes.

S. 2061

At the request of Mr. GRAHAM, the names of the Senator from South Carolina (Mr. HOLLINGS) and the Senator from Hawaii (Mr. INOUYE) were added as cosponsors of S. 2061, a bill to amend title XIX of the Social Security Act to prohibit transfers or discharges of residents of nursing facilities.

S. 2073

At the request of Mr. HATCH, the name of the Senator from Kentucky (Mr. MCCONNELL) was added as a cosponsor of S. 2073, a bill to authorize appropriations for the National Center for Missing and Exploited Children.

S. 2092

At the request of Mr. SMITH, the names of the Senator from New York (Mr. D'AMATO), the Senator from Missouri (Mr. BOND), the Senator from New Jersey (Mr. TORRICELLI), and the Senator from Colorado (Mr. ALLARD) were added as cosponsors of S. 2092, a bill to promote full equality at the United Nations for Israel.

SENATE JOINT RESOLUTION 44

At the request of Mr. KYL, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of Senate Joint Resolution 44, a Joint Resolution proposing an amendment to the Constitution of the United States to protect the rights of crime victims.

SENATE CONCURRENT RESOLUTION 35

At the request of Mr. MOYNIHAN, the name of the Senator from Georgia (Mr. COVERDELL) was added as a cosponsor of Senate Concurrent Resolution 35, a concurrent resolution urging the United States Postal Service to issue a commemorative postage stamp to celebrate the 150th anniversary of the first Women's Rights Convention held in Seneca Falls, New York.

SENATE CONCURRENT RESOLUTION 65

At the request of Ms. SNOWE, the name of the Senator from New Hampshire (Mr. GREGG) was added as a cosponsor of Senate Concurrent Resolution 65, a concurrent resolution calling for a United States effort to end restriction on the freedoms and human rights of the enclaved people in the occupied area of Cyprus.

SENATE CONCURRENT RESOLUTION 88

At the request of Mr. ASHCROFT, the names of the Senator from North Carolina (Mr. FAIRCLOTH) and the Senator from Utah (Mr. BENNETT) were added as cosponsors of Senate Concurrent Resolution 88, a concurrent resolution calling on Japan to establish and maintain an open, competitive market for consumer photographic film and paper and other sectors facing market access barriers in Japan.

SENATE CONCURRENT RESOLUTION 97

At the request of Mrs. FEINSTEIN, the name of the Senator from New York (Mr. D'AMATO) was added as a cosponsor of Senate Concurrent Resolution 97, a concurrent resolution expressing the sense of Congress concerning the human rights and humanitarian situation facing the women and girls of Afghanistan.

SENATE RESOLUTION 176

At the request of Mr. DOMENICI, the names of the Senator from New Hampshire (Mr. GREGG), the Senator from Alaska (Mr. MURKOWSKI), the Senator from Nebraska (Mr. HAGEL), and the Senator from Massachusetts (Mr. KENNEDY) were added as cosponsors of Senate Resolution 176, a resolution proclaiming the week of October 18 through October 24, 1998, as ''National Character Counts Week.''

SENATE RESOLUTION 199

At the request of Mr. TORRICELLI, the names of the Senator from South Dakota (Mr. DASCHLE), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Montana (Mr. BAUCUS), the Senator from Ohio (Mr. GLENN), the Senator from Nevada (Mr. BRYAN), the Senator from California (Mrs. BOXER), the Senator from Nevada (Mr. REID), the Senator from Montana (Mr. BURNS), and the Senator from South Dakota (Mr. JOHNSON) were added as cosponsors of Senate Resolution 199, a resolution designating the last week of April of each calendar year as ''National Youth Fitness Week.''

SENATE CONCURRENT RESOLUTION 99—AUTHORIZING THE FLYING OF THE POW/MIA FLAG

Mr. LOTT submitted the following resolution; which was considered and agreed to:

S. CON. RES. 99

Resolved by the Senate (the House of Representatives concurring), That, for the purpose of section 1082(b)(1)(B) of the National Defense Authorization Act for Fiscal Year 1998, the display of the POW/MIA flag at the Capitol shall begin at 6:30 p.m. on Sunday, May 24, 1998. As used in this section, the term

''POW/MIA flag'' has the same meaning as in section 1082 of such Act.

SEC. 2. The Architect of the Capitol may prescribe regulations with respect to the first section of this resolution.

SENATE RESOLUTION 235—COMMEMORATING 100 YEARS OF RELATIONS BETWEEN THE PEOPLE OF THE UNITED STATES AND THE PHILIPPINES

Mr. AKAKA (for himself, Mr. HELMS, Mr. BIDEN, Mr. THOMAS, Mr. INOUYE, Mr. LUGAR, Mrs. BOXER, Mr. COCHRAN, Mrs. MURRAY, Mr. ROTH, Mr. COVERDELL, Mrs. FEINSTEIN, and Mr. DURBIN) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 235

Whereas 1998 marks 100 years of special ties between the people of the United States and the people of the Philippines and is also the centennial celebration of Philippine independence from Spain which initiated relations with the United States;

Whereas the people of the Philippines have on many occasions demonstrated their strong commitment to democratic principles and practices, the free exchange of views on matters of public concern, and the development of a strong civil society;

Whereas the Philippines has embraced economic reform and free market principles and, despite current challenging circumstances, its economy has registered significant economic growth in recent years benefiting the lives of the people of the Philippines;

Whereas the large Philippine-American community has immeasurably enriched the fabric of American society and culture;

Whereas Filipino soldiers fought shoulder to shoulder with American troops on the battlefields of World War II, Korea, and Vietnam;

Whereas the Philippines is an increasingly important trading partner of the United States as well as the recipient of significant direct American investment;

Whereas the United States relies on the Philippines as a partner and treaty ally in fostering regional stability, enhancing prosperity, and promoting peace and democracy; and

Whereas the 100th anniversary of relations between the people of the United States and the people of the Philippines offers an opportunity for the United States and the Philippines to renew their commitment to international cooperation on issues of mutual interest and concern: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates the Philippines on the commemoration of its independence from Spain;

(2) looks forward to a broadening and deepening of friendship and cooperation with the Philippines in the years ahead for the mutual benefit of the people of the United States and the people of the Philippines;

(3) supports the efforts of the Philippines to further strengthen democracy, human rights, the rule of law, and the expansion of free market economics both at home and abroad; and

(4) recognizes the close relationship between the nations and the people of the United States and the people of the Philippines and pledges its support to work closely with the Philippines in addressing new challenges as we begin our second century of friendship and cooperation.

Mr. AKAKA. Mr. President, today I am submitting a resolution to commemorate 100 years of relations between the people of the United States and the people of the Philippines. It is especially fitting for Congress to recognize our special relationship with the Philippines because this year is also the centennial of Philippine independence from Spain. Senators HELMS, BIDEN, THOMAS, INOUYE, ROTH, LUGAR, BOXER, COCHRAN, COVERDALE, and MURRAY have joined me in submitting the resolution.

Our country's friendship with the Philippines began in 1898, a year which also marked a growing U.S. interest in the Pacific region. Over the years, the Philippines has modeled its governmental institutions after the United States and has demonstrated a growing commitment to democracy, human rights, and a free market economy.

Until the end of the Cold War, the United States maintained major military facilities in the Philippines, which played a significant role in preserving regional peace and stability. The United States has important strategic, economic, and political interests in Southeast Asia and regional stability remains an overriding U.S. concern. To this end, Filipino soldiers have stood shoulder to shoulder with American troops on the battlefields of World War II, Korea, and Vietnam to protect and advance mutual interest. Today, the Philippines remains an important partner in guarding the peace and maintaining stability in Southeast Asia.

In the twelve years since the peaceful ''people power'' revolution restored democracy to the Philippines, President Aquino and Ramos established a democratic government and instituted market-based reforms which placed the Philippines—politically and economically—on a strong foundation for the 21st century. Economic growth exceeded 6 percent last year and is forecast to grow at 3 percent in 1998.

In many ways the Philippines has emerged as a model for her Asian neighbors. Political stability and democratic institutions were strengthened by free market and trade reforms. In turn, deregulation, lower tariffs and government debt, financial transparency, and respect for the rule of law provide a healthy economic foundation for the Philippine's future.

It was not long ago that the Philippine economy was far behind the economic tigers of Asia. The Filipino people's love of democracy and political vitality were blamed in large part for this circumstance. Critics cited the absence of so-called ''Asian values'' in the Philippines, namely a willingness to make democracy secondary to prosperity and order. History has proven these commentators wrong, and today the Filipino model inspires advocates of democracy throughout Asia. Stability relies upon democracy and prudent economic policies.

Last month when President Clinton and President Ramos met at the White House they reaffirmed the friendship between our nations. The leaders promised to continue close cooperation in responding to the Asian financial situation and conducted a frank discussion on bilateral issues, including remediation efforts at the former Subic and Clark bases and benefit parity for Filipino-American veterans.

During this special year in which we observe the centennial of our relationship with the Philippines and the centennial of their independence, we have much to celebrate. First, we recognize the valuable contributions of Filipino-Americans to our nation. Filipino Americans helped to build and create the modern Hawaiian economy and have contributed greatly to the cultural diversity that is celebrated in my state. My good friend, Governor Ben Cayetano, is the first Filipino-American governor in the United States. In addition, we reflect on our close friendship and cooperation with the Philippines in times of war and peace. And finally, we look forward to continued close ties with a democratic and prosperous Republic of the Philippines, as we work together to champion democracy and economic growth in the dawning Pacific century.

SENATE RESOLUTION 236—TO EXPRESS THE SENSE OF THE SENATE REGARDING ENGLISH PLUS OTHER LANGUAGES

Mr. DOMENICI (for himself, Mr. MCCAIN, Mr. HATCH, Mr. DEWINE, Mr. CHAFEE, Mr. LUGAR, Mr. HAGEL, Mr. GRASSLEY, Mr. ABRAHAM and Mrs. HUTCHISON) submitted the following resolution; which was referred to the Committee on Labor and Human Resources:

S. RES. 236

Whereas English is the most widely used language in the areas of finance, trade, technology, diplomacy, and entertainment, and is the living library of the last 100 years of scientific and technological advance;

Whereas there are more speakers of English as a second language in the world than there are native English speakers, and the large number of English language schools around the world demonstrates that English is as close as any language has been to becoming the world's common language;

Whereas English is the common language of the United States, is important to American life and individual success, and 94 percent of United States residents speak English according to the 1990 decennial census;

Whereas immigrants to the United States have powerful incentives to learn English in order to fully participate in American society and the Nation's economy, and 90 percent of all immigrant families become fluent in English within the second generation;

Whereas a common language promotes unity among citizens, and fosters greater communication;

Whereas there is a renaissance in cultural assertiveness around the world, noting that the more interdependent nations become economically, the more interested the nations are in preserving and sharing cultural identity;

Whereas the reality of a global economy is an ever-present international development that is fostered by international trade and

the creation of regional trading blocs, such as the European Union, Mercosur, the North American Free Trade Agreement and the Association of Southeast Asian Nations;

Whereas knowledge of English, Spanish, French, Italian, German, Japanese, Chinese, Korean, Vietnamese, African languages, Farsi, sign language, and the many other languages of the world, enhances competitiveness and tremendous growth in world trade;

Whereas the United States is well postured for the global economy and international development with the United States' diverse population and rich heritage of languages from all around the world;

Whereas many American Indian languages are indigenous to the United States, and should be preserved, encouraged, and utilized, as the languages were used during World War II when the Navajo Code Talkers created a code that could not be broken by the Japanese or the Germans;

Whereas Spanish exploration in the New World began in 1512 when Ponce de Leon explored the Florida peninsula, and included the expeditions of Francisco Coronado throughout California to Kansas and across Arizona, New Mexico, Texas, and Oklahoma from 1540 to 1542;

Whereas the Nation will commemorate the 400th anniversary of the first Spanish Settlement of the Southwest (Ohkay Yunge at San Juan Pueblo, New Mexico) with official visits from Spain, parades, fiestas, masses, and other celebrations to emphasize the importance of the first encounters with American Indian cultures and the subsequent importance of encounters with other European cultures;

Whereas Hispanic culture, customs, and the Spanish language are a vital source of familial and individual strength;

Whereas the Bureau of the Census estimates that 1 in 5 Americans will be of Hispanic descent by the year 2030, and the future cultural, political, and economic strengths of this country are clearly dependent upon our Nation's ability to harness the talents and skills of this large and growing segment of the American population;

Whereas it is clearly in the interest of the United States to encourage educational opportunity for and the human potential of all citizens, and to take steps to realize the opportunity and potential;

Whereas a skilled labor force is crucial to the competitiveness of the Nation in today's global economy, foreign language skills are a tremendous resource to the United States, and such foreign language skill enhances American competitiveness in global markets by permitting improved communication and understanding;

Whereas one of the common bonds of Hispanic people is the Spanish language, and promoting the use of Spanish at home and in cultural affairs will benefit not only the growing Hispanic population of the United States but also the economic interests of the entire Nation; and

Whereas knowledge of other languages and other cultures is known to enhance the United States diplomatic efforts by fostering greater communication and understanding between nations, and can promote greater understanding between different ethnic and racial groups within the United States: Now, therefore, be it

Resolved, That the United States Government should pursue policies that—

(1) support and encourage Americans to master the English language plus other languages of the world;

(2) recognize the importance of English as the unifying language of the United States, and the importance of English fluency for individuals who want to succeed in American society;

(3) recognize that command of the English language is a critical component of the success and productivity of our Nation's children, and should be encouraged at every age;

(4) recognize that a skilled labor force is crucial to United States competitiveness in a global economy, and the ability to speak 1 or more languages in addition to English is a significant skill;

(5) recognize that knowledge of Spanish, in particular, is vital for building future cultural and economic bridges to Latin America;

(6) support literacy programs, including programs designed to teach English, as well as those dedicated to helping Americans learn and maintain other languages in addition to English; and

(7) develop our Nation's linguistic resources by encouraging citizens of the United States to learn and maintain Spanish, French, German, Japanese, Chinese, Italian, Korean, Vietnamese, Farsi, African languages, sign language, and the many other languages of the world, in addition to English.

Mr. DOMENICI. Mr. President, today I am proud to be joined by Senators MCCAIN, HATCH, DEWINE, CHAFEE, LUGAR, HAGEL, GRASSLEY, and ABRAHAM in submitting a Senate Resolution entitled ''English-Plus.'' By this, we simply mean to reaffirm the importance of mastering the English language *plus* other languages of the world, such as Spanish, Italian, German, Japanese, Chinese, Vietnamese, and many, many more.

As English becomes the world language of finance, trade, technology, diplomacy, and entertainment, the reality of international markets and international learning require a greater sensitivity to local languages. In our hemisphere, Spanish is clearly a dominant language.

In my home state of New Mexico, 37 percent of the people are Spanish-Americans or Mexican-Americans. These days, the term ''Hispanic Americans'' is used to include Americans whose roots are in Spain, Mexico, Puerto Rico, Cuba, Central America, and South America. As *U.S. News* reported in the May 11, 1998, issue, ''the label *Hispanic* obscures the enormous diversity among people who come (or whose forebears came) from two dozen countries and whose ancestry ranges from pure Spanish to mixtures of Spanish blood with Native American, African, German, and Italian, to name a few hybrids.''

U.S. News also reported in the same issue that ''The number of Hispanics is increasing almost four times as fast as the rest of the population, and they are expected to surpass African-Americans as the largest minority group by 2005.'' In the October 21, 1996, issue, *U.S. News* reported that ''Nearly 28 million people—1 American in 10—consider themselves of Hispanic origin.'' This 1996 estimate was based on 1994 Census data. Current estimates are that there are 29 million Hispanics in America, or 1 in 9 Americans. By 2050 projections are that 1 in every 4 Americans will be Hispanic.

As our world economy barges into the next century, it has become clear the ''domestic-only market planning'' has been replaced by the era of international trade agreements and the creation of regional trading blocs. In 1996, the total volume of trade with Mexico was estimated at $130 billion. Our trade with the rest of Latin America that same year was $101 billion.

Spanish is clearly a growing cultural and economic force in our hemisphere. It is also the common language of hundreds of millions of people. New Mexico is the only state that requires the use of both English and Spanish on every election ballot.

As the son of an Italian immigrant, I can personally testify to the importance of English Plus. My father did not read or write in English, yet he insisted that I learn English and do my best at some Italian. My parents both spoke Spanish—a skill which they found very useful in establishing a wholesale grocery business in Albuquerque.

Tens of thousands of New Mexico families still speak Spanish at home. Spanish remains a strong tie to their culture, music, history, and folklore. After decades of being taught to learn English first, most New Mexico Hispanic families also know English very well.

It is ironic that recent economic trends of this decade show Latin America as the most promising future market for American goods and services. An article in *The Economist* of April 21, 1998, stresses the value of the Spanish language to America's fastest growing minority group.

''America's Latinos are rapidly becoming one of its most useful resources.'' *The Economist*, however, also goes on to note that, ''The Spanish language, which is their glory, also consigns too many of them to jobs not far removed from indentured slavery.''

''Although they often meet discrimination, they have little taste for the politics of quotas or compensation. And although they have always supported 'affirmative action' programmes, they now loathe bilingual education, the programme most specifically devised to give them a leg-up into American life.''

''Even poor Latinos retain a sturdy distrust of government preferring to rely on their families. Relatively few Latinos are on welfare; most believe that a man ought to help himself first by his own efforts.''

It is no longer accurate to say that we are perched to enter a global economy—rather, we are well into it. With Latin America as the next great market partner of the United States, those Americans who know both English and Spanish will have many new grand opportunities. Mexico's recent hiring and celebration of its one-millionth *maquiladora* worker in international manufacturing plants mostly along our border, the value of knowing two languages to function with the hundreds

of Fortune 500 companies now manufacturing in Mexico is unquestioned.

Mr. President, I have long believed that New Mexico and other border states are uniquely poised to create the focal point of North American trade with South America. I agree with *The Economist* observation that ''America's Latinos are rapidly becoming one of its most useful resources.'' I predict that English Plus Spanish will be one of the major marketable skills for the next century.

In conclusion, I would like my colleagues to see the shallowness of thought behind the idea that ''English Only'' should be the wave of the future. If we want to miss our best potential markets in Mexico, Central America, and South America, then ''English Only'' should be our intent. If we want to become a more powerful cultural and economic American force in the world—including both North and South America into the meaning of ''America''—then we should adopt ''English Plus'' as approach.

As stated in our resolution, ''English Plus'' includes many if not all of the languages of the world. No one disputes the importance of English as the leading language of science, technology, the internet, finance, and diplomacy. By acknowledging our heightened abilities through the addition of other languages to our national strengths, the United States will benefit greatly by expanding its cultural life and economic potential through the application of the notion of ''English Plus'' other languages of the world.

Mr. MCCAIN. Mr. President, I rise today with my several of my colleagues from the Hispanic Task Force to submit a Resolution on English-Plus. This resolution is intended to express the importance of the English language in our society, PLUS the importance of knowing, understanding and speaking other languages in addition to English.

As a member of the Hispanic Task Force, I have been working closely with my colleagues, Senators DOMENICI and HATCH, in developing this resolution. Many of our colleagues may be curious to know what we mean when we say ''English Plus.'' ''English-Plus'' reflects our firm belief that all members of our society need to recognized and understand the importance of being fluent in English, Plus one or more additional languages.

Everyone agrees that all Americans must be fluent in English in order to succeed in today's society. Not only is English the common language of our nation, it is also the most popular and widely used language internationally in the areas of finance, trade, technology, diplomacy and entertainment. This is why it is critical that we continue encouraging all members of our society to be fluent in the English language.

However, I believe it is equally important for each of us to encourage all members of our society to study and develop an understanding of, if not a fluency, in one or more languages in addition to English. Individuals who have the capability to communicate in multiple languages have access to a wealth of opportunities economically, socially, professionally and personally.

Encouraging our citizens to be bilingual or multilingual serves as a tremendous resource to the United States, because it enhances our competitiveness in global markets by enabling communication and cross-cultural understanding while trading and conducting international business. In addition, multilingualism enhances our nation's diplomatic efforts and leadership role on the international front by fostering greater communication and understanding between nations and their people.

Foreign language skills also serve as a powerful tool for promoting greater cross-cultural understanding between the multitude of racial and ethnic groups in our country. One in five Americans will be of Hispanic descent by the year 2030. According to the 1990 Census, Spanish is the second most widely used language in the world. It is my firm belief that developing a greater knowledge of the Spanish language will benefit the economic and cultural interests of our entire country. Being proficient or fluent in languages besides English, combined with an understanding of various cultures, will significantly enhance communication and understanding between the various racial and ethnic groups in our country.

This resolution highlights the importance of implementing policies in our country which support and encourage all Americans to master English, plus one or more other languages of the world. It is critical that we continue supporting policies and programs which stress the importance of English but we should also encourage all Americans to study, learn and familiarize themselves with the languages of many other cultures.

I urge the Senate to adopt this resolution, which sends a clear message to our citizens and the people of the world that Americans are committed to encouraging proficiency in English as well as other international languages.

SENATE RESOLUTION 237—EXPRESSING THE SENSE OF THE SENATE REGARDING THE SITUATION IN INDONESIA AND EAST TIMOR

Mr. FEINGOLD (for himself, Mr. REED, Mr. MOYNIHAN, Mr. KOHL, Mr. KENNEDY, Mr. HARKIN, and Mr. WELLSTONE) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 237

Whereas recent political turmoil and economic failure in Indonesia have endangered the people of that country and fomented instability in the region;

Whereas President Suharto has properly responded to this crisis by resigning, after 32 years in office, the presidency of Indonesia in accordance with Indonesia's constitutional processes;

Whereas Indonesia is now embarking on a new era that is ripe for political and economic reform;

Whereas in 1975 Indonesia invaded, and since that time has illegally occupied, East Timor claiming the lives of approximately 200,000 East Timorese;

Whereas Indonesia has systematically committed human rights abuses against the people of East Timor through arbitrary arrests, torture, disappearances, extra-judicial executions, and general political repression;

Whereas 8 United Nations General Assembly and 2 United Nations Security Council resolutions have reaffirmed the right of the people of East Timor to self-determination;

Whereas Bishop Carlos Filipe Ximenes Belo and Jose Ramos-Horta, who were awarded the 1996 Nobel Peace Prize for their courageous contribution to the East Timorese struggle, have called for a United Nations-sponsored referendum on self-determination of the East Timorese;

Whereas President Clinton in a letter dated December 27, 1996, expressed interest in the idea of a United Nations-sponsored referendum on self-determination in East Timor;

Whereas the United States cosponsored a 1997 United Nations Human Rights Commission Resolution calling for Indonesia to comply with the directives of existing United Nations resolutions regarding East Timor; and

Whereas present circumstances provide a unique opportunity for a resolution of the East Timor question: Now, therefore, be it

Resolved, That it is the sense of the Senate that the President should—

(1) encourage the new political leadership in Indonesia to institute genuine democratic and economic reforms, including the establishment of an independent judiciary, civilian control of the military, and the release of political prisoners;

(2) encourage the new political leadership in Indonesia to promote and protect the human rights and fundamental freedoms of all the people of Indonesia and East Timor; and

(3) work actively, through the United Nations and with United States allies, to carry out the directives of existing United Nations resolutions on East Timor and to support an internationally supervised referendum on self-determination.

SEC. 2. The Secretary of the Senate shall transmit a copy of this resolution to the President.

• Mr. FEINGOLD. Mr. President, over the past few days, the world has watched in disbelief as Indonesia has unraveled. Barely two days ago, in response to mounting domestic and international pressure, President Suharto, Indonesia's authoritarian ruler for 32 years, announced his resignation. For the moment, power has been transferred to Suharto's longtime confidant, the former Minister of Research and Technology, Vice President, B.J. Habibie.

Mr. President, it is too soon to tell whether this transition will satisfy the demands of the students and other Indonesians who have been protesting Suharto's rule for the past three months. To be honest, I doubt it. These students want real political reform, and I believe all of Indonesia's people deserve such reform.

I hope Indonesia's new leadership will exercise restraint during this period of

transition, and will use the present circumstances to enact policies that appropriately address the needs of all Indonesians.

At the same time, I think these circumstances present a unique opportunity to deal with one of Indonesia's most vexing problems, and one that I have been actively engaged in since before I joined the Senate—the question of the political status of East Timor.

Mr. President, today my colleague from Rhode Island [Mr. REED] and I are submitting a resolution encouraging a solution to the political status of East Timor. This resolution is similar to H. Con. Res. 258, introduced in the House of Representatives by Rep. NITA LOWEY and others.

This resolution says simply: the United States should support an internationally supervised self-determination referendum in East Timor.

Indonesia has sustained a brutal military occupation of East Timor for more than 20 years, and thousands of East Timorese have lost their lives as a result. Human rights organizations from around the world, as well as our own State Department, continue to report substantial human rights violations by the Indonesian military—including arbitrary arrest and detention, curbs on freedom of expression and association, and the use of torture and summary killings of civilians.

Immediately after the Indonesian occupation of East Timor in 1975, and again in 1976, the United Nations Security Council called for Indonesia to withdraw from the region and called for the recognition of East Timorese self-determination. From 1976 to 1982, the U.N. General Assembly adopted eight separate resolutions calling for the withdrawal of Indonesian armed forces from the territory. In the past few years, several nations, including the European Union and the Australian Senate, have delivered strong statements condemning the actions of the Indonesian government in East Timor and calling for a process of self-determination.

As you know, Bishop Carlos Ximenes Belo, co-winner with Jose Ramos Horta of the 1996 Nobel Peace Prize, has long called for the self-determination of his people and reiterated his plea for a self-determination referendum immediately after receiving news of his Nobel prize.

Even President Clinton, who has not engaged on this issue in the past, expressed interest in the idea of a United Nations-sponsored self-determination referendum in a December 1996 letter to me.

Mr. President, as we know, although the larger political crisis in Indonesia has been brewing for sometime now, events of recent days have taken on a surreal intensity. Since the early part of this year, there had been relatively peaceful protests taking place largely in Jakarta, the capital. For the most part, these demonstrations were led by students and confined to university campuses. But while the protests were triggered in response to the economic turmoil caused by the larger financial crisis in Asia, they quickly gave voice to political dissent of a sort not seen in Indonesia for decades. As the students slowly realized they had a political voice, they began to speak out more forcefully, and the demonstrations increased—moving out to more cities and spilling off of the campuses.

Now, the situation has become dangerous, fatal for some, as widespread riots and looting have spread across Jakarta and elsewhere. The economy is nearing a standstill and the military is beginning to show signs of stress and fracture. Reports of the dead and injured continue to grow. Hundreds of people have been arrested.

And of course no one really knows what to expect during the unfolding political drama of Indonesia.

This crisis clearly has affected all of Indonesia and will have serious implications for the country's future, but I am particularly concerned about the impact of these recent events on East Timor.

As my colleagues well know, I have been monitoring the situation in East Timor for more than six years. What particularly worries me now, given this larger political crisis, are reports of increasing numbers of troops in some of East Timor's major cities. This is extremely destabilizing, coming on the heels of a dire humanitarian situation on that captive island because of poor access to food.

The resolution Senator REED and I are submitting today is important at this time because it is clear that whatever happens in Jakarta over the next weeks and months will no doubt have profound implications for political and military development in East Timor. The great irony of the latest crisis in Indonesia is that it may actually present us with an opportunity once and for all to help the people of East Timor exercise their right to self-determination. Habibie, or any other leader that succeeds him—through legitimate means or by brutal coup—will have to reevaluate Indonesia's relationship with East Timor. It is my sincere hope that any successor will recognize that Indonesia's brutal occupation of the territory is entirely unsustainable and will look to the natural solution of a self-determination referendum to help determine East Timor's political status.

Mr. President, the East Timorese deserve the support of people of conscience all over the world, and the United States should use it world leadership position on their behalf. The United States should begin immediately to encourage the process of self-determination in both Indonesia and in East Timor.

It is long overdue.●

● Mr. REED. Mr. President, I am proud to join with my colleague from Wisconsin, Senator FEINGOLD, submitting this resolution which addresses the unfolding events in Indonesia.

On Thursday, President Suharto resigned his position after leading Indonesia for thirty-two years. His action was a response to civil unrest and economic turmoil which reached a crescendo in the past few weeks. President Suharto is to be commended for heeding the call of the Indonesian people for change, for avoiding further bloodshed, and for permitting a change of leadership in accordance with the constitutional processes of Indonesia.

Now, it is time for change. The people of Indonesia and the world have called for it. The United States should do everything in its power to encourage and support the new political leadership of Indonesia to implement reforms.

Most importantly, we are on the threshold of the chance to resolve the question of East Timor. In 1975, Indonesia invaded East Timor. For over two decades that land has been wracked by fear, suppression, torture and death. Approximately one third of the population has been killed. The United Nations has called again and again for a just, comprehensive and internationally acceptable solution in East Timor, but to no avail.

Mr. President, we must seize this opportunity. The oppression of East Timor must end. The people of East Timor have a right to self-determination. They, and the people of Indonesia, deserve to live securely in economic, political and physical freedom.

Against overwhelming odds, the people of Indonesia and East Timor have bravely fought for their rights and caused a powerful leader to resign. The United States if obligated to support them and encourage the new leadership of Indonesia to institute genuine democratic and economic reforms, promote and protect the human rights of the citizens, and respect the right of the people of East Timor to self-determination. I join Senator FEINGOLD in urging the Senate to adopt this resolution.●

AMENDMENTS SUBMITTED

IRAN MISSILE PROLIFERATION SANCTIONS ACT OF 1998

LEVIN AMENDMENT NO. 2444

Mr. LEVIN proposed an amendment to the bill (H.R. 2709) to impose certain sanctions on foreign persons who transfer items contributing to Iran's efforts to acquire, develop, or produce ballistic missiles; as follows:

On page 2, beginning on line 15, strike out ''August 8, 1995—'', and insert in lieu thereof ''January 22, 1998—''.

On page 6, beginning on line 24, strike out ''August 8, 1995—'', and insert in lieu thereof ''January 22, 1998—''.

THE NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1999

INHOFE AMENDMENT NO. 2445

(Ordered to lie on the table.)

Mr. INHOFE submitted an amendment intended to be proposed by him to the bill (S. 2057) to authorize appropriations for the fiscal year 1999 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

On page 347, below line 23, add the following:

SEC. 2833. ELIMINATION OF WAIVER AUTHORITY REGARDING PROHIBITION AGAINST CERTAIN CONVEYANCES OF PROPERTY AT NAVAL STATION, LONG BEACH, CALIFORNIA.

Section 2826 of the Military Construction Authorization Act for Fiscal Year 1998 (division B of Public Law 105–85; 111 Stat. 2001) is amended by striking out subsection (e).

NOTICE OF HEARING

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. CRAIG. Mr. President, I would like to announce for the public that a hearing previously announced for June 11, 1998, has been rescheduled before the Subcommittee on Forests and Public Land Management of the Senate Committee on Energy and Natural Resources.

The hearing will take place Wednesday, June 17, 1998, at 2:00 p.m. in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of this hearing is to receive testimony on S. 1253, the Public Land Management Improvement Act of 1997.

Those who wish to submit written statements should write to the Committee on Energy and Natural Resources, U.S. Senate, Washington, DC 20510. For further information, please call Amie Brown or Mark Rey at (202) 224–6170.

AUTHORITY FOR COMMITTEE TO MEET

SELECT COMMITTEE ON INTELLIGENCE

Mr. KYL. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Friday, May 22, 1998, to hold a business meeting.

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

ADDITIONAL STATEMENTS

SPECIAL NEEDS CHILDREN

• Mr. GRASSLEY. Mr. President, on Saturday, April 18, 1998, an article ran in the Rochester Post Bulletin in Rochester, MN that illustrates very well the tremendous child care challenges facing families. This is a story about a child with disabilities and her parents who are having increasing problems finding quality child care. Mr. President, I will ask that this article be printed in the RECORD at the conclusion of my remarks.

Mr. President, at the age of six months, this young child—Christina Barth—developed infantile spasms or epilepsy. Christina is not alone. More than two million Americans have some form of epilepsy. More than one fourth of them are children under the age of 18.

Upon her diagnosis, Christina was treated with many different types of medication. Unfortunately, none of the treatments worked successfully. Then, at the age of three, Christina underwent a partial lobotomy on the right side of her brain. The surgery successfully treated her disease for almost two years. But then, the symptoms developed on the left side of her brain. Since that time, Christina has lived with epilepsy.

Now Christina is 11 years old. She attends a special education class at Gage Elementary School. She functions on the cognitive level of an 18-month-old child. Her family hopes and prays that a cure for epilepsy will be found someday.

Like most other families with special needs children, Christina's parents face daily challenges in caring for their child. Identifying high quality child care is among the most difficult challenges her parents face.

Finding a child care provider—whether it be a commercial day care center or an in-home care giver—is becoming more and more difficult. This point was made by a witness who recently testified before the Finance Committee about the challenges of finding child care for a child with disabilities.

Most child care providers tend not to enroll special needs children because often the child needs one-on-one care. And, the fear of the unknown presents an added risk to an already demanding job.

In Christina's case, a state funded agency has helped her family locate an in-home care giver that cares for Christina while her parents are at work.

But, Mr. President, access is only the first hurdle in finding child care. Quality is equally important. Unfortunately, in Christina's case, her child care providers have not been adequately trained to handle or even recognize when Christina has an epileptic attack.

At one time, Mr. President, the agency that placed the providers with Christina called her parent's to warn them of an employee and told them to call the police if she came to their home.

This raises a question Mr. President. Who is watching the watchers?

Mr. President, in the national debate about child care it seems to me that not enough is being said about the challenges facing families with children who have disabilities.

Child care policies must address issues of access and quality as it relates to special needs children. Many of the bills introduced this year do not address special needs issues. In fact, Senate bill 1610 asks for more than 20 billion dollars through fiscal year 2003 to improve the affordability of child care and an additional three billion dollars through fiscal year 2003 for enhancing the quality of child care and early childhood development. However, there are no provisions regarding an increase of availability, affordability, and quality Of child care for children with special needs.

It is our duty, Mr. President, to make sure that these special needs children and their parents have the same opportunities as other children and families. Today I urge my colleagues on both sides of the aisle to make sure that children with special needs are not left out or forgotten in any legislation regarding child care that comes before this Congress.

Mr. President, I ask that the article from the Rochester Post Bulletin be printed in the RECORD.

The article follows.

SPECIAL NEEDS CHILD CARE IS ''ACCIDENT WAITING TO HAPPEN''

(By Mary Divine)

Julie Sauer's daughter was only 6 months old when she began shaking and quivering uncontrollably. No reason, no explanation.

For the next two years of her life, little Christina Barth experienced almost constant seizures, said Sauer, a lab technician at Mayo Clinic. Finally, when she was 2½, Christina underwent a partial lobotomy at UCLA's Medical Center.

Christina, now 11 and a student at Gage Elementary School, is mentally disabled and has an intractable seizure disorder. She functions at the level of an 18-month old child, Sauer said.

Because of her special needs Christina needs specialized child care, child care that Julie Sauer said isn't available in Rochester.

''Our dilemma is finding child care for her before school, for non-school days and for the upcoming summer vacation,.'' Julie Sauer said.

Sauer and her husband, Bob Sauer, the owner of Rochester Drain-Rite, have been in touch with the School-Age Child Care program. Child Care Resource and Referral, Arc Olmsted County, Hiawatha Homes and a home day care provider. Child Care Resource and Referral found that area day care centers and School-Age Child Care did not have enough staff to provide the one-to-one care Christina requires, Julie Sauer said.

''If only there were a place that was capable of taking care of her, like a day care center,'' Julie Sauer muses as she strokes her daughter's hair.

UNSATISFACTORY CARE

Since the beginning of the school year, the Sauers have relied on before and after school care provided by a personal care attendant. But the Sauers say the care isn't satisfactory.

''We had five new people in one week.'' Bob Sauer said ''We have people who never even showed up.''

The turnover in staff is confusing to Christina, Julie Sauer said. ''She doesn't want to

get off the bus because she doesn't know them.''

If a snow day is called, the Sauers panic.

But they panic on other days as well. Once, they came home to find blood on the carpet and a shower rod in the upstairs bathroom ripped from the wall. Christina was fine, but the personal care attendant on duty that day was never allowed back into their home.

Often, they have Bob Sauer's daughter from a previous marriage watch the personal care attendant who is supposed to be caring for Christina.

''Sometimes I think that it's Christina who should be watching them,'' he said.

One attendant didn't realize Christina was having a seizure until Sauer's son told her, Sauer said.

''We have strangers coming into the house who just don't have a clue,'' he said. ''There have been people in this house that we have never met. Once, they called and warned us about one of the PCAs. They said, 'If she comes to the door, don't let her in. And if she will not leave, call 911.' It's an accident waiting to happen.''

Julie Sauer has written area legislators about the lack of child care for special needs children.

Hiawatha Homes provides respite care, but the children must stay overnight to be reimbursed by the state, she said.

''I want to take care of my daughter for as long as I can,'' Julie Sauer said. ''I am not looking for money to pay for someone to take care of my daughter, only help in finding a place that will be equipped for special needs children in our community.''

SHORTAGE OF EMPLOYEES

Tom Davie, director of Community Education, oversees the School-Age Child Care program, which serve some special-needs children.

''Our challenge becomes one of having adequate staffing'' he said. ''We have taken children who have not required one-to-one care. Many times, because of our numbers, School-Age Child Care is not the best choice for a child with special needs.''

Arc Olmsted County used to provide a day care program for children with special needs, but the organization discontinued it, said Buff Hennessey, Arc's executive director.

About 3 percent of the population is identified as having a developmental disability, she said.

''There are home health care agencies that provide PCA services, although a couple are no longer providing services to families with young people,'' she said. ''There are reimbursement problems and then with the way the labor market is. Our industry as a whole has a crisis shortage of employees. There have been efforts to train additional providers, but the numbers have been pretty limited.''

Hennessey said some families have given up employment opportunities to have one parent stay home with the special-needs child.

That's not an option for the Sauers, both of whom work full-time, they say.

''We want to raise her as much as we can,'' Bob Sauer said, ''but our options are to put up with this or give her up completely.''●

TRIBUTE TO RICHARD C. MARBES

● Mr. KOHL. Mr. President, I rise today to recognize Richard (Dick) Marbes, who is retiring from the full time position of Wisconsin State Adjutant of the Disabled American Veterans (DAV). As Mr. Marbes retires, it seems an appropriate time to acknowledge his distinguished career and extraordinary contributions and service to veterans and the DAV.

During the 1950's, Dick served his country proudly in the Air Force. He is a long time active member of DAV chapter 3 in Green Bay and he has served as Wisconsin State Adjutant for over ten years. In 1993–1994, Dick was elected and served as the National Commander of the DAV where he spearheaded an effort to change some pre-existing policies, helping to reestablish the DAV as one on the strongest and most influential Veterans groups. Dick was recognized as the DAV's National Amputee of the year, and is also a member of the Wisconsin Board of Veterans affairs.

Mr. President, I hope all of my colleagues will join me in offering our congratulations to Dick Marbes and his wife Mary Jane and four children, Pam, Susan, Amy, and Tim. Dick has dedicated his time, talents and energy to serving Veterans and we are indeed indebted to him for his efforts. I am proud to salute Dick for a job well done, and I send him my best wishes for the future. ●

FIGHTING BACK AGAINST THE PAPARAZZI

● Mr. HATCH. Mr. President, I am pleased to join with my distinguished colleague, Senator FEINSTEIN, in introducing this legislation to combat the efforts of a few overzealous individuals to improperly intrude upon other's privacy rights. I am cosponsoring this legislation, in large measure, as a tribute to the efforts of Congressman Sonny Bono, who brought this issue to the fore. As we all know, long before he was elected to Congress, Representative Bono achieved celebrity status in the music business and on television. He was thus acutely aware, from an early age, of the costs of fame. A cost that some, such as rising television star Rebecca Schaeffer, had to pay in blood, and others, such as Arnold Schwarzenegger, Steven Spielburg, Jodie Foster, David Letterman, and Elizabeth Taylor, to name but a few, have had to pay with a loss of privacy and an inability to freely mingle in public.

Unfortunately, certain individuals within the generally responsible media corps have forced many of these well-known figures to hide behind a veil of high-priced security systems and bodyguards. I know that some so-called celebrities have openly questioned whether their fame is worth the price of sacrificing their privacy and their ability to live normal lives.

I know, too, that my colleague, Senator FEINSTEIN, was herself once the target of a stalker. So I know that this legislation means a great deal to her on a personal level. As public figures, whether as actors or musicians or yes, even Senators, we must expect a certain amount of media attention. Indeed, most of my colleagues on the Hill relish such attention—particularly in election years! Press coverage—some of it favorable, some of it not so favorable—is all a part of the system. Indeed, it is an important part of our democratic system. So important that the Constitution's framers bestowed upon us the First Amendment protections of free speech and press. And lest we condemn those who have followed recent infamous criminal trials too closely, I would note that the Sixth Amendment guarantees the right to a public trial. The glare of the spotlight is an unavoidable, and in most cases, laudable, feature of a free democratic-republic.

Unfortunately, just as the right to swing one's fist may end at another man's nose, the right to aim one's camera at another person's face may end where that person has a reasonable expectation of privacy. Undoubtedly, the privacy expectations of public figures are considerably different from that of private individuals. That is a reality that all who walk in the glare of the camera come to expect and learn, for the most part, to deal with. But when the media become too intrusive, or cross lines of general decency or responsibility, something must be done.

It is one thing for the media to attend a press conference where I introduce this legislation—it is quite another thing, however, for the media to follow me home and train their cameras on my windows. I know, for example, that Arnold Schwarzenegger and Maria Shriver did not appreciate the attempts of some in the media, shortly after Mr. Schwarzenegger had been released from the hospital after undergoing open heart surgery, to stop their van on the street as they were taking their children to school, in an attempt to get photographs. I don't think any of us here would appreciate it if someone tried to harass our spouses or fathers or mothers as they left the hospital after having had major surgery. Public figure or not, some things simply cross the bounds of responsible journalism or media coverage.

I think the recent death of Princess Diana focused efforts to deal with an overly intrusive media—even if it is unclear whether the media had anything to do with that tragedy. In fact, some people overreacted to that horrible event, pointing fingers at the press before the facts were established. Regardless of the media's role in that accident, the mere fact that people recognized that she had long been harassed by an overly aggressive media, and that it was not such a stretch to believe that the paparazzi could have played a role in her tragic death, demonstrates the seriousness of this problem.

In the wake of Princess Diana's death, Representative Bono and Senator FEINSTEIN began a tireless crusade to see Federal legislation enacted to protect people from the so-called stalkarazzi. We are now witnessing the fruits of their efforts—I only wish that Representative Bono had been here to see this legislation introduced.

I want to say to Senator FEINSTEIN that I commend her for advocating this legislation. Indeed, I am ready to roll up my sleeves and work with her to address this problem. I am committed to moving this legislation through the Judiciary Committee. At the same time, however, we must take care to craft legislation that will be respectful of our First Amendment rights and of any federalism concerns. In fact, I hope the States will view this bill, as it is refined in committee, as a model for adopting similar reforms. And I am confident that we will be able to strike a reasonable balance between the press' First Amendment rights to seek information about public figures and the right of those individuals to their reasonable expectations of privacy. After all, we must take care that the solution to this admitted problem does not trample on important rights. With these concerns in mind, I intend to work with Senator FEINSTEIN to ensure that we have the best legislation possible. We hope to hold hearings to identify the extent of these problems and to determine how best to combat attempts by some overzealous members of the media in their efforts to profit by intruding on others' privacy. I believe that this legislation is an important first step in that process.●

HONORING THE 12TH ANNUAL ENTREPRENEURIAL WOMAN'S CONFERENCE

● Ms. MOSELEY-BRAUN. Mr. President, it is my distinct honor to recognize an organization from my home state of Illinois that has been an invaluable resource for and promoter of women-owned small businesses. I am speaking of the Women's Business Development Center, who will hold their 12th annual Entrepreneurial Woman's Conference on September 9, 1998 in Chicago.

Since 1986, the WBDC, a nationally-recognized nonprofit women's business assistance center, has assisted more than 30,000 women business owners in establishing and expanding small businesses throughout our country. The Women's Business and Finance Program, the Women's Business Enterprise Initiative, the Entrepreneurial Woman's Conference and the Women's Business and Buyers Mart are a few of the many programs and services of the WBDC that support female small business ownership and help to strengthen the entire U.S. economy.

As the first permanent female member of the Senate Finance Committee, I know firsthand of the obstacles faced by women when attempting to establish a foothold in the world of commerce. The WBDC and its two founders, Hedy Ratner and Carol Dougal, have made great progress towards tearing down these obstacles.

Today, women-owned small businesses are an integral part of the current success of the American economy. Currently, there are over 7.7 million women-owned businesses in the United States, generating $2.3 trillion in sales. In Illinois, there are over 250,000 women-owned businesses. These businesses mean more jobs for American workers. In fact, women business owners employ one of every four U.S. company workers. Certainly, some of this success is due in part to the programs and services offered by the WBDC in Illinois and similar programs in Indiana, Ohio, Florida, Massachusetts and Pennsylvania. Despite this success, there is still more to be done. I am confident that with help from organizations such as the WBDC, the number of women entrepreneurs will continue to rise.

The Woman's Entrepreneurial Conference is the centerpiece of the WBDC's activities. The Conference provides women business owners with the opportunity to network, attend informative panel discussions, and pursue business opportunities in an environment that is supportive of the needs of female small business owners. It is my pleasure to welcome the conferees to Chicago, and to congratulate the WBDC for their work and dedication to increasing female ownership in the American marketplace.●

THE 25TH ANNIVERSARY OF CLARK AND SUSAN DURANT

● Mr. ABRAHAM. Mr. President, I rise today to recognize the 25th wedding anniversary of my dear friends Clark and Susan Durant of Grosse Pointe, Michigan.

The Durants have shared a very special marriage over the last twenty-five years and have produced four wonderful children. Their friends and family have witnessed them grow stronger together over the course of the last twenty-five years. Not only do these two individuals have a strong and successful marriage and family, they have contributed tremendously to both their community as well as State of Michigan and have touched the lives of many.

Once again, I would like to congratulate Clark and Susan on this blessed occasion. I wish them continued happiness and success. I send my warmest regards to the entire Durant family.●

RECOGNITION OF U.S. CUSTOMS FOR OPERATION CASABLANCA

● Mrs. FEINSTEIN. Mr. President, I rise today to commend the U.S. Customs Service and the Departments of Treasury and Justice for one of the most important victories they have had in the war on drugs to date.

I would like to thank Attorney General Janet Reno, Secretary of the Treasury Robert Rubin, and Undersecretary of the Treasury for Law Enforcement Ray Kelly for their leadership in this important endeavor and the two hundred U.S. Customs agents, who put their lives at stake, diligently and tirelessly for thirty months, to establish this necessary beachhead in the war on drugs. It is a testament to the dedication and the ability of our law enforcement personnel that they were able to complete this difficult and dangerous operation.

On Monday, May 18, Secretary Rubin and Attorney General Reno announced the arrests of 112 people involved in illegal drug money-laundering in Mexico, which resulted in the seizure of an anticipated $157 million in over 100 accounts in the United States, the Caribbean and Europe. Furthermore, 4 tons of marijuana and 2 tons of cocaine were seized during this 30-month undercover investigation. The indictments include officials from 12 of Mexico's 19 largest banks, who stand accused of knowingly abetting drug traffickers to launder hundreds of millions of dollars.

As a result of this investigation, for the first time ever, Mexican banks have been directly linked to money laundering and have been indicted as institutions due to their complicity in money-laundering, the significant number of employees involved, the large number of illegal transactions, and the institution-wide profiting from these illegal transfers, which brought a 4–5% fee per transfer. Bancomer, Mexico's second largest bank, Banca Serfin, Mexico's third-largest bank, and Confia, also among the top twenty, were the three banks involved.

This investigation, known as ''Operation Casablanca'', involved two hundred undercover Customs agents, targeting the Cali cocaine and heroine syndicate in Colombia, the Juarez cartel in Mexico, and the involvement of Mexican banks. Two hundred individuals face arrest warrants as the investigations continue, including warrants issued for the Juarez cartel money manager, Victor Alcala Navarro and one of its leaders, Jose Alvarez Tostado.

I would also like to show my support for the Federal Reserve's issuance of ''cease and desist'' orders suspending the U.S. operations of Banca Serfin, Bancomer, Banamex, Bital of Mexico and Banco Santander of Spain, because of ''serious deficiencies in their anti-money laundering programs.'' These banks must institute new and tougher controls to resume business in the United States.

Despite Mexico's lax enforcement of its own money-laundering statutes, it is good to see that the United States is not afraid to use its own resources to address this serious problem.

I hope that operations like these will continue to bleed the powerful drug cartels. The American and the international drug war has benefited from this peek into the intricacies of drug-related money laundering.

However, Mr. President, I cannot help but see this latest good news in relation to my concerns about Mexico's insufficient counternarcotics cooperation with the United States. The Mexican government was not informed of this 3-year, extensive investigation

until the same morning the press was. Why not? It would seem that this would have been a perfect opportunity to engage in a cooperative law enforcement effort.

The Administration's certification of Mexico for its counternarcotics cooperation in March certainly suggests that a major investigation like ''Operation Casablanca'' would have been a joint effort. However, the reality is that distrust between U.S. and Mexican law enforcement has strained relations and hurt earlier cooperative efforts.

Undersecretary Ray Kelly, who has been nominated to be the chief of the Customs Service, answered this question in an article of The Washington Post on May 19th. The Mexican authorities were not informed, ''Because of fear of compromising the operation and placing the lives of U.S. agents in danger.''

Since the announcement of the indictments this week, the Mexican government has made statements in support of this operation, and the Mexican Attorney General indicated that his office will investigate these banks as well.

I just hope that this will result in tougher Mexican laws against drug traffickers and money-launderers and progress toward real cooperation to halt the flow of drugs across our borders, rather than the erratic and insufficient cooperation that we have seen until now. Let the Mexican government take this opportunity to prove their commitment to fighting the spread and profit of drugs. Let this be the start of a new concerted and cooperative effort to rid our countries of this menace.●

NATIONAL FOSTER CARE MONTH

● Mr. CRAIG. Mr. President, I rise in observance of the tenth annual National Foster Care Month, May, 1998—a month when the nation commemorates the outstanding contributions that foster parents make every day to the lives of some of our most vulnerable young people.

Children are our nation's greatest hope and responsibility. Every child deserves a loving, permanent family. Unfortunately, nearly half a million American children find themselves without a family to count on, victims of violence, drugs, or neglect. With the help of foster parents, these children can live in an environment that is safe, stable, and full of love. Yet all too often, the compassion and caring of foster parents go unrecognized.

Let me tell you about an Idaho family who have been foster parents for ten years. Arthur and Janet Mayer have fostered more than 140 boys throughout those years. It is impossible for most of us to imagine—much less imitate—the tremendous commitment of time and energy these fine people have made to their foster children. Later this month, they will be recognized in my state with the Lifetime Achievement to Foster Care Award. I am pleased to express my admiration of Arthur and Janet, and my appreciation for their dedicated service to children and families.

National Foster Care Month gives us an opportunity to commend not only the Mayers, but also the more than 100,000 foster parents across the nation who have opened their homes and hearts to young people in need of temporary refuge. Whether they help 140 children or one, these individuals are making a critical contribution that will resonate long into the future. I hope all of my colleagues will join with me in encouraging families in their own states to participate in the foster care program and applauding the important work of our nation's foster parents.●

TRIBUTE TO DR. D.H. MCDONALD—45 YEARS AS COMMUNITY PHYSICIAN

● Mr. KOHL. Mr. President, I rise today to recognize the outstanding career of Dr. D.H. McDonald, who is retiring after 45 years of dedicated service to the health of the people of Winneconne, Wisconsin.

As a young boy growing up during the Great Depression, Dr. McDonald always dreamed of one day being able to take care of others. He took great pride in his father's hard work and accomplishments, and cherished the educational opportunities available to him. His desire to help people, hard work ethic and determination to do his best led Dr. McDonald to serve in the medical corps of the U.S. Army Air Force Command as a hospital administrator during World War II.

During his time at Marquette University Medical School, Dr. McDonald took advantage of every opportunity he had, not only to learn about diverse areas of the medical field, but also to volunteer in the community. He worked at St. Mary Hill Psychiatric Hospital in Milwaukee and volunteered in the disadvantaged areas of Chicago where he made home deliveries of babies under the supervision of specialists.

In 1952 Dr. McDonald established the McDonald Clinic. In an effort to accommodate the needs of the patients, Dr. McDonald used his clinic as a 24 hour, seven days a week walk-in clinic.

Mr. President, Dr. McDonald has remained extremely close to the Winneconne community for over 45 years. Throughout the years, he has contributed to many of the events that have taken place within the community and will always be remembered for his commitment to the health and well-being of the people of Winneconne, Wisconsin.

As he retires from the practice of medicine to the community which he has spent most of his life serving, we wish him the best of luck and thank him for his service.●

MEMORIAL DAY 1998

● Mr. SESSIONS. Mr. President, I rise today to say thanks to those who have gone before us. Monday marks the 130th year of our country's official observance of Memorial Day. It is a day America dedicates to remember all those who fell in defense of this country. On Monday, many across the land will bow their heads in silence for a few moments and remember the patriots of our past.

There is no way to measure the impact on the lives of those who have lost someone to war. Certainly on this Memorial Day, many will mourn the youth and joy of loved ones lost. This is a day for the heroes, known and unknown, who died on the field of battle so we might be free. Mr. President, I salute every soldier, airman, marine, coast guardsman, merchantman and sailor who put themselves in harms way and who forfeited their lives so that members of future generations would have the opportunity to stand in this chamber, on a day like today, and speak without fear.

I have never, nor do I ever wish to know, the fear and suffering that many of these brave men and women surely experienced. It has been said and I would agree, that it is best we leave the understanding of their sacrifice in God's hands—only He can truly know the full measure of what was lost and what was gained. Our responsibility is to acknowledge their sacrifice—to remember that it was made and the reasons for which it was made. Monday, Memorial Day, is the day that our country should unite in one spirit to remember those who purchased the freedom we and our loved ones enjoy.

Former President James A. Garfield, at the first national Memorial Day observance, said ''we do not know one promise these men made, one pledge they gave, one word they spoke; but we do know they summed up and perfected, by one supreme act, the highest virtues of men and citizens. For love of country, they accepted death, and thus resolved all doubts, and made immortal their patriotism and virtue.''

We should all pause with great gratitude on Monday and look to the future with the greatest of expectations for what the 21st Century holds for us, our children, and our children's children. Our fallen patriots gave everything they had to extend freedom beyond the reach of most of our lifetimes. Mr. President, Memorial Day is not only about remembering the men and women who made the Supreme sacrifice while defending the American way. It is about acknowledging and protecting the ideals they died for, so that their sacrifice shall not have been made in vain.

Brave Alabamians have been among those who have fought so valiantly and are among the hundreds of thousands who died in World War I, World War II, Korea, Vietnam, Lebanon, Panama, Grenada, and the Persian Gulf. They deserve our deepest respect and honor.

God bless these fallen heroes. And may God continue to bless the United States of America.●

U.S. AGRICULTURE IMPORT RESTRICTIONS

● Mr. GRASSLEY. Mr. President, I am pleased that last night the Senate approved S.Con. Res. 73, which emphasizes the importance of agriculture in our trade discussions with the European Union. This resolution tells the U.S. Trade Representative two things: The elimination of trade restrictions imposed on U.S. agriculture exports should be a top priority in any trade talks with the E.U. And no trade negotiations should occur, at all, if they will undermine our ability to eliminate these trade restrictions in the next round of ag talks at the World Trade Organization in 1999.

Mr. President, on Monday the president announced in London that the United States and European Union will begin negotiating a new bilateral trade agreement. While I generally applaud any initiative to further reduce barriers to trade, I was dismayed to see agriculture included on the agenda in only a very narrow sense. The many outstanding trade barriers the Europeans have erected to our agriculture exports have been left off the bargaining table.

Currently, the trade in agriculture between the U.S. and E.U. is very one-sided. The Europeans keep out our pork. They keep out our beef. They keep out our feed grains that are genetically modified. Their protectionist policies hurt our farmers. And the Europeans desperately want to keep these policies in place at the expense of our farmers.

So it's understandable why the Europeans want to avoid discussions on agriculture. But I'm surprised the Clinton Administration is willing to move forward with this trade agreement and ignore all the problems we have in agriculture. They appear so anxious to move the trade agenda forward, perhaps to account for their inability to gain fast track authority, that I'm afraid the prospect for further liberalization of agriculture trade will be damaged in the process.

In 1999, a new round of agriculture negotiations are to begin at the World Trade Organization. These negotiations will be critical to setting the rules for global ag trade for the next several years. It is a chance to build on what was begun in the Uruguay Round Agreement—which was the first major trade agreement to address agriculture tariffs, subsidies and nontariff trade barriers.

The United States has much to gain in these talks. We have the most productive, efficient agriculture system in the world. Our farmers can compete with the farmers of any other country. So if trade barriers to ag exports are removed, our farmers will export more of their production, their income levels will rise, rural communities will prosper and the trade deficit will be reduced.

The Europeans, on the other hand, fear open competition in agriculture. They continue to impose high barriers to U.S ag products and to heavily subsidize their own farmers. Many Europeans view the next round of talks as a threat to their agriculture industry. They would rather avoid the negotiations.

So we must use all available leverage to gain concessions from the Europeans. But I'm afraid we will surrender some of our leverage in this new bilateral agreement. In other words, if we give away concessions now, we'll have less leverage when we turn to the ag talks in 1999.

And that would give the Europeans, who don't want free trade in agriculture, the upper hand. And reduce the likelihood that agriculture trade barriers will be eliminated in the 1999 talks. That's what this resolution says. Do nothing that will weaken our negotiating position in 1999.

But the resolution also says something else. It says make the elimination of restrictions on agriculture exports a top priority in any discussions with the European Union. To me, this is just common sense.

The United States has a trade surplus in agriculture products. The rest of the world wants to buy the food and fiber our farmers produce. So there is no doubt that our farmers produce safe, wholesome, high-quality products. Yet the European Union does everything it can to keep these products out of their countries. Products sold all over the world are not allowed into the European Union. So doesn't it make sense that the U.S. would seek to negotiate to remove these trade barriers?

But these barriers are not on the agenda for the upcoming trade negotiations. And I think that is wrong. I think it is unfair to our farmers. It tells them that their issues aren't important. We're just going to sweep them under the rug. And go on to negotiate other trade issues.

Well, Mr. President, now the entire Senate is on record. The Senate has stated firmly: Our farmers deserve better. We will not stand by idly and let you ignore the problems of our farmers any longer.

I hope the administration takes notice of our actions here today. And I hope they immediately press the European Union to put agriculture back on the bargaining table.

Again I thank my colleagues for supporting this resolution.●

A TRIBUTE TO ROSS PENDERGRAFT

● Mr. BUMPERS. Mr. President, I rise today to honor the memory of a long time friend, Ross Pendergraft. He was a good and decent man who helped make his community and State a better place. I extend my condolences to his family and friends, but especially his lovely wife Donnie.

Ross passed away Sunday at the age of 72 in Fort Smith, Arkansas, a city he called home and where he was a former executive vice president and chief operating officer of the Donrey Media Group, which owns five fine newspapers in my State and more than fifty nationwide. Donrey owes its great success in a tough business in large part to the efforts of Ross Pendergraft.

I knew Ross long before I entered public life. He was a man of great personal integrity and professional accomplishment. He was a man of wit, humor, and compassion who made a deep impact on the life of his community. He will be terribly missed by those in the newspaper business and by the thousands people whose lives he touched not only in Fort Smith but throughout Arkansas.

Born in Abbott, Arkansas, Ross was a World War II veteran, and attended Arkansas Tech University at Russellville on the GI Bill, like so many of us did. In 1948 he joined the advertising staff of the Southwest Times-Record newspaper in Fort Smith, and so began his rise through the ranks of the Donrey organization. In 1961 he was named general manager of the Times-Record and by 1990 he oversaw all Donrey newspapers in the continental U.S. and Hawaii. Three times he was named ''Man of the Year'' by the Arkansas Press Association.

But he also found the time and energy to serve his community. He was the first vice chairman of the Donald W. Reynolds Foundation, a charitable trust. He was a chairman of the Fort Smith United Way, a president of the city's Chamber of Commerce, a former member of the Arkansas Highway Commission, and he served on the Arkansas Action Committee as well as countless other civic and charitable organizations.

Ross worked tirelessly to get better roads in western Arkansas and to promote economic development in Fort Smith, which is now among the fastest growing regions in the United States.

Though Ross was a man who oversaw more than 50 newspapers and bought newsprint and printers ink by the ton, he was never one to seek the limelight or use his position for personal aggrandizement. So many of his good works took place quietly, behind the scenes, out of the public eye. He was a man who loved his family, loved his community, and loved the newspaper business. And while my State is diminished by his loss, it has been and will continue to be enriched by the work that he did, the causes he served and the example he set.●

TRIBUTE TO B.L. ''BUD'' FREW

● Mr. BOND. Mr. President, on January 31, 1998, a long time friend and a true hero of the agriculture world retired. I rise today to pay tribute to B.L. ''Bud'' Frew who presided over

MFA, Inc. for twelve years as President and CEO. Bud has been a most-trusted advisor when it comes to policy and issues that impact production agriculture and rural America.

Bud says that one of the most important accomplishments of his tenure was to instill the idea that everyone has the opportunity to make a contribution to MFA. He felt that the honor in farming had reached a low in the 1970's. Bud took it upon himself single handedly to raise the pride of farmers back to the level of old days when a handshake was a handshake and your word was your word. Maybe that is why he received Missouri Farm Bureau's highest award, Agricultural Leaders of Tomorrow's Recognition of Leadership Award, Ag Leader of the Year from Missouri Ag Industries and Man of the Year for Agriculture from Missouri Ruralist magazine.

He is experienced, wise, practical, honest, reflects the collective commonsense views of rural Missourians' and has the courage to fight for a position that may not be fashionable. Additionally, he has the quality that any doer and great leader has. He knows how to pick his battles and he knows how to win those battles he picks. Those closest to him know that Bud has the two things it takes to be a successful businessman: character and integrity.

I am sorry to see him go because he has been a hero for MFA and a critical leader for Missouri agriculture. However, besides all this, Bud is my friend so I am glad that he may have some time for himself and his family. I hope I am on his fishing invitation list. However, I warn him that he will still be called upon by me and my staff when the tough questions arise. On behalf of rural Missouri, I say to Bud, congratulations and thanks.●

IN ANTICIPATION OF THE UNIQUE SOUTH DAKOTA-MANITOBA EXCHANGE CONCERT

● Mr. DASCHLE. Mr. President, I would like to honor the concert band from Tulare High School in Tulare, South Dakota, and the Garden Valley Collegiate school in Winkler, Manitoba, Canada for their participation in a special spring concert to be held in Manitoba on June 2.

This is an exciting opportunity for these band members and students to reach across the North American border, and together, promote the exchange of culture and ideas. The concert promises to be a very celebrated event, which should build bridges between these schools for a long time to come.

I would like to recognize the leadership of Sam Glantzow, band director at the Tulare High School. He has dedicated so much time and effort into seeing this important exchange take place. Also, I would like to thank Paul Moen, band director, and Karl Redekop, principal, from the Garden Valley Collegiate School. By extending an invitation across the border into South Dakota, they have made an important contribution to international dialogue and understanding. I admire these teachers and administrators for providing their students such a creative and unique opportunity.

I wish the students and teachers the best of luck for a beautiful and successful concert.●

THE IMPORTANCE OF SCIENCE AND TECHNOLOGY TO AMERICA'S FUTURE

● Mr. FRIST. Mr. President, as a physician and surgeon, I've had the opportunity to witness everyday the remarkable difference that medical science and technology have made in people's lives.

In just the short space of time that I've been practicing medicine—less than 20 years—I've seen how the products of medical research and development—lasers, mechanical cardiac assist devices, mechanical valves, automatic internal defibrillators—have not only saved but vastly improved the quality of hundreds of thousands of lives every year.

And as a physician, I can envision a future in which science and technology will roll back the current frontiers of medical knowledge, identify the causes, and eliminate most of the effects of the diseases that now plague mankind. It's absolutely astounding to contemplate.

However, as a Senator, I've been afforded a different opportunity. And that's the opportunity to see, and learn, and understand — not just medicine—but America. And, as a Senator, I can envision the difference that science and technology will make in the life of our Nation.

Mr. President, as a country of immigrants we are a people drawn from diverse backgrounds and ideas. And there is no doubt that this unique amalgamation is one source of our remarkable strength and resiliency. But as diverse as our individual heritages are, a common thread runs through all of us. That thread is our common heritage as Americans, and it unites and strengthens us as well.

Our forefathers came to this land to build a new life. Not surprisingly, they in turn created a nation of builders. We build homes. We build communities. We build factories and businesses. But most of all, Mr. President, we build futures—because we also build hope.

As a people, Americans rise to a challenge. And as a nation —to every challenge we've ever faced. At no time was this more apparent than during World War II when we were forced to make drastic sacrifices to survive. The legacy of those choices has driven our economy and our policies ever since, and one of those legacies is the federal investment in science and technology.

Science and technology have shaped our world in ways both grand and small. We've put men into space and looked into the farthest corners of the known universe. We've broken the code of the human genome and begun to dismantle previously incurable disease. We've created a virtual world and a whole new realm called cyberspace. Yet, technology also surrounds us in millions of little ways we no longer even notice: the computers that run our cars; the cellular phones that keep us in touch; the stop lights, the grocery store checkouts, the microwaves that help our lives run smoother and faster.

In my Senate office alone, technology has made a tremendous difference—both in terms of helping me keep in touch with the people of Tennessee, and by helping them access important information.

For example, while in the past Senators kept in touch by phone, letter, and trips to the state, today I regularly schedule video conferences with Tennessee schools—from the elementary to the university level. In March I spoke to the entire student body of George Washington Elementary School in Kingsport. Certain students were selected by their teachers to ask questions, and the rest watched on closed-circuit television. In April, I visited with students from Austin Peay State University in Clarksville. So, it no longer takes a week-end to speak with my constitutents face-to-face. At 11:50 that morning I was voting on the floor of the United States Senate; at noon, I was having a conversation with students in Tennessee.

And thanks to the Internet—another remarkable product of federal research funds—this one funded by DARPA (Defense Advanced Research Projects Agency)—my Senate Website not only allows me to share my voting record, press releases, and speeches with constituents, it allows them to voice their opinions and concerns and ask questions about issues before the Senate.

Our office also uses a digital camera—which allows photographs to be downloaded, printed, and disseminated almost instantly. On a recent trip to Bosnia, for instance, I took pictures of our troops from Tennessee, downloaded them into my laptop, e-mailed them to local newspapers in Tennessee, as well as to my Washington office where they were posted on the Web for all to see. The whole process took only a few minutes.

As we can see, today's world runs on technology, and through its investment in research and development, the federal government has played a significant role in creating it. In fact, more than 56 percent of all basic research is produced with federal funds.

Much of our economy runs on technology as well. Half of all U.S. economic growth is the result of our technical progress. Technology helps provide new goods and services, new jobs and new capital, even whole new industries.

Developments in chemicals technology, for example, have lead to the production of new petrochemicals,

agrochemicals, food and pharmaceuticals, and advanced health care materials such as those used in skin grafts.

Information technologies have spawned whole new industry segments in cellular communications, electronic commerce, and global information access.

The space imaging and remote sensing technology that produced the U.S. Global Positioning System, has in turn become a core technology in several industries key to the U.S. economy, including agriculture, aviation, construction, land use, transportation, and mining. And those industries have themselves produced dramatic advancements. In agriculture alone, GPS-enabled precision farming has allowed more limited applications of pesticides and fertilizers, which in turn have resulted in less environmental damage at lower costs with more precise crop yield determinations.

Without a doubt, technology is the principal driving force behind our long-term economic growth and our rising standard of living. In fact, according to the Office of Science and Technology Policy (OSTP), technology is the single most important factor in sustained economic growth. Not only is the performance of U.S. businesses and their contributions to economic growth directly linked to their use of technology, but as cited in a study conducted by the Department of Commerce, manufacturing businesses that used eight or more advanced technologies grew 14.4 percent more than plants that used none—and, production wages were more than 14 percent higher.

For any who might still remain unconvinced that our federal investment in science and technology has not produced phenomenal returns, let me give just two quick examples.

Over the last three decades, the Department of Defense has funded $5 billion in university research in information technology. Those programs alone created one-third to one-half of all major breakthroughs in the computer and communications industries. Today, those businesses account for $500 billion of GDP—a return on our investment of 3,000 percent! In fact, studies of just one university alone—MIT—found that in Massachusetts MIT grads and faculty founded over 600 companies that produced 300,000 jobs and $40 billion in sales. In Silicon Valley, MIT grads founded 225 companies which produced 150,000 jobs and more than $22 billion in sales.

In one industry alone—biotechnology—government's $43 million annual investment has not only produced the human capital of the biotech industry—scientists, engineers, managers—and new knowledge that's led to an understanding of the molecular basis of disease, but also new companies and new wealth. To, again, use MIT as an example, in Massachusetts alone, MIT-related companies have produced 10,000 new jobs, $3 billion in annual revenues, and 100 new biotech patents licensed the U.S. companies that have induced investment of $650 million. Those companies now produce nine of the 10 FDA-approved biotech drugs that stop heart attacks and treat cancer, cystic fibrosis and diabetes, and we've only just begun to tap the potential returns of this rapidly advancing new field.

But universities are not just the fountainhead of innovation. The are the wellsprings that provide the intellectual underpinning of future progress. They train the people who will translate new discoveries into new products and processes and industries.

For example, Jennifer Mills, a physics undergraduate from Portland, Oregon, wrote much of the computer code responsible for the remarkable images sent back to Earth by the Hubble telescope. James McLurkin, an undergrad engineer, created a tiny robot that may well revolutionize certain kinds of surgery—enabling surgeons to operate inside the body without ever touching the patient!

AMERICA'S INVESTMENT IN SCIENCE AND TECHNOLOGY MUST CONTINUE

Clearly, America's investment in science and technology must continue. The two central questions that Congress must ask and answer, however, are: (1) Will science and technology continue to be as great a Congressional priority in the future as it has been in the past; and (2) Will the kind of financial investment necessary to sustain future progress ever be possible in light of our other growing financial commitments?

Mr. President, the history of the last five decades has shown us that there is a federal role in the creation and nurturing of science and technology, and that—even in times of fiscal austerity—that commitment has been relatively consistent.

However, the last three decades have also shown us something else: fiscal reality. The simple truth is there's just not enough money to do everything we'd like to do.

It took some time for us to realize that, and by the time we did, we found ourselves in a fiscal situation that is only now being addressed. And—budget surpluses notwithstanding—discretionary spending is under immense fiscal pressure.

One only has to look back over the last 30 years to confirm the trend. In 1965, mandatory federal spending on entitlements and interest on the debt accounted for 30 percent of the federal budget. Fully 70 percent went toward discretionary programs—research, education, roads, bridges, national parks, and national defense.

Today— just 30 years later— that ratio has been almost completely reversed: 67 percent of the budget is spent on mandatory programs and interest on the debt; leaving only 33 percent for everything else, including research. In fact, total R&D spending today as a percentage of GDP is just .75 percent—as compared to 2.2 percent in the mid-1960s when superpower rivalry and the race to space fueled a national commitment to science and technology. As the BabyBoom generation begins to retire and the discretionary portion of the budget shrinks even further, this situation will only grow worse.

Thus, Mr. President, we have both a long-term problem: addressing the ever-increasing level of mandatory spending; and a near-term challenge: apportioning the ever-dwindling amount of discretionary funding.

The confluence of this increased dependency on technology and decreased fiscal flexibility has created a problem too obvious to ignore: Not all deserving programs can be funded; Not all authorized programs can be fully implemented.

In other words, Mr. President, the luxury of fully funding science and technology programs across the board has long since passed. We must set priorities.

FRIST VISION FOR THE FUTURE: HOW WE ENSURE FEDERAL SUPPORT FOR SCIENCE AND TECHNOLOGY

Mr. President, I commend my colleagues, Senators GRAMM, LIEBERMAN, DOMENICI, and BINGAMAN, for commencing a debate on funding for science and technology that is long overdue. I firmly believe that Congress must reaffirm our national commitment to science and technology, and redouble its efforts to ensure that funding is not only maintained but increased. However, I also believe that funding levels alone are not the answer.

What we really need, Mr. President, is a strategy for the future—a vision that not only provides adequate levels of funding, but ensures that that funding is both responsible and sustainable over the long term.

I believe we do it by establishing and applying a set of first or guiding principles that will enable us to consistently ask the right questions about each competing technology program; focus on that program's effectiveness and appropriateness for federal funding; and most importantly, make the hard choices about which programs deserve to be funded and which do not. Only then can Congress be assured that it has invested wisely and well.

What are these first principles? There are four:

First, federal R&D programs must be good science. They must be focused, not duplicative, and peer-reviewed.

Because there is strength in diversity, they must support both knowledge-driven science—which broadens our base of knowledge and advances the frontiers of science; and mission-driven science requirements—which push the state-of-the-art in specific technology fields.

Second, programs must be fiscally accountable. Especially in today's fiscal environment, wasteful administrative habits can't be tolerated.

Third, they must have measurable results. Programs must achieve their aims. Their effectiveness must be evaluated— not on the basis of individual projects which can have varying rates of success — but on basis of the entire program.

Fourth, they must employ a consistent approach. Federal policy must be applied consistently across the entire spectrum of federal research agencies. High quality, productive research programs must be encouraged regardless of where they are located.

Accompanying the four first principles, are four corollaries:

(1) Flow of Technology. The process of creating technology involves many steps. However, the current federal structure clearly reinforces increasingly artificial distinctions across the spectrum of research and development activities. The result is a set of programs which each support a narrow phase of research and development, but are not coordinated with one another.

Government should maximize its investment by encouraging the progression of a technology from the earliest stages of research up to commercialization, through funding agencies and vehicles appropriate for each stage. This creates a flow of technology, subject to merit at each stage, so that promising technology is not lost in a bureaucratic maze.

(2) Excellence in the American Research Infrastructure. We must foster a close relationship between research and education. Our investment at the university level creates more than simply world class research. It creates world class researchers as well. We must continue this strong to a research infrastructure, and find ways to extend the excellence of our university system to primary and secondary educational institutions.

(3) Commitment to a Broad Range of Research Initiatives. Revolutionary innovation is taking place at the overlap of research disciplines. We must continue to encourage this by providing opportunities for interdisciplinary projects and fostering collaboration across fields of research.

(4) Partnerships among Industry, Universities, and Federal Labs. Each of these has special talents and abilities that complement the other. Our federal dollars are wisely spent by facilitating the creation of partnerships, in effect creating a whole that is greater than the sum of its parts.

These first principles and their four corollaries, Mr. President, provide a framework that will not only guide the creation of new, federally funded research and development programs, but validate existing ones. Taken together, they create a powerful method for elevating the debate by increasing Congress' ability to focus on the important issues; decreasing the likelihood that it will get sidetracked on politically-charged technicalities; and ensuring that federal R&D programs are consistent and effective. They will also help us establish both a consistent set of national goals, and a vision for the future.

LOOKING TO THE FUTURE

However, Mr. President, even if we are to accomplish all that we hope— in terms of setting and fully funding our current science and technology priorities, creating a vision for the future, and developing a strategy for attaining it—our work will still be incomplete if we fail to accomplish one more thing: We must prepare the next generation for the century to come.

We must create a scientifically-literate work force capable of prospering in a world not only driven by a science and technology economy, but dependent upon science and technology excellence.

Yet as evidenced by the results of the latest TIMSS (Third International Math and Science Study) study, America's high school seniors are among the industrial world's least prepared in math and science. And in math and physics, no nation performed more poorly than the United States.

Why? Part of the reason is teacher qualification—28 percent of all high school math teachers, and 55 percent of all physics teachers neither majored nor minored in these subjects.

Part of the reason is unrealistic curricula—which forces teachers to teach a little bit of everything, but nothing in depth.

Part of it has to do with textbook publishers who seem to be more concerned with continually adding new material than with advancing students' skills.

And part of it, no doubt, has to do with the fact that, in many cases, we simply have not fostered in our children the same spirit of wonder that was fostered in us.

Mr. President, it's time to, once again, get America excited about science.

It's time we recovered our heritage, and became again a nation of people who build the future—a future filled with hope and promise.

And it's time we inspired the next generation to continue the process of exploration and innovation that made America possible in the first place, and that will take her into a 21st century future brighter than any point in her past.

Mr. President, as a physician, as a scientist, as a Senator, those are my goals. I hope they are the goals as well of every Member of this body. For whether we, as a nation, use and develop the knowledge we gain to its highest potential for the benefit of ourselves, our Nation, and our fellow man depends, in large measure, on whether we are able to achieve them.

Mr. President, I thank the chair.

MEMORIAL DAY

• Mr. ROCKEFELLER. ''A nation reveals itself not only by the men it produces but also by the men it honors, the men it remembers.'' What better way to pay tribute to America's veterans on this Memorial Day than to quote our former President, John F. Kennedy. He knew then, in 1963, that it was imperative we honor and remember our veterans, as should know today. We must not forget the sacrifices of the many men and women who gave so much for the sake of this great country, and we must honor them with our gratitude.

I stand before you today to salute these veterans. In my home state of West Virginia, generations of veterans have served in the Armed Forces, and many have lost their lives. This country would not be the world power that it is today had it not been for these men and women who fought so bravely. Let us not just know that this day is Memorial Day, let us take a moment to put names, faces, on these veterans. Husbands, wives, mothers, fathers, and children. Friends to us all; friends who fought for our freedom. Freedom that we share every single day of our lives. Freedom that makes America as great as it is.

Stand proud when you see the American flag waving high in the air. Sing along to the Star Spangled Banner. Nod your head in respect when you pass by a veterans' cemetery. Behind these symbols of America are the people who have made them so remarkable, the veterans of this country. They deserve our gratitude on this day and everyday.

So many veterans gave their lives for this Nation. We cannot forget what they did for us. The lives that were lost and the lives that were changed forever. It does not matter whether they served in combat or peace time. Each left behind familiar surrounds, undertook risks, and faced the unknown. We should honor them all for their courage. They joined the Armed Forces of this country to defend and protect it, to make it safe for their, and our, loved ones.

We vowed to take care of our veterans when they returned home to us. In many ways, we have, by setting up a benefits program and a health care system, creating two Committees in Congress to oversee these efforts, devoting enormous amounts of resources to their health and well being. But I am forced to say that the recent record of this administration, and of many in Congress, has deteriorated in the area of protecting veterans' benefits. Our commitment to meeting the needs of veterans has been eroded, and we can and must do better. There are still many areas that need improvement. It is not a perfect system. We must strive to better it and not let any of our veterans be shortchanged of the benefits and care they so dearly earned and deserve.

I would like to speak about just a few of the ordeals that our veterans have had to face after their return from service. I do this to acknowledge these problems and to pledge to continue in my fight for solutions.

Gulf War veterans. Even though the war is over, many are struggling with illness, often undiagnosed, but nevertheless debilitating. Seven years have passed since the end of the Gulf War, and DOD and VA still do not know what is wrong with the veterans who

fought in this war. We need to be able to answer the questions of ''How many veterans are ill?'' and ''Are our ill veterans getting sicker over time?''

We also need to provide a permanent statutory authority to compensate these veterans. That is why I have introduced legislation, S. 1320, that targets these important issues. It took our government 20 years after the Vietnam War to assess the effects of Agent Orange and 40 years after World War II to concede the problems of radiation-exposed veterans. We must learn from the lessons of the past and act. We cannot allow our Gulf War veterans to keep waiting for the benefits and care that they earned seven years ago.

Or take atomic veterans, who were exposed to ionizing radiation during service. I have serious concerns about the way atomic veterans' claims are being handled and the way regulations to administer those claims are being created. These veterans were intentionally placed in harm's way, sworn to secrecy, and abandoned by their government for many years. It is critical that we search for a better way to address their compensation claims.

I recently cosponsored legislation that would authorize health care for veterans treated with nasopharyngeal radium irradiation, veterans who have so far been excluded from access to VA services. These veterans, primarily Navy submariner and Army Air corps pilots, received nasopharyngeal radium treatments in the 1940's and 1950's to treat and prevent inner ear problems that developed due to the inadequate pressurization of their respective vessels. Unfortunately, the health effects of the treatments that were given to these veterans are unknown. However, when such high levels of exposure are sustained, we must be concerned about long-term health effects, and thus, we have a responsibility to ensure these veterans' access to health care. Simply put, it is the right thing to do.

We owe these veterans. They risked everything for us—their health and sometimes even their lives. We should, at least, give them appropriate research, health care, and compensation. At least.

An important issue concerning veterans at this time is the VA budget for benefits and health care. I would like to share with America where these issues stand.

First, the benefits side of the budget. The administration this year requested a very modest increase of $565 million in funds for benefits payments, just what is needed to cover cost-of-living allowances. VA has also requested $850 million—$63.5 million above the FY 98 level—for the account that funds the administration of nonmedical benefits. Although these amounts appear to be an increase, VA's benefits delivery staff will lose 45 FTE. In a time when it takes VA 157 days to decide a new compensation claim, and years longer in appeals cases, it concerns me greatly that VA is seeking funds that will not allow it even to maintain, at the very least, its current level of staffing.

I am particularly troubled by the proposal by the administration, adopted this very day by the Congress, which cut $10.5 billion from the veterans' benefit account over the next five years. This was done by removing VA's existing authority to pay compensation to veterans who suffer from tobacco-related illnesses, based on the nicotine dependence they developed while in the service. The money saved from cutting this benefit will be put into more highway spending.

Although I support a strong highway bill, I firmly believe that it should not be funded by cuts in veterans benefits, particularly a program cut that totally bypassed the Senate Committee on Veterans' Affairs. That is why I offered an amendment to the Budget Resolution to protect the funding to the veterans account. Unfortunately, my amendment was defeated by a vote of 52–46.

On the health care side, the VA budget request for medical care is $30 million less than last year. The base appropriated funding level of $17.03 billion would be supplemented by approximately $560 million from veterans' copays and collections from insurance companies. When the base funding level is combined with these collections, the VA health care system would have $17.6 billion to spend next year—approximately what it is spending this year. Unfortunately, this flatlined budget makes no allowance for cost-of-living increases for VA employees and other rising costs due to inflation.

The VA health care system is a system in transition. Recent changes in lines of authority, resource allocations, and methods of health care delivery, as well as downsizings and facility integrations, have buffeted the system. While all this reorganization is underway, I am concerned that VA have good systems in place to ensure that high quality health care is the standard practiced at all VA facilities, regardless of where they are located around the country. I will continue my efforts to make sure that VA, as the nation's largest health care provider, upholds the highest standards of quality of care.

What is clear is that we still have a lot of work to do for our veterans. We have come a long way, but there are still many miles to cover.

They promised us they would risk their lives. We promised them we would take care of them. Caring for our veterans is the least we can do.

On this day, ladies and gentlemen, be proud of the men and women—veterans and service members from every branch and action—who have served our nation with courage. And, my colleagues, match your pride with a pledge to maintain the nation's commitment to them.

Veterans have earned our respect and admiration. I am committed to upholding their honor the offering them the thanks they so richly deserve. I ask you, America, to do no less.●

LEHIGH VALLEY AND HEALTH NETWORK

● Mr. SANTORUM. Mr. President, I rise today to recognize Lehigh Valley Hospital and Health Network, along with the American Nurses Association, who declared May 6–12 National Nurses Week 1998.

The theme of the week, ''Nursing: Health Care With a Human Touch,'' was in commemoration of the ways in which registered nurses strive to provide safe and high quality patient care and find ways to improve our health care system.

The 2.2 million registered nurses in the United States comprise our nation's largest health care profession. The far-reaching duty of the registered nursing profession is to meet the emerging health care needs of the American population, while registered nurses' education focuses on restoring and maintaining the health of the individual.

Registered nurses will continue to be an important component of the U.S. health care system. They play an integral role in the safe, quality care of hospitalized patients, as well as contributing to the growth of home health care services and advancements in life-sustaining technology.

Mr. President, I commend Lehigh Valley Hospital and Health Network and the American Nurse Association for honoring National Nurses Week 1998. I ask my colleagues to join with me in recognizing the registered nurses who care for us all.●

PORT ARTHUR, TEXAS—CENTENNIAL RECOGNITION

● Mrs. HUTCHISON. Mr. President, on May 29th, I will be in Port Arthur, Texas, helping to celebrate the City of Port Arthur's Centennial Day Celebration as well as the tenth anniversary of the Golden Triangle Veterans' Memorial Park. Port Arthur, a city born at the dawn of the 20th century, enters the 21st century confident in its stride as a growing and vibrant community on the Texas' Gulf Coast, not far from my home town of La Marque. Port Arthur, a corner of what some call Texas' Golden Triangle, plays a key role in our national security by contributing to our energy independence through its oil exploration and petroleum refining activities. Nearly every American has benefited from the products that enter the world market from Port Arthur—petrochemicals and oil in particular.

The City of Port Arthur is named for Arthur E. Stillwell, originally of Rochester, New York. In 1895, Mr. Stillwell was searching for a site for the southern terminal of his proposed railroad from Kansas City to the Gulf of Mexico. He chose a site on the north shore of Lake Sabine, where Port Arthur stands today. The railroad to Port Arthur, which eventually became known

as the Kansas City Southern Railroad, was completed in 1897. The city of Port Arthur was incorporated on May 30, 1898, one hundred years ago this month.

The next year, the original ship canal to the Gulf was opened. Today, cargo tonnage out of the Port of Port Arthur averages about 23,000,000 tons per year. But it was on January 10, 1901, that the destiny of Port Arthur changed forever when a well dug by Anthony Lucas at Spindletop, only ten miles away from Port Arthur, struck black gold. Nearly a million barrels of crude oil are refined in the area daily, justifying Port Arthur's claim—''We Oil the World.''

Today, Port Arthur is the home of three major refineries and the still important terminus of the Kansas City Southern railroad. The town of one thousand people a hundred years ago has grown to almost 60,000, and a diverse economy guarantees Port Arthur's growth into its second century. In addition to its energy industries, Port Arthur has become a year-round fisherman's paradise where thousands of anglers catch more than twenty-five varieties of freshwater and saltwater fish. Other popular local attractions include the Museum of the Gulf Coast, the McFaddin and Texas Point National Wildlife Refuges, the Sabine Pass Battleground State Historical Park, and Sea Rim State Park.

I'd like to talk for a moment about the tenth anniversary of the Golden Triangle Veterans' Memorial Park, which we will also be celebrating next week. This is the only park in the United States that recognizes all veterans, including those that served during times of peace. It was built by members of the community, financed and constructed through donations and over 55,000 volunteer man-hours. The park contains walls of honor for all our nation's past wars. The park's ten-year anniversary celebration is part of a week's worth of activities recognizing the Port Arthur Centennial.

I want to congratulate Jefferson County Judge Carl Griffith, Port Arthur Mayor Robert Morgan, Jr., and the people of Port Arthur on this historic occasion. Together, we look forward to what their community will accomplish in the next 100 years.●

RECOGNIZING PETE LYONS UPON RECEIVING A NEW MEXICO DISTINGUISHED PUBLIC SERVICE AWARD

● Mr. DOMENICI. Mr. President, every year, New Mexico recognizes some of their own citizens who have contributed to their communities in extraordinary ways. Today, along with the citizens of New Mexico, I am grateful for this opportunity to recognize Dr. Pete Lyons for his civic service. As a Legislative Fellow in my office he serves as my science advisor and during his time with me, I have benefitted from his good advice and diligent work.

Service to one's community can be expressed in many different forms. However, it is rare to find someone as dedicated to so many diverse activities as Pete Lyons. He is a 29-year employee of Los Alamos National Laboratory while serving for 16 years on the Los Alamos School Board. Whether it is his scientific work, his initiative to help rural communities, his dedication to education and young people, or his work to improve policy in the international area, Pete shows the same integrity, insight and old-fashioned hard work.

Pete moved to New Mexico 29 years ago to work for the Laboratory as a technical staff member. He went on to serve in a number of management positions. In his career at the Lab he was the first Director of the Industrial Partnership Office where he expanded and created programs to encourage economic diversity in Northern New Mexico. He continued efforts to improve cooperation with the surrounding community through the Lab's office of Regional Economic Development and Technology Commercialization Office. Through a wide range of critical projects involving issues from telecommunications infrastructure, to telemedicine capability to improve rural health care, to technical assistance for water quality his work has been hallmarked by a dedication to the entire community both related and unrelated to the Laboratory. Since the Lab's beginning during World War II, it has been a stark contrast to the economy and cultures of the surrounding region. Through this work, Pete has helped to bridge that gap to begin a new era of cooperation and interaction for the Laboratory and the nearby communities.

In addition, I believe his service that is the most commendable is his active involvement in education. Pete recognizes that our children's future, our nation's future, is dependent upon the quality of our education system. During his sixteen years on the Los Alamos School board, he was instrumental in helping to create University of New Mexico-Los Alamos Branch College. He represented the Laboratory during negotiations with the local school district to form a foundation to provide financial support from the Lab and the Department of Energy to provide financial support for school districts where lab employees lived. During his time in my office, he has worked to bring attention to our nation's need to improve science and technology education so that America will remain competitive well into the next century.

Pete also knows that personal involvement can mean so much to young people. He has spent several years coaching soccer, sponsoring Boy Scouts, and serving as deacon in his church.

In a sense, Pete continues his civic service as a congressional fellow in my office. Over the months, he has proven to me his immense value to New Mexico and the nation. Whether the issue be rural economic development or nuclear non-proliferation, Pete brings thoughtful knowledge and keen insight to the table. He is willing to tackle controversial issues with a open mind and commitment to truthful dialogue.

I hope my colleagues will join me and my fellow New Mexicans to recognize this remarkable American.●

FRANCES C. RICHMOND MIDDLE SCHOOL: BLUE RIBBON SCHOOL

● Mr. SMITH of New Hampshire. Mr. President, I rise today to congratulate the students, teachers, and staff of the Frances C. Richmond Middle School in Hanover, New Hampshire for being recognized by the United States Department of Education as a Blue Ribbon School.

Blue Ribbon status is awarded to schools that have strong leadership; a clear vision and sense of mission that is shared by all connected with the school; high quality teaching; challenging, up-to-date curriculum; policies and practices that ensure a safe environment conducive to learning; solid evidence of family involvement; evidence that the school helps all students achieve to high standards; and a commitment to share best practices with other schools. This honor is vigorously sought by thousands of schools across the nation, and only 166 schools are so recognized.

The Richmond School is part of the Dresden School District, the first interstate district in the United States. The school educates sixth graders from Hanover, New Hampshire, and seventh and eighth graders from both Hanover and Norwich, Vermont.

The curriculum of the Richmond School focuses on the academic, social and developmental transitions which take place at each grade level. Special care is taken as the Hanover sixth graders move from elementary to middle school, as the Norwich seventh graders join them one year later, and as the eighth graders take their place as school leaders and begin planning for high school. The Richmond School takes pride in the fact that students have individual schedules built around their choices for academic and elective courses. A foundation of their program is the fine and practical arts program, which allows students to choose from over 25 elective courses each quarter. Community service is required for all eighth graders to introduce students to the pleasures and responsibilities of contributing to their community.

The school has grown from 286 students to 460 students in the past ten years, and this has presented the school with a number of challenges. A creative and challenging administrative response to the growing student population has been to divide leadership roles among the staff. Rather than simply hiring assistants in the central office, the administration asked teachers and other professionals to take on the role of leadership in budget development, curriculum articulation,

school climate and technology planning. These initiatives on the part of the staff have resulted in lively staff debates, enriched staff development opportunities, better communication from grade to grade, and more frequent interaction with parents and community.

As a former teacher and school board chairman, I recognize the challenges involved in providing students a quality education. I commend the teachers and staff for their effort and innovation that have built a top-notch school. I am pleased that they have been recognized for their success, and it is with great pride that I represent them in the United States Senate.●

HOOSIER HERO TRIBUTE TO ROBERT MOHR

● Mr. COATS. Mr. President, I take this opportunity to recognize Robert Mohr of Peru, Indiana, for his outstanding accomplishment this past week.

You see, Mr. President, on May 12, 1998, Mr. Mohr, a conductor for Norfolk Southern railroad, and engineer Rod Lindley were guiding their 96-car freight train through a residential area of Lafayette, Indiana, when they noticed a small child on the train tracks. With only a short distance between the train and the child, these men slowed the train to 10 mph and blasted the horn, but 19-month-old Emily Marshall still remained on the tracks.

Robert Mohr acted immediately and selflessly. Risking his own safety, he climbed onto the front of the train, reached out, and pushed the toddler out of harm's way. Thanks to Robert's quick reaction, Emily Marshall was returned to her family with only a cut on her head and a swollen lip.

Mr. President, I commend Robert Mohr for this brave and selfless act, and that is why I am honoring him as a Hoosier Hero.

I began the Hoosier Hero award in order to single out Hoosier men and women who have made significant contributions to Indiana history or life, while at the same time serving as an inspirational example for the entire nation. I can think of no greater contribution to life than preserving the life of a small child, such as young Emily.

Emily Marshall, an innocent toddler who wandered onto the train tracks, will probably not realize for several years what Robert Mohr did for her. However, through Robert Mohr's courageous act, Emily now has the opportunity to grow healthy and strong. Emily's future is a bright one, full of promise because of the heroic decision Robert made on that spring afternoon.

Thank you, Robert Mohr, for your courage, your bravery, and your selfless act of saving the life of young Emily Marshall. You are an inspiration to all, a true Hoosier Hero.●

NATIONAL MUSICIANS WEEK

● Mr. THOMPSON. Mr. President, it gives us great pleasure to bring to the Senate's attention one of the new premier events in the world of music: Chet Atkins' Musician Days.

Known by many as ''Mr. Guitar,'' Chet Atkins is the most recorded solo instrumentalist in music history. As a studio musician, his work has gilded the records of artists from Elvis Presley to the Everly Brothers to Hank Williams. Chet has been named Musician of the Year nine times by the Country Music Awards and has won thirteen Grammies, more than any other artist in the history of country music.

Now it's no secret that the State of Tennessee has provided the world with more than its share of great music, from the blues of Memphis' Beale Street to the bluegrass of Appalachia to the country sounds of Nashville. But it's also true, even in Tennessee, that we sometimes forget the performers who stand just outside of the spotlight, the musicians who accompany the stars but rarely take center stage. That gave Chet Atkins an idea: organize an event to honor the musicians, or, as Chet puts it, ''the people who make the singers sound good!'' I now yield to my colleague from Tennessee.●

● Mr. FRIST. And so, an idea was born. Last June, Nashville saw the debut of Chet Atkins' Musician Days, a celebration of the contribution of musicians from around the world in every genre of music. Over four days, a total of 169 acts comprised of 604 artists from seven countries performed at 43 venues throughout the city. From a star-studded concert featuring 90 performers at the historic Ryman Auditorium, former home of the Grand Ole Opry, to a myriad of informal acoustic jam sessions at smaller stages all over the city, it was an event that few will soon forget.

A big part of Musician Days is its focus on the future of music. Throughout the festival, budding musicians are encouraged to bring their instruments for impromptu sessions with the pros. Proceeds from last year's inaugural event went to the Chet Atkins Music Education Fund, to be distributed to organizations that encourage the musical education of our nation's young people.

The success of Chet Atkins' Musician Days in 1997 led to plans for an even bigger event this year. Next month, thousands of music lovers will again descend upon Music City USA for several days of first-rate concerts, musical workshops, and good fellowship. As we anticipate this year's repeat performance, it seems fitting for us to proclaim the week of June 22–28 as ''National Musicians Week'' in honor of these silent heroes, the players behind the stars, and the critical role they play in the musical legacy we all enjoy.●

RECOGNITION OF MELINDA HUBBARD

● Mr. SMITH of Oregon. Mr. President, I rise today to recognize the outstanding academic achievement of a resident from my home state of Oregon, Ms. Melinda Hubbard. A senior at Country Christian High School, Melinda was recently named as the Oregon State Winner of the Citizens Flag Alliance Essay Contest for her essay entitled ''The American Flag Protection Amendment: A Right of the People * * * the Right Thing to Do.''

I agree with Melinda that the time has come to protect our nation's flag with a Constitutional Amendment. I am requesting that her essay be printed in the record immediately following my remarks so that every American can have the opportunity to read it.

In addition, I have requested the Sergeant at Arms Office to fly a flag over the Capitol on Flag Day, June 14, 1998, in recognition of her achievement.

The essay follows.

THE AMERICAN FLAG PROTECTION AMENDMENT: THE RIGHT OF THE PEOPLE . . . THE RIGHT THING TO DO

(By Melinda S. Hubbard—A Senior at Country Christian High School)

The American flag. The stars and stripes. Old Glory. The Star-Spangled Banner All of these are names for the most widely known symbol of our great nation. These are names that have inspired patriotism in many people. But what do they mean to us now?

In years gone by, many people have sacrificed their lives for the principles upon which the United States of America was founded and for which our flag is a symbol. The flag is a symbol of what our nation was as well as what it has become. Because of this symbolism, the flag of the United States of America should be honored and respected. This is why a flag protection amendment is necessary.

The United States of America has long been viewed as the greatest country in the world, not only by its citizens, but by many other nations as well. Part of the reason that it is viewed thusly is due to the fact that its Constitution and form of government have survived for so long. While it is true that America is a relatively young country when compared with European nations, America has known a stability that few other nations have known. Consider France or Italy. In the past two hundred years, France has experienced seven completely different forms of government, and Italy has seen fifty-one forms. The stability of the United States comes from our nation's foundation, which was on the principles and morals of the Christian men who founded our great nation.

In his farewell address on September 19, 1796, George Washington said, ''Of all the dispositions and habits which lead to political prosperity, Religion and morality are indispensable supports . . . 'Tis substantially true, that virtue or morality is a necessary spring of popular government.'' Before we are able to look at what our nation symbolizes, we must first look to the men who founded it. They were the Puritans. But what were the Puritans looking for? The Puritans were looking for a land of freedom, a land where they could worship their Lord and Savior as they believed He should be worshipped. It was for this reason that they fled England. They wanted a country whose churches could not be dictated to by the nation's leaders. Not only were they looking

for a country where they would be allowed to worship, but they were looking for a land where they could speak out against what contradicted their beliefs and where they could have a voice in who was to lead their country. For these reasons, they toiled in a new land, carving their homes from wilderness. Without the discipline, mortality, and virtue of the founders, our nation's government would not have endured for as long as it has.

For more than two hundred years, the United States has been a land of freedom and opportunity, thanks to the diligence of its founders. But with those same freedoms and opportunities comes responsibility, a responsibility to the memories of each and every man, woman, and child that has given a part of their life as a sacrifice for their country. This responsibility is one that, as America grows stronger and more prosperous, few wish to share.

Since the time when everyone held the same beliefs and moral standards, people's convictions and ways they are taught have changed. The citizens of the United States are now being taught to believe many opposing codes of conduct such as ''There's no definite right or wrong; there is only what you feel'' and ''There is accountability to God, your country, and your family.'' While everyone is most definitely free to believe as they choose, these contrasting philosophies lead to different opinions on how the flag, the symbol of our nation, should be treated.

The freedoms which the founding fathers toiled to establish and for which our flag is a symbol are an important part of our nation's heritage. Without these freedoms, we would be lost and would become just as any other country, a people who are devoid of hope. When a person desecrates the flag of the United States, he is not only scorning our nation, but he is also desecrating the memory of every person who ever served in a war or sacrificed their own life in order to maintain the freedoms of our nation.

We must protect our nation's heritage and foundation. Also, we need to honor the memories of those who have given their lives to save the freedoms of the United States. The flag of the United States, as a symbol of these, should be cherished as dearly as our lives, if not more so. This is why I believe there needs to be a flag protection amendment.

According to Article 5 of the Constitution of the United States, there are four ways to amend the Constitution. The first way is for Congress to propose an amendment, then have the legislatures of three-fourths of the states approve it. Secondly, Congress can propose the amendment, and special conventions in three-fourths of the states can approve the addition. Thirdly, two-thirds of the states' legislatures can request a special national convention to propose an amendment, and three-fourths of the states' legislatures ratify the amendment. Fourthly, two-thirds of the states' legislatures can call for a special national convention to propose an amendment, and special conventions in three fourths of the states ratify the amendments.

While these amendment procedures are not easily accomplished, it is possible with persistence. We need to preserve our heritage and our flag, honoring both. The only way to be sure that the flag will always be a protected symbol of our nation's heritage is for this amendment to be passed.●

TRIBUTE TO LORRAINE W. CROWLEY

● Mr. JEFFORDS. Mr. President, I rise today to pay tribute to Lorraine W. Crowley of Rutland City, Vermont. For the last ten years Lorraine has served as the Elementary Principal for the Rutland City Public School System. It is with bittersweet emotions that I inform the Senate of Lorraine's retirement at the end of the school year.

Lorraine has dedicated her career to education. She graduated from Emmanuel College in Boston in 1962 and received her Masters in Education Psychology from the University of Hawaii in 1968. She served as a Principal for five years at a High School in Hawaii, before returning to New England as the Director of Guidance at the Holliston High School in Massachusetts. Lorraine broadened her horizons further by spending 3 years as an educator at the American School in Madrid and the Ben Franklin International School in Spain. Since 1988 she has served as the Principal for Rutland City School System.

Lorraine has dedicated her life to giving our next generation the tools they need to live prosperous and fulfilling lives. I know the entire Rutland City community will miss Lorraine Crowley. She is leaving a legacy of accomplishment and affection, the memory of which shall stand the test of time.●

TRIBUTE TO JENNIFER DALY

● Mr. SANTORUM. Mr. President, I rise today to congratulate Jennifer Daly for being named the Pennsylvania state winner in The Citizens Flag Alliance Essay Contest.

Jennifer is the recipient of a $1,000 scholarship for her one thousand word essay on the theme, ''The American Flag Protection Amendment: A Right of the People . . . the Right Thing to Do.'' She is among 50 other outstanding young Americans named as state winners and will compete for one of ten college scholarships in a national competition next month.

Mr. President, Jennifer Daly is a great source of pride for the Commonwealth of Pennsylvania. I hope my colleagues will join with me in extending best wishes to her for continued success in the years to come.●

TRIBUTE TO REVEREND ERIC MASON AND FAUSTENIA MORROW

● Mr. BOND. Mr. President, every year Ebony magazine pays tribute to thirty leaders ages thirty and younger who are working for the betterment of their communities. They all represent the caliber of talent that is being groomed to move to the fore front of society and lead the United States of America into the 21st century. This year Metro East Family Church of East St. Louis, Illinois will be honoring the ''30 Young Leaders of the Future,'' featured in the December 1997 issue of Ebony Magazine. It is a great honor to congratulate each of Ebony magazine's selection of young leaders of the future, but especially the two from my home State of Missouri.

Reverend Eric Mason, 25, is the pastor of Administration at the Metro East Family Church. Formerly, he was a case manager at the Nebraska Health and Human Services Department, then an assistant pastor and education director at Mount Moriah Missionary Baptist Church and was appointed by the Governor of Nebraska to the Affirmative Action Commission as chaplain. He served as the Chair of the Omaha Police Department, on the Legal Redress Committee, was a member of Omaha NAACP, and the Interdenominational Ministerial Alliance. Reverend Mason personifies everything positive in the St. Louis community and I am excited to learn of his influential leadership.

Faustenia Morrow, 25, is the development administrator for Team Sweep, a youth-at-risk program run by the City of St. Louis. She also is President of Young Organized Political Action Committee and fundraising chairperson of Metropolis St. Louis, an organization with the goal of attracting and retaining professionals in St. Louis. In addition, Ms. Morrow is assistant campaign advisor for Missouri State Representative Betty Thompson, founding member of the Sisters of High Tea, an organization of professional women and a member of the Professional Organization of Women. Her continuing commitment to the St. Louis community is a positive example for all and I am extremely pleased to have her as a role model for others.

Dedication to one's community has become an increasingly rare quality in our society. However, Ebony's selection of young leaders has shown that the most effective approach to enriching a community is to give back rather than to take. Their unselfish commitment has set a precedence for the generations before and after them to follow and implement. I salute the contributions made by these leaders, and join the Metro East Family Church of East St. Louis in paying tribute to the ''30 Young Leaders of the Future.'' ●

THE PUBLIC UTILITY HOLDING COMPANY ACT OF 1997 CONCERNING THE REPEAL OF PUCHA

● Mr. MACK. Mr. President, as the Congress continues to address the important work of reducing government spending, eliminating layers of bureaucratic waste, and increasing efficiency, we should focus on eliminating those regulations and programs which are no longer needed and are outdated. As Republicans, we must strive to enact legislation that embraces less government, less spending and more freedom. S. 621 is a bill that embodies these important principles.

This bill would reduce the unnecessary federal requirements included under the Public Utility Holding Act of 1935. Originally enacted to correct the abusive practices of holding companies during the 1920's and 30's, PUCHA is now an outdated law that is simply no

longer needed. It has served its purpose and outlived its usefulness. The Securities and Exchange Commission, which implemented the Act has urged its repeal for several years. The Federal Energy Regulatory Commission, along with many state public utility commissioners, also recognize the inefficiency of PUCHA's obsolete provisions and therefore support its repeal.

It is widely recognized that the redundant and burdensome regulations of PUCHA have resulted in higher cost for consumers. These regulations not only restrict the ability of electric producers to compete in a free market economy, but also restrict these companies from responding to the seasonal nature of electric demand.

Many States have begun to address this issue by moving forward to a fully competitive electric market that allows consumer choice. Due to the cumbersome regulatory structure imposed upon them under the PUCHA system, States will not be able to achieve the full benefits of competition.

S. 621 seeks to correct this while retaining essential consumer protections. Further, this bill allows the utility industry the flexibility to invest, diversify, and respond to current consumer demand. By passing S. 621 we can reduce burdens on utilities and create savings which would then be passed on to ratepayers.

Mr. President, the time to act on S. 621 is now. There is simply no reason why we should delay action on repeal when the passage of this bill clearly preserves the fundamental principles of free enterprise and capitalism on which our great country was founded. I thank the chair, and I yield the floor.●

A TRIBUTE TO ROBERT BOWEN

WINNER OF 1998 VITA WIRELESS SAMARITAN AWARD

● Mr. SMITH of New Hampshire. Mr. President, I rise today to congratulate Robert Bowen for receiving the 1998 VITA Wireless Samaritan Award. The award is given by the Cellular Telecommunications Industry to recognize the contributions of individuals who used their cellular phone to heroically help their communities. Robert is a clear example of how matching emergency situations with technology can impact people's lives.

Robert Bowen is a police officer who is the head of the Keene Crime Watch Bike Patrol. Robert was on patrol one day when the local police received a frantic call reporting a missing child. The police, in turn, alerted Robert on his wireless phone. An eight-year-old, who had run away from home, was nowhere to be found and was in need of his daily medication. Robert headed out on the wooded trails to an area he knew was a popular congregation spot for area children. He quickly spotted the boy and doubled back to alert the boy's father. The father and son were reunited, and Robert called the police department on his wireless phone to let them know they could call off their search.

The Keene Crime Watch Bike Patrol, armed with wireless phones, has found lost children, stopped crimes and brush fires and assisted in similar emergency situations for the past two years. I congratulate Robert for his courage and for demonstrating how police forces are utilizing modern technology to protect their communities. I am very honored to have Robert Bowen as a police officer in the Granite State, and it is with great pride that I represent him in the U.S. Senate.●

FOREIGN CURRENCY REPORTS

In accordance with the appropriate provisions of law, the Secretary of the Senate herewith submits the following report(s) of standing committees of the Senate, certain joint committees of the Congress, delegations and groups, and select and special committees of the Senate, relating to expenses incurred in the performance of authorized foreign travel:

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON APPROPRIATIONS, FOR TRAVEL FROM JAN. 1, TO MAR. 31, 1998

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Kay Bailey Hutchison:									
Germany	Mark	1,011.58	564.50					1,011.58	564.50
Total			564.50						564.50

TED STEVENS,
Chairman, Committee on Appropriations, May 7, 1998.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON ARMED SERVICES, FOR TRAVEL FROM JAN. 1 TO MAR. 31, 1998

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Edward M. Kennedy:									
Northern Ireland	Dollar		588.00						588.00
Republic of Ireland	Dollar		172.00						172.00
United States	Dollar				4,458.00				4,458.00
Trina Vargo:									
Northern Ireland	Dollar		588.00						588.00
Republic of Ireland	Dollar		798.00						798.00
United States	Dollar				1,409.00				1,409.00
Senator Pat Roberts:									
New Zealand	Dollar		260.00						260.00
Australia	Dollar		690.00						690.00
Senator Carl Levin:									
Japan	Dollar		173.84						173.84
North Korea	Dollar		436.00						436.00
South Korea	Dollar		116.20						116.20
United States	Dollar				4,188.00				4,188.00
David S. Lyles:									
Japan	Dollar		193.84						193.84
North Korea	Dollar		455.00		10.00		227.72		692.72
South Korea	Dollar		116.20		6.00				122.20
United States	Dollar				4,474.00				4,474.00
Richard W. Fieldhouse:									
Japan	Dollar		211.34		12.50				223.84
North Korea	Dollar		455.00		10.00		220.72		685.72
South Korea	Dollar		136.20		6.00				142.20
United States	Dollar				4,474.00				4,474.00
Senator Carl Levin:									
Bosnia	Dollar		175.67						175.67

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON ARMED SERVICES, FOR TRAVEL FROM JAN. 1 TO MAR. 31, 1998—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Israel	Dollar		91.91						91.91
United States	Dollar		.				256.00		256.00
Senator John McCain:									
Germany	Dollar		564.50						564.50
Senator Joseph I. Lieberman:									
Germany	Dollar		247.25						247.25
Frederick M. Downey:									
Germany	Dollar		457.58						457.58
Kurt Volker:									
Germany	Dollar		420.00						420.00
Marshall Salter:									
Germany	Dollar		564.50						564.50
Senator Carl Levin:									
Germany	Dollar		237.00						237.00
Oman	Dollar		237.00						237.00
Qatar	Dollar		37.00						37.00
Russia	Dollar		836.50						836.50
Senator John Warner:									
Germany	Dollar		355.25						355.25
Oman	Dollar		384.48						384.48
Qatar	Dollar		24.00						24.00
Russia	Dollar		872.80						872.80
Romie L. Brownlee:									
Germany	Dollar		332.12						332.12
Oman	Dollar		237.00						237.00
Qatar	Dollar		95.00						95.00
Russia	Dollar		608.60						608.60
David S. Lyles:									
Germany	Dollar		326.00						326.00
Oman	Dollar		410.00						410.00
Qatar	Dollar		152.00						152.00
Russia	Dollar		449.50						449.50
John Barnes:									
South Korea	Dollar		912.00						912.00
United States	Dollar				3,360.00				3,360.00
Madelyn R. Creedon:									
Ukraine	Dollar		260.00						260.00
Russia	Dollar		1,040.00						1,040.00
United States	Dollar				4,745.19				4,745.19
Lucia Monica Chavez:									
Ukraine	Dollar		257.14						257.14
Russia	Dollar		1,028.58						1,028.58
Switzerland	Dollar		514.28						514.28
United States	Dollar				4,245.73				4,245.73
Richard DeBobes:									
Bosnia	Dollar		202.26						202.26
Israel	Dollar		141.95						141.95
Israel	Dollar				56.00				56.00
Israel	Dollar						25.00		25.00
United States	Dollar						256.00		256.00
Total			17,861.49		31,454.42		985.44		50,301.35

STROM THURMOND,
Chairman, Committee on Armed Services, May 18, 1998.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS, FOR TRAVEL FROM JAN. 1 TO MAR. 31, 1998

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Senator Connie Mack:									
Ireland	Pound	125.13	172.00		4,233.00				4,405.00
Northern Ireland	Pound	223.80	373.00						373.00
Gary Shiffman:									
Ireland	Pound	125.13	172.00		4,233.00				4,405.00
Northern Ireland	Pound	130.80	218.00						218.00
Total			935.00		8,466.00				9,401.00

ALFONSE D'AMATO, Chairman,
Committee on Banking, Housing, and Urban Affairs. Mar. 31, 1998.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON THE BUDGET, FOR TRAVEL FROM JAN. 1 TO MAR. 31, 1998

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Phil Gramm:									
Germany	Mark	635.23	354.50					635.23	354.50
Senator Gordon Smith:									
Germany	Mark	416.00	232.13					416.00	232.13
Total			586.63						586.63

PETE V. DOMENICI,
Chairman, Committee on the Budget, Mar. 25, 1998.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON THE BUDGET, FOR TRAVEL FROM JAN. 11 TO JAN. 21, 1998

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Pete V. Domenici:									
England	Pound	367.50	618.00					367.50	618.00
Germany	Mark	772.00	426.00					772.00	426.00
Belgium	Franc	17,906	478.00					17,906	478.00
Switzerland	Franc	1,176.30	793.50					1,176.30	793.50
France	Franc	3,109.00	508.00					3,109.00	508.00
Senator Don Nickles:									
England	Pound	431.31	708.00					431.31	708.00
Germany	Mark	934.80	516.00					934.80	516.00
Belgium	Franc	10,639	284.00					10,639	284.00
United States	Dollar				529.21				529.21
Senator Spencer Abraham:									
England	Pound	431.31	708.00					431.31	708.00
Germany	Mark	934.80	516.00					934.80	516.00
Belgium	Franc	21,277	568.00					21,277	568.00
Switzerland	Franc	1,309.70	883.50					1,309.70	883.50
France	Franc	3,659.76	598.00					3,659.76	598.00
G. William Hoagland:									
England	Pound	431.31	708.00					431.31	708.00
Germany	Mark	817.75	451.40					817.75	451.40
Belgium	Franc	18,857	503.40					18,857	503.40
Switzerland	Franc	1,214	818.90					1,214	818.90
France	Franc	3,264	533.40					3,264	533.40
Amy Smith:									
England	Pound	395	648.00					395	648.00
Germany	Mark	826	456.00					826	456.00
Belgium	Franc	19,030	508.00					19,030	508.00
Switzerland	Franc	1,221	823.50					1,221	823.50
France	Franc	3,292.56	538.00					3,292.56	538.00
Bob Stevenson:									
England	Pound	431.31	708.00					431.31	708.00
Germany	Mark	934.80	516.00					934.80	516.00
Belgium	Franc	21,277	568.00					21,277	568.00
Switzerland	Franc	1,218.20	822.00					1,218.20	822.00
France	Franc	3,283.38	536.50					3,283.38	536.50
Delegation Expenses: [1]									
England							6,378.27		6,378.27
Germany							6,020.26		6,020.26
Belgium							7,133.87		7,133.87
Switzerland							5,952.59		5,952.59
France							10,358.64		10,358.64
Total			16,744.10		529.21		35,843.63		53,116.94

[1] Delegation expenses include direct payments and reimbursements to the Department of State and the Department of Defense under authority of Sec. 502(b) of the Mutual Security Act of 1954, as amended by Sec. 22 of P.L. 95–384, and Senate Resolution 179, agreed to May 25, 1977.

PETE V. DOMENICI,
Chairman, Committee on the Budget, May 1, 1998.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION FOR TRAVEL FROM JAN. 1 TO MAR. 31, 1998

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Thomas Hubbard:									
United States	Dollar				7,445.90				7,445.90
Thailand	Baht	12,600	240.00					12,600	240.00
Vietnam	Dollar		1,743.00		203.00				1,946.00
Total			1,983.00		7,648.90				9,631.90

JOHN McCAIN, Chairman,
Committee on Commerce, Science, and Transportation, Apr. 29, 1998.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON FINANCE, FOR TRAVEL FROM OCT. 1 TO DEC. 31, 1997

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Grant Aldonas:									
United States	Dollar				1,284.90				1,284.90
Switzerland	Franc	1,918.75	1,341.78					1,918.75	1,341.78
France	Franc	1,537.35	280.54					1,537.35	280.54
Linda Menghetti:									
United States	Dollar				1,284.90				1,284.90
France	Franc	964	175.91					964	175.91
Switzerland	Franc	1,677.74	1,172.10					1,677.74	1,172.10
Jim Jochum:									
United States	Dollar				1,284.90				1,284.90
France	Franc	1,092.03	182.92					1,092.03	182.92
Switzerland	Franc	1,295.13	905.69					1,295.13	905.69
Total			4,058.94		3,854.70				7,913.64

WILLIAM V. ROTH, JR.,
Chairman, Committee on Finance, Mar. 11, 1998.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON FINANCE, FOR TRAVEL FROM JAN. 1 TO MAR. 31, 1998

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Mark Patterson:									
United States	Dollar				975.02				975.02
Switzerland	Franc	1,447.85	980.73					1,447.85	980.73
Senator John D. Rockefeller IV:									
United States	Dollar				5,876.00				5,876.00
Taiwan	Dollar	49,888	1,527.50					49,888	1,527.50
Japan	Yen	258,488	1,951.00					258,488	1,951.00
China	Yuan	8,501.56	1,028.00					8,501.56	1,028.00
R. Lane Bailey:									
United States	Dollar				7,613.00				7,613.00
Taiwan	Dollar	49,888	1,527.50					49,888	1,527.50
Japan	Yen	258,488	1,951.00					258,488	1,951.00
China	Yuan	8,501.56	1,028.00					8,501.56	1,028.00
Teri Giles:									
United States	Dollar				3,170.00				3,170.00
Taiwan	Dollar	42,213	1,292.50					42,213	1,292.50
Japan	Yen	222,032	1,662.00					222,032	1,662.00
China	Yuan	8,501.56	1,028.00					8,501.56	1,028.00
Deborah Lamb:									
United States	Dollar				1,257.64				1,257.64
France	Franc	4,191.92	687.26					4,191.92	687.26
Switzerland	Franc	1,447.23	980.31					1,447.23	980.31
David Podoff:									
United States	Dollar				1,257.64				1,257.64
France	Franc	4,595.32	753.33					4,595.32	753.33
Switzerland	Franc	1,345.71	911.54					1,345.71	911.54
Total			17,308.67		20,149.30				37,457.97

WILLIAM V. ROTH, JR.,
Chairman, Committee on Finance, Apr. 22, 1998.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON FOREIGN RELATIONS, FOR TRAVEL FROM JAN. 1 TO MAR. 31, 1998

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Chuck Hagel:									
England	Pound	431.31	708.00					431.31	708.00
Germany	Mark	934.80	516.00					934.80	516.00
Belgium	Franc	21,277	568.00					21,277	568.00
Switzerland	Franc	1,309.70	883.50					1,309.70	883.50
France	Franc	3,659.76	598.00					3,659.76	598.00
Senator John Kerry:									
Vietnam	Dollar		2,200.00						2,200.00
Thailand	Baht	12,720	240.00					12,720	240.00
United States	Dollar				6,259.00				6,259.00
Thomas Bunton:									
Russian Federation	Dollar		1,035.78						1,035.78
United States	Dollar				4,313.11				4,313.11
Roger Noriega:									
Cuba	Dollar		1,150.00						1,150.00
United States	Dollar				969.00				969.00
Danielle Pletka:									
Syria	Dollar		801.00						801.00
Lebanon	Dollar		438.00						438.00
Cyprus	Dollar		125.00						125.00
United States	Dollar				6,829.99				6,829.99
Munro Richardson:									
Congo	Dollar		1,750.00		468.00				2,218.00
United States	Dollar				5,256.00				5,256.00
Nancy Stetson:									
Vietnam	Dollar		1,892.00						1,892.00
Burma	Dollar		392.00		196.00				588.00
Thailand	Dollar		130.00						130.00
United States	Dollar				6,515.10				6,515.10
Michael Westphal:									
Congo	Dollar		1,750.00		468.00				2,218.00
United States	Dollar				5,256.00				5,256.00
Marc Thiessen:									
Cuba	Dollar		1,650.00						1,650.00
United States	Dollar				969.00				969.00
Linda Rotblatt:									
Congo	Dollar		1,750.00		468.00				2,218.00
United States	Dollar				5,256.00				5,256.00
Total			18,577.28		43,223.20				61,800.48

JESSE HELMS,
Chairman, Committee on Foreign Relations, Apr. 28, 1998.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON THE JUDICIARY, FOR TRAVEL FROM JAN. 1 TO MAR. 31, 1998

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator John Kerry:									
Switzerland	Dollar		350.00						350.00
Helen Kanovsky:									
Switzerland	Dollar		607.63						607.63
Senator Orrin Hatch:									
Switzerland	Dollar		350.00						350.00

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON THE JUDICIARY, FOR TRAVEL FROM JAN. 1 TO MAR. 31, 1998—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Paul Matulic:									
Switzerland	Dollar		800.00						800.00
Louis Dupart:									
Haiti	Dollar		167.50						167.50
Dominican Republic	Dollar		155.00						155.00
Total			2,430.13						2,430.13

ORRIN HATCH,
Chairman, Committee on the Judiciary, Apr. 22, 1998.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON LABOR AND HUMAN RESOURCES, FOR TRAVEL FROM JAN. 1 TO MAR. 31, 1998

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Tom Harkin:									
United States	Dollar				5,066.44				5,066.44
Thailand	Baht					4,094	77.31	4,094	77.31
Bangladesh	Taka	7,013	154.31	2,407.49	52.97	4,774.07	105.04	14,194.56	312.32
India	Rupee	13,943.27	356.00					13,943.27	356.00
Nepal	Rupee	3,050	50.00	1,799.50	29.50			4,849.50	79.50
Pakistan	Rupee	7,172	163.00			296.12	6.73	7,468.12	169.73
Rosemary Gutierrez:									
United States	Dollar				5,066.44				5,066.44
Thailand	Baht					3,964.60	75.60	3,964.60	75.60
Bangladesh	Taka	4,135.95	91.00	2,407.94	52.98	4,773.61	105.03	11,317.50	249.01
India	Rupee	13,943.27	356.00					13,943.27	356.00
Nepal	Rupee	1,525	250.00	1,799.50	29.50			3,324.50	279.50
Pakistan	Rupee	7,172	163.00			296.12	6.72	7,468.12	169.72
Total			1,583.31		10,297.83		376.43		12,257.57

JIM JEFFORDS,
Chairman, Committee on Labor and Human Resources, Apr. 28, 1998.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON VETERANS' AFFAIRS, FOR TRAVEL FROM OCT, 1 TO DEC. 31, 1997

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Mary Agocs:									
Israel	Dollar		2,348.00		1,677.00				4,025.00
C. James Moore:									
Kuwait	Dollar		322.62						322.62
Saudi Arabia	Dollar		1,163.37						1,163.37
Egypt	Dollar		894.97						894.97
Israel	Dollar		1,486.74						1.486.74
Total			6,215.70		1,677.00				7,892.70

ARLEN SPECTER,
Chairman, Committee on Veterans' Affairs, Apr. 17, 1998.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON VETERANS' AFFAIRS, FOR TRAVEL FROM JAN. 1 TO MAR. 31, 1998

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Arlen Specter:									
United States	Dollar				4,378.70				4,378.70
Netherlands	Dollar		224.00						224.00
United Kingdom	Dollar		176.98						176.98
Israel	Dollar		355.00						355.00
Syria	Dollar		190.00						190.00
Jordan	Dollar		85.50						85.50
Eritrea	Dollar		78.00						78.00
Yemen	Dollar		14.00						14.00
Ethiopia	Dollar		15.00						15.00
Saudi Arabia	Dollar		50.00						50.00
Egypt	Dollar		119.00						119.00
Germany	Dollar		142.00						142.00
David J. Urban:									
United States	Dollar				4,192.70				4,192.70
Netherlands	Dollar		224.00						224.00
Israel	Dollar		631.00						631.00
Jordan	Dollar		320.00						320.00
Syria	Dollar		252.00						252.00
Germany	Dollar		205.00						205.00
Italy	Dollar		166.00						166.00
Ethiopia	Dollar		131.00						131.00
Egypt	Dollar		175.00						175.00
Eritrea	Dollar		131.00						131.00
Jonathan L. Ullyot:									
United States	Dollar				4,192.70				4,192.70

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON VETERANS' AFFAIRS, FOR TRAVEL FROM JAN. 1 TO MAR. 31, 1998—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Netherlands	Dollar		187.71						187.71
Israel	Dollar		383.72						383.72
Syria	Dollar		252.00						252.00
Jordan	Dollar		211.99						211.99
Eritrea	Dollar		260.00						260.00
Ethiopia	Dollar		376.76						376.76
Egypt	Dollar		217.06						217.06
Italy	Dollar		210.07						210.07
Germany	Dollar		185.53						185.53
Total			5,969.32		12,764.10				18,733.42

ARLEN SPECTER,
Chairman, Committee on Veterans' Affairs, Mar. 9, 1998.

ADDENDUM.—CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), SELECT COMMITTEE ON INTELLIGENCE, FOR TRAVEL FROM OCT. 1 TO DEC. 31, 1997

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Mike DeWine			382.75						382.75
James Stinebower			750.00						750.00
Laurel Pressler			385.70						385.70
Gina Marie Hatheway			750.00						750.00
Total			2,268.45						2,268.45

RICHARD SHELBY,
Chairman, Select Committee on Intelligence, Apr. 22, 1998.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), SELECT COMMITTEE ON INTELLIGENCE, FOR TRAVEL FROM JAN. 1 TO MAR. 31, 1998

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Bob Graham			1,428.00				15,587.21		17,015.21
Alfred Cumming			1,478.27						1,478.27
Bob Fillipone			1,501.47						1,501.47
Taylor W. Lawrence			1,195.00		5,212.00				6,407.00
Christopher Williams			1,054.00		4,269.00				5,323.00
Laurel Pressler			249.50						249.50
Gina Marie Hatheway			322.50						322.50
William Duhnke			233.50						233.50
Linda Taylor			500.00		7,713.60				8,213.60
Arthur Grant			500.00		8,544.00				9,044.00
Senator Jon Kyl			202.00						202.00
Total			8,664.24		25,738.60		15,587.21		49,990.05

RICHARD SHELBY,
Chairman, Select Committee on Intelligence, Apr. 22, 1998.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMISSION ON SECURITY AND COOPERATION IN EUROPE, FOR TRAVEL FROM JAN. 1 TO MAR. 31, 1998

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Rep. Benjamin Cardin:									
Greece	Dollar		264.00						264.00
Cyprus	Dollar		146.00						146.00
Turkey	Dollar		567.00						567.00
Austria	Dollar		176.00						176.00
John Finerty:									
United States	Dollar				5,010.24				5,010.24
Russia	Dollar		990.00						990.00
Janice Helwig:									
United States	Dollar				4,928.93				4,928.93
Austria	Dollar		8,565.00						8,565.00
Rep. Steny Hoyer:									
Greece	Dollar		264.00						264.00
Cyprus	Dollar		146.00						146.00
Turkey	Dollar		567.00						567.00
Austria	Dollar		176.00						176.00
United States	Dollar				4,605.93				4,605.93
Austria	Dollar		322.00						322.00
Marlene Kaufmann:									
Greece	Dollar		264.00						264.00
Cyprus	Dollar		146.00						146.00
Turkey	Dollar		567.00						567.00
Austria	Dollar		176.00						176.00
United States	Dollar				4,395.62				4,395.62
Austria	Dollar		322.00						322.00
Karen Lord:									
United States	Dollar				4,996.71				4,996.71
Russia	Dollar		1,750.00						1,750.00
Austria	Dollar		176.00		723.00				899.00

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMISSION ON SECURITY AND COOPERATION IN EUROPE, FOR TRAVEL FROM JAN. 1 TO MAR. 31, 1998—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
United States	Dollar				4,795.66				4,795.66
Cyprus	Dollar		690.00						690.00
Rep. Edward Markey:									
Greece	Dollar		264.00						264.00
Cyprus	Dollar		146.00						146.00
Turkey	Dollar		567.00						567.00
Austria	Dollar		176.00						176.00
Ronald McNamara:									
Greece	Dollar		245.10						245.10
Cyprus	Dollar		128.00						128.00
Turkey	Dollar		544.27						544.27
Austria	Dollar		162.26						162.26
Edward Wayne Merry:									
Greece	Dollar		264.00						264.00
Cyprus	Dollar		146.00						146.00
Turkey	Dollar		567.00						567.00
Austria	Dollar		176.00						176.00
Michael Ochs:									
United States	Dollar				4,968.38				4,968.38
Azerbaijan	Dollar		1,480.00						1,480.00
Armenia	Dollar		924.00						924.00
Georgia	Dollar		2,193.00						2,193.00
Turkey	Dollar		416.00						416.00
Rep. John Porter:									
Greece	Dollar		264.00						264.00
Cyprus	Dollar		146.00						146.00
Turkey	Dollar		567.00						567.00
Austria	Dollar		176.00						176.00
Erika Schlager:									
United States	Dollar				4,315.17				4,315.17
Czech Republic	Dollar		696.00						696.00
The Netherlands	Dollar		427.00						427.00
Rep. Louise Slaughter:									
Greece	Dollar		264.00						264.00
Cyprus	Dollar		146.00						146.00
Turkey	Dollar		567.00						567.00
Austria	Dollar		176.00						176.00
Rep. Christopher Smith:									
United States	Dollar				5,085.00				5,085.00
Russia	Dollar		1,150.00						1,150.00
Dorothy Douglas Taft:									
Greece	Dollar		167.00						167.00
Cyprus	Dollar		65.80						65.80
Turkey	Dollar		404.00						404.00
Austria	Dollar		139.06						139.06
Rep. Frank Wolf:									
United States	Dollar				3,161.30				3,161.30
Russia	Dollar		864.00						864.00
Total			30,891.49		46,985.94				77,877.43

ALFONSE D'AMATO,
Commission on Security and Cooperation in Europe, Mar. 31, 1998.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), FOR TRAVEL AUTHORIZED BY THE MAJORITY AND DEMOCRATIC LEADERS FROM JULY 5 TO JULY 9, 1997

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator William V. Roth, Jr.:									
Czech Republic	Dollar		564.00						564.00
Spain	Peseta	85,312.80	578.00					85,312.80	578.00
Senator Joseph R. Biden, Jr.:									
Spain	Peseta	42,656.40	289.00					42,656.40	289.00
United States	Dollar				1,536.00				1,536.00
Senator Barbara Mikulski:									
Czech Republic	Dollar		177.00						177.00
Spain	Peseta	109,426.21	741.37					109,426.21	741.37
Senator Gordon Smith:									
Czech Republic	Dollar		156.00						156.00
Spain	Peseta	66,567.60	451.00					66,567.60	451.00
Mr. Ian Brzezinski:									
Czech Republic	Dollar		282.00						282.00
Spain	Peseta	85,312.80	578.00					85,312.80	578.00
Dr. Michael Haltzel:									
Spain	Peseta	85,312.80	578.00					85,312.80	578.00
Virginia Flynn:									
Czech Republic	Dollar		282.00						282.00
Madrid	Peseta	85,312.80	578.00					85,312.80	578.00
Julia Hart:									
Czech Republic	Dollar		282.00						282.00
Madrid	Peseta	85,312.80	578.00					85,312.80	578.00
Delegation Expenses: [1]									
Czech Republic							2263.52		2263.52
Spain							1,640.00		1,640.00
Total			6,114.37		1,536.00		13,903.52		11,553.89

[1] Delegation expenses include direct payments and reimbursements to the Department of State and the Department of Defense under authority of Sec. 502(b) of the Mutual Security Act of 1954, as amended by Sec. 22 of P.L. 95–384, and Senate Resolution 179, agreed to May 25, 1977.

TRENT LOTT, Majority Leader,
TOM DASCHLE, Democratic Leader,
Apr. 8, 1998.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), FOR TRAVEL AUTHORIZED BY THE MAJORITY AND DEMOCRATIC LEADERS FROM NOV. 30 TO DEC. 11, 1997

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator John H. Chafee:									
Japan	Yen	137,592	1,127.66					137,592	1,127.66
United States	Dollar				4,171.00				4,171.00
Senator John Kerry:									
Japan	Yen	83,191	647.00					83,191	647.00
United States	Dollar				11,095.00				11,095.00
Senator Joseph Lieberman:									
Japan	Yen	138,850	1,093.00					138,850	1,093.00
United States	Dollar				4,899.00				4,899.00
Senator Chuck Hagel:									
Japan	Yen	227,820	1,794.00					227,820	1,794.00
United States	Dollar				5,396.00				5,396.00
Senator Mike Enzi:									
Japan	Yen	35,941	283.00					35,941	283.00
United States	Dollar				5,377.00				5,377.00
Kent Bonham:									
Japan	Yen	379,700	2,990.00					379,700	2,990.00
United States	Dollar				5,396.00				5,396.00
Kate English:									
Japan	Yen	379,700	2,990.00					379,700	2,990.00
United States	Dollar				1,006.00				1,006.00
Richard D'Amato:									
Japan	Yen	417,670	3,289.00					417,670	3,289.00
United States	Dollar				5,077.39				5,077.39
Debbie Fiddelke:									
Japan	Yen	379,700	2,990.00					379,700	2,990.00
United States	Dollar				4,275.00				4,275.00
Julia Hart:									
Japan	Yen	341,730	2,691.00					341,730	2,691.00
United States	Dollar				5,396.00				5,396.00
Nao Matsukata:									
Japan	Yen	341,730	2,691.00					341,730	2,691.00
United States	Dollar				4,497.00				4,497.00
Delegation Expenses: [1]									
Japan							21,412.25		21,412.25
Total			22,585.66		56,585.39		21,412.25		100,583.30

[1] Delegation expenses include direct payments and reimbursements to the Department of State and the Department of Defense under authority of Sec. 502(b) of the Mutual Security Act of 1954, as amended by Sec. 22 of P.L. 95–384, and Senate Resolution 179, agreed to May 25, 1977.

TRENT LOTT, Majority Leader,
TOM DASCHLE, Democratic Leader,
Apr. 8, 1998.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), FOR TRAVEL AUTHORIZED BY THE DEMOCRATIC LEADER FROM JAN. 1 TO MAR. 31, 1998

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Daniel Patrick Moynihan:									
India	Rupee	56,105	1,424.00					56,105	1,424.00
Switzerland	Franc	1,759.76	1,192.00				1,371.75	1,759.76	2,563.75
United States	Dollar				7,864.30				7,864.30
Senator Jack Reed:									
Bosnia-Herzegovina	Dollar		185.31						185.31
Israel	Dollar		106.13				256.00		362.13
United States	Dollar				4,081.00				4,081.00
Elizabeth L. King:									
Bosnia-Herzegovina	Dollar		198.87						198.87
Israel	Dollar		617.58				256.00		873.58
United States	Dollar				3,882.00				3,882.00
Total			3,723.89		15,827.30		1,883.75		21,434.94

TOM DASCHLE,
Democratic Leader, Apr. 21, 1998.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), FOR TRAVEL AUTHORIZED BY MAJORITY LEADER FROM JAN. 1, TO MAR. 31, 1998

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Randy Scheunemann:									
Germany	Mark	1,011.58	564.50					1,011.58	564.50
Julia Hart:									
England	Pound	431.31	708.00					431.31	708.00
Germany	Mark	934.80	516.00					934.80	516.00
Belgium	Franc	21,277	568.00					21,277	568.00
Switzerland	Franc	1,309.70	883.50					1,309.70	883.50
France	Franc	3,659.76	598.00					3,659.76	598.00
Total			3,838.00						3,838.00

TRENT LOTT,
Majority Leader, Apr. 21, 1998.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), FOR TRAVEL AUTHORIZED BY MAJORITY LEADER FROM JAN. 5 TO JAN. 11, 1998

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Trent Lott:									
Panama	Dollar		366.00						366.00
Honduras	Dollar		225.00						225.00
Guatemala	Quetzal	920.82	149.00					920.82	149.00
Mexico	New Peso	2,149.15	265.00					2,149.15	265.00
Senator Frank Murkowski:									
Panama	Dollar		366.00						366.00
Honduras	Dollar		225.00						225.00
Guatemala	Quetzal	920.82	149.00					920.82	149.00
Mexico	New Peso	2,149.15	265.00					2,149.15	265.00
Senator John Breaux:									
Panama	Dollar		366.00						366.00
Honduras	Dollar		225.00						225.00
Guatemala	Quetzal	920.82	149.00					920.82	149.00
Mexico	New Peso	2,149.15	265.00					2,149.15	265.00
United States	Dollar				1,027.00				1,027.00
Senator Mike DeWine:									
Panama	Dollar		282.20						282.00
Honduras	Dollar		212.00						212.00
Guatemala	Quetzal	920.82	149.00					920.82	149.00
Mexico	New Peso	1,914.28	236.04					1,914.28	236.04
Senator Pat Roberts:									
Panama	Dollar		366.00						366.00
Honduras	Dollar		225.00						225.00
Guatemala	Quetzal	920.82	149.00					920.82	149.00
Mexico	New Peso	2,149.15	265.00					2,149.15	265.00
Gary Sisco:									
Panama	Dollar		328.00						328.00
Honduras	Dollar		225.00						225.00
Guatemala	Quetzal	920.82	149.00					920.82	149.00
Mexico	New Peso	2,149.15	265.00					2,149.15	265.00
Steve Benza:									
Panama	Dollar		366.00						366.00
Honduras	Dollar		225.00						225.00
Guatemala	Quetzal	920.82	149.00					920.82	149.00
Mexico	New Peso	2,149.15	265.00					2,149.15	265.00
Susan Irby:									
Panama	Dollar		366.00						366.00
Honduras	Dollar		225.00						225.00
Guatemala	Quetzal	920.82	149.00					920.82	149.00
Mexico	New Peso	2,149.15	265.00					2,149.15	265.00
Julie Morrison:									
Panama	Dollar		366.00						366.00
Honduras	Dollar		225.00						225.00
Guatemala	Quetzal	920.82	149.00					920.82	149.00
Mexico	New Peso	2,149.15	265.00					2,149.15	265.00
Randy Scheunemann:									
Panama	Dollar		366.00						366.00
Honduras	Dollar		225.00						225.00
Guatemala	Quetzal	920.82	149.00					920.82	149.00
Mexico	New Peso	2,149.15	265.00					2,149.15	265.00
Sally Walsh:									
Panama	Dollar		366.00						366.00
Honduras	Dollar		225.00						225.00
Guatemala	Quetzal	920.82	149.00					920.82	149.00
Mexico	New Peso	2,149.15	265.00					2,149.15	265.00
Robert Wilkie:									
Panama	Dollar		366.00						366.00
Honduras	Dollar		225.00						225.00
United States	Dollar				339.30				339.30
Delegation expenses: [1]									
Panama							5,648.14		5,648.14
Nicaragua							2,351.31		2,351.31
Honduras							4,114.22		4,114.22
Guatemala							5,940.30		5,940.30
Mexico							3,708.83		3,708.83
Total			11,482.24		1,366.30		21,762.80		34,611.34

[1] Delegation expenses include direct payments and reimbursements to the Department of State and the Department of Defense under authority of Sec. 502(b) of the Mutual Security Act of 1954, as amended by Sec. 22 of P.L. 95–384, and Senate Resolution 179, agreed to May 25, 1977.

TRENT LOTT,
Majority Leader, Mar. 5, 1998.

EXECUTIVE SESSION

Mr. ENZI. Mr. President, I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nominations on the Executive Calendar: Nos. 603, 610, 615, 626 through 633, 635 through 641; all nominations on the Secretary's desk in the Air Force, Army, Marine Corps, and Navy; and the nomination of Joan Dempsey reported by the Intelligence Committee today.

I further ask unanimous consent that the nominations be confirmed, the motion to reconsider be laid upon the table, and any statements relating to the nominations appear at this point in the RECORD, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

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

The nominations were considered and confirmed as follows:

NATIONAL SCIENCE FOUNDATION

Rita R. Colwell, of Maryland, to be Director of the National Science Foundation for a term of six years.

DEPARTMENT OF COMMERCE

Patrick A. Mulloy, of Virginia, to be an Assistant Secretary of Commerce.

IN THE AIR FORCE

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Robert F. Raggio, 0000

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Donald L. Peterson, 0000

The following Air National Guard of the United States officer for appointment in the Reserve of the Air Force to the grade indicated under title 10, U.S.C., section 12203:

To be brigadier general

Col. Daniel James III, 0000

The following named officer for appointment in the United States Air Force to the

grade indicated under title 10, U.S.C., section 624:

To be brigadier general

Col. Lee P. Rodgers, 0000

The following Air National Guard of the United States officer for appointment in the Reserve of the Air Force to the grade indicated under title 10, U.S.C., section 12203:

To be brigadier general

Col. Archie J. Berberian II, 0000

IN THE ARMY

The following National Guard of the United States officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., section 12203:

To be major general

Brig. Gen. Roger C. Schultz, 0000

The following named officers for appointment in the Reserve of the Army to the grades indicated under title 10, U.S.C., section 12203:

To be major general

Brig. Gen. Daniel C. Balough, 0000
Brig. Gen. Roger L. Brautigan, 0000
Brig. Gen. Thomas A. Wessels, 0000

To be brigadier general

Col. Bruce A. Adams, 0000
Col. Michael B. Barrett, 0000
Col. Lowell C. Detamore, Jr., 0000
Col. Kenneth D. Herbst, 0000
Col. Kenneth L. Penttila, 0000

IN THE MARINE CORPS

The following named officer for appointment in the United States Marine Corps to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Frederick McCorkle, 0000

The following named officer for appointment as Assistant Commandant of the Marine Corps and for appointment to the grade indicated under title 10, U.S.C., section 5044:

To be general

Lt. Gen. Terrence R. Dake, 0000

IN THE NAVY

The following named officers for appointment in the Naval Reserve to the grade indicated under title 10, U.S.C., section 12203:

To be rear admiral

Rear Adm. (lh) Martin E. Janczak, 0000
Rear Adm. (lh) Pierce J. Johnson, 0000
Rear Adm. (lh) Lary L. Poe, 0000
Rear Adm. (lh) Michael R. Scott, 0000

The following named officer for appointment in the Naval Reserve to the grade indicated under title 10, U.S.C., section 12203:

To be rear admiral

Rear Adm. (lh) Robert F. Birtcil, 0000

The following named officer for appointment in the United States Navy to the grade indicated under title 10, U.S.C., section 624:

To be rear admiral

Rear Adm. (lh) Michael W. Shelton, 0000

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be admiral

Vice Adm. Charles S. Abbot, 0000

The following named officer for appointment in the United States Navy to the grade indicated under title 10, U.S.C., section 624:

To be rear admiral

Rear Adm. (lh) Jeffrey A. Cook, 0000

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be vice admiral

George P. Nanos, Jr., 0000

IN THE AIR FORCE, ARMY, MARINE CORPS, NAVY

Air Force nominations beginning Phillip M. Armstrong, and ending *Rex A. Williams, which nominations were received by the Senate and appeared in the Congressional Record of April 21, 1998

Army nomination of Gary W. Krahn, which was received by the Senate and appeared in the Congressional Record of April 21, 1998

Army nominations beginning Eugene N Acosta, and ending Curtis L Yeager, which nominations were received by the Senate and appeared in the Congressional Record of April 29, 1998

Marine Corps nominations beginning Richard D. Coulter, and ending Karim Shihata, which nominations were received by the Senate and appeared in the Congressional Record of April 21, 1998

Marine Corps nomination of Gary F. Baumann, which was received by the Senate and appeared in the Congressional Record of April 29, 1998

Marine Corps nominations beginning Michael L. Andrews, and ending Robert C. Wittenberg, which nominations were received by the Senate and appeared in the Congressional Record of April 29, 1998

Marine Corps nominations beginning James N. Adams, and ending Thomas J Zohlen, which nominations were received by the Senate and appeared in the Congressional Record of April 29, 1998

Marine Corps nominations beginning Louis P Abraham, and ending Mark G Zimmerman, which nominations were received by the Senate and appeared in the Congressional Record of April 29, 1998

Marine Corps nominations beginning Ruben Bernal, and ending James Werdann, which nominations were received by the Senate and appeared in the Congressional Record of April 29, 1998

Navy nominations beginning Michale D. Cobb, and ending Raymond B. Roll, which nominations were received by the Senate and appeared in the Congressional Record of April 21, 1998

Navy nomination of Daniel D. Thompson, which was received by the Senate and appeared in the Congressional Record of April 21, 1998

CENTRAL INTELLIGENCE AGENCY

Joan Avalyn Dempsey, of Virginia, to be Deputy Director of Central Intelligence for Community Management. (New Position)

STATEMENT ON THE NOMINATION OF PATRICK A. MULLOY

Mr. DASCHLE. Mr. President, I would like to express my strong support for the nomination of Patrick A. Mulloy to the position of Assistant Secretary of Commerce for Market Access and Compliance in the International Trade Administration (ITA). I believe his many years of experience in dealing with international trade policy issues and his unswerving commitment to public service equip him well for this challenge.

For over a dozen years, Mr. Mulloy has had major responsibility for the development of all legislation dealing with international trade and finance in the Senate Banking Committee. His expertise spans export administration, export promotion, exchange rates, foreign investment, international banking, and the Foreign Corrupt Practices Act. He played a lead role in developing the Export Enhancement Act of 1993 and has demonstrated an ability to work with lawmakers on both sides of the aisle. For many years, he also has served as the Banking Committee's advisor to U.S. negotiating teams at the GATT and WTO and contributed to the successes achieved during these negotiations.

Patrick Mulloy's diverse career experience, spanning the State Department, Justice Department and the Senate Banking Committee, have given him an unusual depth of perspective on international economic policy issues. I am confident that, as Assistant Secretary of Commerce, he will work diligently to help ensure that U.S. businesses are given every opportunity to compete freely and fairly in the global marketplace of the 21st century. I urge my colleagues to support his nomination.

Mr. SARBANES. Mr. President, I rise today to express my strong support for the nomination of Patrick Mulloy to be Assistant Secretary of Commerce for Market Access and Compliance.

I have known Pat since he came to work for the Senate Banking Committee in 1983 as a Congressional Fellow from the Justice Department. Pat made such a strong impression during his fellowship that the then ranking Democrat on the Banking Committee, Senator Proxmire, hired him to be Minority General Counsel, a position which he held from 1984 to 1986. After the Senate changed hands in 1987, Pat became General Counsel for the majority and served in that capacity until 1989. When Senator Proxmire retired in 1989, Pat became Senior Counsel and International Affairs Advisor to the new chairman, Senator Riegle. Since 1992 he has served as Chief International Counsel for the Democratic members of the Committee. Since 1995, when I became ranking Democrat on the Banking Committee, Pat has worked directly for me.

The first point I want to make about Pat is that he is a career public servant. He holds a B.A., Magna Cum Laude, from Kings College Pennsylvania, an M.A. in International Politics from Notre Dame where he was a University Fellow, a J.D. degree with Honors from George Washington Law School, and an LL.M. from Harvard Law School. He began his professional career as a Foreign Service Officer in the State Department, where he served from 1965 to 1973. From 1973 to 1977 he served as a Trial Attorney in the Land and Resources Division of the Justice Department, and from 1979 to 1982 he served as Senior Attorney in the Antitrust Division of the Justice Department. It was from that position that Pat came to work for the Senate Banking Committee.

During his tenure on the Banking Committee, Pat has played a lead role in every major international finance and trade issue the Committee has

dealt with. These include enactment of the International Lending Supervision Act; amendments to the Foreign Corrupt Practices Act; reauthorization of the Export-Import Bank, the Export Administration Act, and the trade promotion programs of the Commerce Department; and the exchange rate, third world debt, and foreign investment provisions of the Omnibus Trade and Competitiveness Act of 1988. He helped draft the Export Enhancement Act of 1992 which established the Trade Promotion Coordinating Committee. He was intimately involved as a Congressional Advisor in the negotiation of the recently concluded agreement on trade in financial services in the World Trade Organization.

I can think of no one better prepared or suited to serve in the position of Assistant Secretary of Commerce for Market Access and Compliance. Pat brings a deep background and expertise in international trade and finance. He has served in the executive branch and the Congress, and in both capacities has worked closely with private sector business and labor groups affected by trade policies. He also brings a passionate personal commitment to opening foreign markets to U.S. exports and expanding job opportunities for American workers.

Pat is a person of the highest intelligence, integrity, and commitment to public service. He has been an enormously effective member of the staff of the Senate Banking Committee, and I have come to rely with great confidence on his judgment and expertise. The fact that Senator D'Amato, the Chairman of the Senate Banking Committee, as well as myself introduced Pat at his confirmation hearing before the Senate Finance Committee suggests the deep professional and personal regard in which he is held by members of the Senate Banking Committee on both sides of the aisle. Pat has my unreserved support for confirmation to this important position.

Mr. ROBB. Mr. President, I would like to take this opportunity to speak briefly on behalf of a fellow Virginian, Patrick Mulloy, who is the Administration's nominee for Assistant Secretary for Market Access and Compliance at the U.S. Department of Commerce.

In this position, Mr. Mulloy will play a critical role in shaping our nation's future. International trade continues to become increasingly important to our own economic development and it is vital that we strive to improve access to overseas markets for American businesses. The Assistant Secretary for Market Access and Compliance will also play a primary role in strengthening the overall international trade and investment position of the United States.

Mr. Mulloy has worked for many years in the public sector. He served as a foreign service officer at the Department of State and as an attorney at the Justice Department's Antitrust Division before coming to Capitol Hill in 1983. During his time on Capitol Hill, Mr. Mulloy has worked on most of the international trade and finance issues within the jurisdiction of the Committee on Banking, Housing and Urban Affairs, such as third world debt, international economic coordination and exchanges, trade promotion, export controls and international banking.

I'm confident that Pat Mulloy will serve with distinction as Assistant Secretary for Market Access and Compliance. As a long-time Counsel for the Senate Banking Committee, he has already contributed a great deal to much of the legislation that has guided our trade policies. I know that the Banking Committee staff will miss Pat Mulloy, but I'm pleased the nation will continue to benefit from his excellent service at the Department of Commerce.

I urge my Colleagues to approve his nomination.

Mr. BRYAN. Mr. President, the Senate has just confirmed the nomination of Patrick A. Mulloy for Assistant Secretary of Commerce for market access and compliance. I strongly support his nomination and believe the country will be well served by his appointment.

When I first came to the Senate, I was given a seat on the Senate Banking Committee where Pat was a senior staff member. Pat's knowledge of the rules and procedures of the Senate was invaluable to me. Many a Senator has drawn upon Pat's expertise and institutional memory, and he is widely respected on both sides of the aisle.

Pat is recognized as one of the Senate's leading experts in international trade and finance matters. He has spent countless hours working on international trade agreements that are helping open up foreign markets to the U.S. financial services industry. Few people have fought as hard for our interests as has Pat. The Senate will sorely miss him.

The Commerce Department will benefit from Pat's enthusiasm, intelligence and personal warmth. The country is fortunate to have some with Pat's commitment to public service. I wish him the best of luck in his new endeavor and look forward to continuing to work with him on important issues facing the country.

Ms. MOSELEY-BRAUN. Mr. President, I rise today to urge my colleagues to support the nomination of Pat Mulloy for the position of Assistant Secretary for Market Access and Compliance at the Department of Commerce. He will be a real asset to the Department of Commerce.

Pat Mulloy has been a key member of the Banking Committee staff for about thirteen years, and he has played a major role in all of the international economic and trade legislation acted on by the Committee over that period. I and my staff have worked closely with Mr. Mulloy on issues such as the Export Enhancement Act of 1993, which, among other things, reauthorized Eximbank's charter. He has the respect of all of the Members of the Banking Committee, both Democratic and Republican.

Pat Mulloy not only has extensive legislative expertise with international economic and trade issues, he also has considerable economic and international experience in the executive branch of the federal government. Before coming to the Banking Committee, Mr. Mulloy was an attorney with the Antitrust Division of the Justice Department, and a foreign service officer at the State Department.

Mr. Mulloy has the background and the kind of good judgement that is so needed. The Commerce Department will benefit from his real commitment to principle, and dedication to public service.

In closing, Mr. President I would like to relate a story Mr. Mulloy told the Finance Committee during his nomination hearing. Mr. Mulloy stated that when he went off to grade school each morning, his mother would put the sign of the cross on his head and say ''Goodbye, good luck, and God Bless You, and grow up to be President.'' While his new position will not take him to the White House, I am sure his mother would join us in saying goodbye, good luck, and God Bless You. We wish you well. I encourage all of my colleagues to support Pat Mulloy's nomination.

STATEMENT ON THE NOMINATION OF JOAN A. DEMPSEY

Mr. SHELBY. Mr. President, I rise today to commend to my colleagues the nomination of Joan A. Dempsey, the former Deputy Assistant Secretary of Defense for Intelligence and Security, and most recently the Director of Central Intelligence's Chief of Staff. Ms. Dempsey is the first nominee for the newly created position of Deputy Director of Central Intelligence for Community Management.

Although Ms. Dempsey was nominated by the President just before the Senate adjourned last November, the Vice Chairman and I have waited to consider the nomination until outstanding issues regarding other positions created by the Intelligence Authorization Act for Fiscal Year 1997 were resolved.

We have reached an accommodation with the Director of Central Intelligence on these other positions, and we expect the President to put forward a nominee for the position of Assistant Director of Central Intelligence (ADCI) for Administration, soon. We have also agreed to allow the DCI to fill the positions of ADCI for Collection and ADCI for Analysis and Production without exercising the Senate's right for advice and consent, for up to one year, while we assess the new management structure.

Ms. Dempsey appeared before the Committee in an open hearing on May 21, 1998. It is apparent that Ms. Dempsey is a well qualified career intelligence professional. The Committee is confident that she is entirely capable

of doing a fine job as the Deputy DCI for Community Management.

The Intelligence Community is facing a time of revolutionary change that is driven by the explosion of information technology. These rapid changes in technology must be assessed, evaluated and quickly integrated into all phases of the intelligence cycle. The Community must also have the flexibility to quickly focus on new and sometimes non-traditional targets. This requirement for flexibility was most recently underscored by the failure to anticipate the nuclear tests conducted by India. These events caught the Intelligence Community by surprise despite plenty of strategic warning that Indian leaders planned to revise their nation's nuclear policy. I do not agree with those who say that ''we weren't surprised'' by the tests because, in hindsight, they logically followed from what was being said publicly.

This was a huge intelligence failure. As Zbigniew Brzezinski said in a recent editorial: ''India's nuclear weapons tests . . . signal a truly consequential intelligence scandal.'' He went on to say: ''. . . it is the task of the intelligence community to detect, in a timely fashion, major foreign initiatives or programs that bear either on American security or affect American foreign policy interests.'' More pointed than my own recent criticisms, Mr. Brzezinski concluded that ''the failure . . . in the case of India suggests significant and truly disturbing incompetence both on the level of collection and analysis within the intelligence community.'' Mr. president, we can debate the nature of the failure, but it was a failure nonetheless.

Did the Community fail because of the way collection priorities were assessed and assigned? Was there too much reliance on certain types of intelligence collection and information? Is the ''Intelligence Community'' acting cohesively as a community, or is it resisting truly effective integration because of concerns over bureaucratic turf? Who brokers potential disputes over such turf and who has the authority to arbitrate agreements that are honored? These are all very important questions and the Intelligence Committee is seeking answers.

In my view, the issues facing the Intelligence Community today are not solely a function of the level of resources that are available, even though this is a significant part of the problem. The Intelligence Community is still in many ways reacting to a changing world and not yet anticipating it. The Intelligence Community often displays the symptoms of an entrenched and calcified bureaucracy. This, Mr. President, must change.

In the final analysis, our Intelligence agencies are accountable to the American people for two basic things: (1) to alert them to external threats; and (2) to spend their tax dollars efficiently and effectively. A great deal of the responsibility for these matters will rest on this nominee's shoulders. The Committee believes that she possesses the knowledge and leadership qualities that this new position will demand. We look to Ms. Dempsey to assist the DCI in ensuring that the Intelligence Community attains these goals and lives up to the highest standards of accountability as they work toward them.

Mr. President, the Committee has reported the nomination of Joan A. Dempsey to be Deputy Director of Central Intelligence and we recommend that the nomination be confirmed. I urge my colleagues to support the recommendation of the Committee and vote in favor of Ms. Dempsey's nomination. I yield the floor.

Mr. KERREY. Mr. President, I stand today to join Chairman SHELBY in presenting the nomination of Ms. Joan Dempsey to be Deputy Director of Central Intelligence for Community Management.

The President has chosen well. In my view, there is no one in the country more qualified to be Deputy DCI for Community Management than Joan Dempsey. I recall when Congress created these new confirmable positions there was concern voiced in some quarters that they would be filled by political people rather than by professionals. Ms. Dempsey proves the concern groundless. In fact, she is the consummate intelligence professional. She has managed a major national intelligence budget. She has brought together the strands of different intelligence disciplines to produce finished intelligence to support our military. She has overseen all the national intelligence agencies which are also combat support agencies of the Defense Department. She knows this business.

Community management means allocating resources and work among the different agencies in the optimistically-titled ''intelligence community,'' and then combining the product of different agencies and disciplines into a piece of intelligence that helps keep the country safe. The Director of Central Intelligence has the responsibility to perform this function for national intelligence, and he has a staff to help him do it. Congress has believed for several years that he needed the clout of several Presidentially-appointed, Senatorially-confirmed officials to help him execute this management responsibility, and today we consider the nominee for the first and most senior of these positions.

Success in this position will require the full range of management traits, but professional knowledge will probably be the most necessary: knowing the strengths and limitations of each agency in the community, knowing the technologies to improve analysis, production, and dissemination, knowing the needs of the many and varied customers for intelligence, from the President right down to the combat pilots getting briefed for a mission. You don't get this kind of knowledge out of a book. You get it from years of experience and the constant challenges of the real world of intelligence. Ms. Dempsey has that experience and has met those challenges.

Intelligence is an essential element of our national power. Intelligence has always had the task of warning our policymakers and our military so they can deter war. Intelligence is also a force multiplier for our military, particularly now that intelligence rides and guides America's smart weapons. Really complete intelligence coverage provides a sense of American omniscience in the minds of our adversaries, and this sense alone can have a deterrent effect. We are sometimes well short of omniscience, as in the recent case of India's nuclear tests. But knowledge superiority should be our constant goal, and the position for which Ms. Dempsey has been nominated has a central role in achieving it.

Technology has changed, the threats have changed, but the requirement for the best intelligence is as acute as ever. I am certain Ms. Dempsey will help us achieve that goal.

STATEMENT ON THE NOMINATION OF FRED HOCHBERG

Mr. KERRY. I strongly support the nomination of Fred Hochberg to become Deputy Administrator of the Small Business Administration (SBA). The Deputy Administrator oversees the day to day operations of the important financial business education and procurement assistance programs of the SBA to ensure that they are run efficiently and effectively. With more than 20 years of business experience, Fred Hochberg is perfectly suited to step right in and assist the SBA to refine its management structure to insure the SBA is an effective financial institution in the next century, capable of and dedicated to offering genuine help to entrepreneurs and small businesses that are the engine of our free enterprise economy.

Fred Hochberg has lived the American dream and will bring that experience to the Small Business Administration. His parents immigrated from Europe at the beginning of this century. In 1951, Lillian Vernon, Fred's mother, started the Lillian Vernon Company with $2,000 she received from her wedding. With Lillian's hard work and persistence the small business grew over the years. Fred Hochberg joined the business after receiving a Masters in Business Administration degree from Columbia University and has served as President and Chief Operating Officer. Under Fred Hochberg's tenure as President and with his mother's help, the Lillian Vernon Company built a sophisticated international mail order company that today serves more than five million customers.

Fred Hochberg has mastered the challenges of developing a small business into an international corporation. He managed the complex transition of a family-run business into a publicly held corporation. Today, the Lillian

Vernon Company has 1,400 employees and has annual sales of $250 million. No one better knows the problems facing small business today than someone who has been involved in a family-owned business for the past 20 years.

When Fred Hochberg appeared before the Senate Small Business Committee earlier this month for his confirmation hearing, he told the Committee ''I understand what American entrepreneurs put into their enterprises: the seven-day weeks, the hard work and sweat equity—because that's where I come from. I intend to bring these values to my work at the SBA.'' Now he will bring the talent, experience and hard work to lead the SBA and its wide array of programs into the 21st century.

I congratulate the President for this nomination. I thank Chairman BOND and Majority Leader LOTT for agreeing to bring this nomination before the Senate. And I look forward to Fred Hochberg's arrival at the Small Business Administration where I believe he will make a very considerable contribution to the small businesses of our nation.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

REMOVAL OF INJUNCTION OF SECRECY—TREATY DOCUMENT NOS. 105–47 AND 105–48

Mr. ENZI. Mr. President, as in executive session, I ask unanimous consent that the injunction of secrecy be removed in the following treaties transmitted to the Senate on May 22, 1998, by the President of the United States:

No. 1, the Treaty with Czech Republic on Mutual Legal Assistance in Criminal Matters, Treaty Document No. 105–47;

No. 2, the Inter-American Convention on Sea Turtles, Treaty Document Number 105–48.

I further ask that the treaties be considered as having been read the first time; that they be referred, with accompanying papers, to the Committee on Foreign Relations, and ordered to be printed; and that the President's messages be printed in the RECORD.

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

The messages of the President are as follows:

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the Treaty Between the United States of America and the Czech Republic on Mutual Legal Assistance in Criminal Matters, signed at Washington on February 4, 1998. I transmit also, for the information of the Senate, the report of the Department of State with respect to the Treaty.

The Treaty is one of a series of modern mutual legal assistance treaties being negotiated by the United States in order to counter criminal activities more effectively. The Treaty should be an effective tool to assist in the prosecution of a wide variety of crimes, including terrorism, other violent crimes, drug trafficking, money laundering, and other ''white-collar'' crime. The Treaty is self-executing.

The Treaty provides for a broad range of cooperation in criminal matters. Mutual assist÷ance available under the Treaty includes: locating or identifying persons or items; serving documents; taking testimony or statements of persons; transferring persons in custody for testimony or other purposes; providing documents, records, and articles of evidence; executing requests for searches and seizures; immobilizing assets; assisting in proceedings related to forfeiture of assets, restitution, and criminal fines; and providing any other assistance consistent with the laws of the Requested State.

I recommend that the Senate give early and favorable consideration to the Treaty and give its advice and consent to ratification.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *May 22, 1998*.

To The Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the Inter-American Convention for the Protection and Conservation of Sea Turtles, with Annexes, done at Caracas December 1, 1996, (the ''Convention''), which was signed by the United States, subject to ratification, on December 13, 1996. I also transmit, for the information of the Senate, the report of the Secretary of State with respect to the Convention.

All species of sea turtles found in the Western Hemisphere are threatened or endangered, some critically so. Because sea turtles migrate extensively, effective protection and conservation of these species requires cooperation among States within the sea turtles' migratory range. Although the international community has banned trade in sea turtles and sea turtle products pursuant to the Convention on International Trade in Endangered Species of Wild Fauna and Flora, the Convention I am transmitting is the first multilateral agreement that actually sets standards to protect and conserve sea turtles and their habitats.

In section 609 of Public Law 101–162, the Congress called for the negotiation of multilateral agreements for the protection and conservation of sea turtles. In close cooperation with Mexico, the United States led a 3-year effort to negotiate the Convention with other Latin American and Caribbean nations. Once ratified and implemented, the Convention will enhance the conservation of this hemisphere's sea turtles and harmonize standards for their protection.

I recommend that the Senate give early and favorable consideration to the Convention and give its advice and consent to its ratification.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *May 22, 1998*.

AUTHORIZING THE FLYING OF THE POW/MIA FLAG

Mr. ENZI. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Con. Res. 99 submitted earlier today by Senator LOTT.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 99) authorizing the flying of the MIA/POW flag.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the concurrent resolution?

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

Mr. ENZI. I ask unanimous consent that the concurrent resolution be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the resolution appear at this point in the RECORD.

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

The concurrent resolution was agreed to.

The concurrent resolution (S. Con. Res. 99) reads as follows:

S. CON. RES. 99

Resolved by the Senate (the House of Representatives concurring), That, for the purpose of section 1082(b)(1)(B) of the National Defense Authorization Act for Fiscal Year 1998, the display of the POW/MIA flag at the Capitol shall begin at 6:30 p.m. on Sunday, May 24, 1998. As used in this section, the term ''POW/MIA flag'' has the same meaning as in section 1082 of such Act.

SEC. 2. The architect of the Capitol may prescribe regulations with respect to the first section of this resolution.

ORDERS FOR MONDAY, JUNE 1, 1998

Mr. ENZI. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment under the provisions of S. Con. Res. 98.

I further ask that when the Senate reconvenes on Monday, June 1st, immediately following the prayer the routine requests through the morning hour be granted, and the Senate then begin a period of morning business until 2 p.m. with Senators permitted to speak for up to 5 minutes each.

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

Mr. ENZI. Mr. President, I further ask that following morning business the Senate resume consideration of the Durbin amendment No. 2438 pending to the tobacco legislation.

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

PROGRAM

Mr. ENZI. Mr. President, for the information of all Senators, on Monday, June 1, the Senate will be in a period of morning business until 2 p.m. Following morning business, the Senate will resume consideration of the tobacco legislation, with several amendments still pending. It is hoped that debate on those amendments can be disposed of in a timely fashion, so that other remaining amendments can be offered and debated. However, no votes will occur during Monday's session of the Senate. Any votes ordered with respect to amendments, and the cloture vote on the motion to proceed to the nuclear waste bill, will be postponed to occur on Tuesday, June 2, at a time to be determined by the majority leader but not before 6 p.m.

For the remainder of the week of June 1, the Senate may consider nuclear waste legislation.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

ADJOURNMENT UNTIL MONDAY, JUNE 1, 1998

Mr. CHAFEE. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in adjournment under the provisions of S. Con. Res. 98.

There being no objection, the Senate, at 5:27 p.m., adjourned until Monday, June 1, 1998, at 12 noon.

NOMINATIONS

Executive nominations received by the Senate May 22, 1998:

NUCLEAR REGULATORY COMMISSION

GRETA JOY DICUS, OF ARKANSAS, TO BE A MEMBER OF THE NUCLEAR REGULATORY COMMISSION FOR THE TERM OF FIVE YEARS EXPIRING JUNE 30, 2003. (REAPPOINTMENT)

UNITED STATES INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

HUGH Q. PARMER, OF TEXAS, TO BE AN ASSISTANT ADMINISTRATOR OF THE AGENCY FOR INTERNATIONAL DEVELOPMENT, VICE M. DOUGLAS STAFFORD, RESIGNED.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

JOAN SPECTER, OF PENNSYLVANIA, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE ARTS FOR A TERM EXPIRING SEPTEMBER 3, 2002, VICE PATRICIA ANN BROWN, TERM EXPIRED.

DEPARTMENT OF COMMERCE

AWILDA R. MARQUEZ, OF MARYLAND, TO BE ASSISTANT SECRETARY OF COMMERCE, AND DIRECTOR GENERAL OF THE UNITED STATES AND FOREIGN COMMERCIAL SERVICE, VICE LAURI FITZ-PEGADO.

DEPARTMENT OF DEFENSE

LOUIS CALDERA, OF CALIFORNIA, TO BE SECRETARY OF THE ARMY, VICE TOGO DENNIS WEST, JR.

IN THE ARMY

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

GARY J. DUNN, 0000
PATRICK M. HERMANSON, 0000
WALTER RIVERA, 0000
MICHAEL C. SULLIVAN, 0000

IN THE MARINE CORPS

THE FOLLOWING NAMED LIMITED DUTY OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be major

LONNY R. HADDOX, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

STEVEN P. MARTINSON, 0000
BRENT A. SMITH, 0000

IN THE NAVY

THE FOLLOWING NAMED OFFICERS FOR REGULAR APPOINTMENT IN THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTIONS 531 AND 5582:

To be lieutenant

JASON T. BALTIMORE, 0000
CHRISTINA M. BENACCI, 0000
FRANK G. BOWMAN, 0000
TERRENCE W. COSTELLO, 0000
SEAN P. HENSELER, 0000
ANGELA S. HOLDER, 0000
TIMOTHY P. JENNINGS, 0000
ADRIAN J. MARENGO-ROWE, 0000
ANTHONY J. MAZZEO, 0000
RYAN MCBRAYER, 0000
TALLEY E. MC INTRYE, 0000
CHRISTOPHER T. MULLIGAN, 0000
ANDREW J. OSORNO, 0000
MEREDITH L. ROBINSON, 0000
DANIEL P. SHANAHAN, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADES INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be captain

DAVID L. GROCHMAL, 0000

To be commander

LOREN D. HARTER, 0000

To be lieutenant commander

JAMES C. EISENZIMMER, 0000
JOEL D. NEWMAN, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVAL RESERVE UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12204:

To be captain

RONALD W. HARGRAVES, 0000
BRUCE S. LAVIN, 0000
JANICE L. WALLI, 0000

THE FOLLOWING NAMED OFFICER FOR TEMPORARY APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 5721:

To be lieutenant commander

STEPHEN E. PALMER, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADES INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

GARY L. MURDOCK, 0000

To be lieutenant commander

VICTOR M. OTT, 0000
BRIAN G. WILSON, 0000

THE JUDICIARY

GERALD BRUCE LEE, OF VIRGINIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF VIRGINIA VICE JAMES C. CACHERIS, RETIRED.

PATRICIA A. SEITZ, OF FLORIDA, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF FLORIDA VICE STANLEY MARCUS, ELEVATED.

CONFIRMATIONS

Executive Nominations Confirmed by the Senate May 22, 1998:

DEPARTMENT OF EDUCATION

CYRIL KENT MC GUIRE, OF NEW JERSEY, TO BE ASSISTANT SECRETARY FOR EDUCATIONAL RESEARCH AND IMPROVEMENT, DEPARTMENT OF EDUCATION.

NATIONAL SCIENCE FOUNDATION

RITA R. COLWELL, OF MARYLAND, TO BE DIRECTOR OF THE NATIONAL SCIENCE FOUNDATION FOR A TERM OF SIX YEARS.

DEPARTMENT OF COMMERCE

PATRICK A. MULLOY, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF COMMERCE.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

CENTRAL INTELLIGENCE AGENCY

JOAN AVALYN DEMPSEY, OF VIRGINIA, TO BE DEPUTY DIRECTOR OF CENTRAL INTELLIGENCE FOR COMMUNITY MANAGEMENT.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. ROBERT F. RAGGIO, 0000.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. DONALD L. PETERSON, 0000.

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. DANIEL JAMES, III, 0000.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general

COL. LEE P. RODGERS, 0000.

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. ARCHIE J. BERBERIAN, II, 0000.

IN THE ARMY

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. ROGER C. SCHULTZ, 0000.

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADES INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. DANIEL C. BALOUGH, 0000.
BRIG. GEN. ROGER L. BRAUTIGAN, 0000.
BRIG. GEN. THOMAS A. WESSELS, 0000.

To be brigadier general

COL. BRUCE A. ADAMS, 0000.
COL. MICHAEL B. BARRETT, 0000.
COL. LOWELL C. DETAMORE, JR., 0000.
COL. KENNETH D. HERBST, 0000.
COL. KENNETH L. PENTTILA, 0000.

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. FREDERICK MC CORKLE, 7324.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS ASSISTANT COMMANDANT OF THE MARINE CORPS AND FOR APPOINTMENT TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 5044:

To be general

LT. GEN. TERRENCE R. DAKE, 0000.

IN THE NAVY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE NAVAL RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be rear admiral

REAR ADM. (LH) MARTIN E. JANCZAK, 0000.
REAR ADM. (LH) PIERCE J. JOHNSON, 0000.
REAR ADM. (LH) LARY L. POE, 0000.
REAR ADM. (LH) MICHAEL R. SCOTT, 0000.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE NAVAL RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be rear admiral

REAR ADM. (LH) ROBERT F. BIRTCIL, 0000.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral

REAR ADM. (LH) MICHAEL W. SHELTON, 0000.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be admiral

VICE ADM. CHARLES S. ABBOT, 0000.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral

REAR ADM. (LH) JEFFREY A. COOK, 0000.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

GEORGE P. NANOS, JR., 0000.

IN THE AIR FORCE

AIR FORCE NOMINATIONS BEGINNING PHILLIP M. ARMSTRONG, AND ENDING * REX A. WILLIAMS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 21, 1998.

IN THE ARMY

ARMY NOMINATION OF GARY W. KRAHN, WHICH WAS RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF APRIL 21, 1998.

ARMY NOMINATIONS BEGINNING EUGENE N. ACOSTA, AND ENDING CURTIS L. YEAGER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 29, 1998.

IN THE MARINE CORPS

MARINE CORPS NOMINATIONS BEGINNING RICHARD D. COULTER, AND ENDING KARIM SHIHATA, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 21, 1998.

MARINE CORPS NOMINATION OF GARY F. BAUMANN, WHICH WAS RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF APRIL 29, 1998.

MARINE CORPS NOMINATIONS BEGINNING MICHAEL L. ANDREWS, AND ENDING ROBERT C. WITTENBERG, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 29, 1998.

MARINE CORPS NOMINATIONS BEGINNING JAMES N. ADAMS, AND ENDING THOMAS J. ZOHLEN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 29, 1998.

MARINE CORPS NOMINATIONS BEGINNING LOUIS P. ABRAHAM, AND ENDING MARK G. ZIMMERMAN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 29, 1998.

MARINE CORPS NOMINATIONS BEGINNING RUBEN BERNAL, AND ENDING JAMES WERDANN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 29, 1998.

IN THE NAVY

NAVY NOMINATIONS BEGINNING MICHAEL D. COBB, AND ENDING RAYMOND B. ROLL, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 21, 1998.

NAVY NOMINATION OF DANIEL D. THOMPSON, WHICH WAS RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF APRIL 21, 1998.