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Senate

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

The PRESIDENT pro tempore. Today's prayer will be offered by our guest Chaplain, Dr. Winford L. Hendrix, Vienna Baptist Church, Vienna, VA.

We are pleased to have you with us.

PRAYER

The guest Chaplain, Dr. Winford L. Hendrix, offered the following prayer:

May we pray together, please.

On behalf of this assembly, Lord, thank You for another week of their service in Your kingdom and for our beloved country. And today we pray that You will grant the kind of understanding which will enable this Senate to see beneath the surface and identify the implications, consequences, and benefits of the decisions they shall make. May each Senator sense Your divine leadership in determining what is well founded, fair, and equitable; indeed, what is for the good of all the citizens of this great land. And I pray that You may reward all who respond to Your divine prompting with an inner sense of peace and fulfillment. In Your Holy Name we pray. Amen.

PLEDGE OF ALLEGIANCE

The Honorable PAUL COVERDELL, a Senator from the State of Georgia, led the Pledge of Allegiance, as follows:

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

RECOGNITION OF THE ACTING MAJORITY LEADER

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

Mr. SPECTER. I thank the distinguished President pro tempore.

THE PRESIDENT PRO TEMPORE

Mr. SPECTER. Mr. President, let me comment at the outset what a great pleasure it is to see you opening the Senate again this morning, looking hale and hardy. We keep moving the time earlier and earlier; but no matter how early it is, you are always here first.

The PRESIDENT pro tempore. I thank the Senator very much.

SCHEDULE

Mr. SPECTER. On behalf of the leader, I have been asked to announce that we will now begin 30 minutes of debate on the amendment offered by the distinguished Senator from Maine, Ms. COLLINS, regarding diabetes. Following that debate, the Senate will proceed to a vote on the amendment at approximately 9:30 a.m.

The Senate is expected to continue consideration of the Labor-HHS bill during today's session. Senators who still intend to offer amendments to the bill are encouraged to work with the managers to schedule time for those amendments. Following the Labor-HHS bill today, there will be a period of morning business.

The leader advised me last night that the Senate will be proceeding to other business on Monday and Tuesday and that we will return to the Labor-HHS bill on Wednesday.

There are a great many amendments pending. As the chairman of the full committee announced yesterday, it is his intention, and for that matter, mine, too, to challenge any amendments which violate rule XVI; that is, to offer legislation on an appropriations bill. I encourage all Senators to consult with me or have their staffs consult with committee staff to work out time agreements and sequencing so that when the amendment is called we can move to it as promptly as possible.

The leader called my attention to the fact that following next week's session, we will be on the holiday for Columbus Day, so there may be some motivation for people to want to get the Senate business in order to be concluded as promptly as possible before the start of that 3-day weekend.

I thank the Chair.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER (Mr. DEWINE). Under the previous order, leadership time is reserved.

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2000

The PRESIDING OFFICER. Also, under the previous order, the Senate will now resume consideration of S. 1650, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 1650) making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2000, and for other purposes.

The PRESIDING OFFICER. Under the previous order, the Senator from Maine is recognized to offer amendment No. 1824 on which there will be 30 minutes of debate equally divided.

The Senator from Maine.

Ms. COLLINS. I thank the Chair.

AMENDMENT NO. 1824

(Purpose: To express the sense of the Senate that diabetes and its resulting complications have had a devastating impact on Americans of all ages in both human and economic terms, and that increased support for research, education, early detection, and treatment efforts is necessary to take advantage of unprecedented opportunities for progress toward better treatments, prevention, and ultimately a cure)

Mr. President, I do call up amendment No. 1824, which is at the desk, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Maine [Ms. COLLINS], for herself, Mr. BREAUX, and Mr. GRASSLEY, proposes an amendment numbered 1824.

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

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

The amendment is as follows:

At the appropriate place in title II, insert the following:

SEC. ——. EXPRESSING THE SENSE OF THE SENATE TO RAISE THE AWARENESS OF THE DEVASTATING IMPACT OF DIABETES AND TO SUPPORT INCREASED FUNDS FOR DIABETES RESEARCH.

(a) FINDINGS.—Congress makes the following findings:

(1) Diabetes is a devastating, lifelong condition that affects people of every age, race, income level, and nationality.

(2) Sixteen million Americans suffer from diabetes, and millions more are at risk of developing the disease.

(3) The number of Americans with diabetes has increased nearly 700 percent in the last 40 years, leading the Centers for Disease Control and Prevention to call it the ''epidemic of our time''.

(4) In 1999, approximately 800,000 people will be diagnosed with diabetes, and diabetes will contribute to almost 200,000 deaths, making diabetes the sixth leading cause of death due to disease in the United States.

(5) Diabetes costs our nation an estimated $105,000,000,000 each year.

(6) More than 1 out of every 10 United States health care dollars, and about 1 out of every 4 Medicare dollars, is spent on the care of people with diabetes.

(7) More than $40,000,000,000 a year in tax dollars are spent treating people with diabetes through Medicare, Medicaid, veterans benefits, Federal employee health benefits, and other Federal health programs.

(8) Diabetes frequently goes undiagnosed, and an estimated 5,400,000 Americans have the disease but do not know it.

(9) Diabetes is the leading cause of kidney failure, blindness in adults, and amputations.

(10) Diabetes is a major risk factor for heart disease, stroke, and birth defects, and shortens average life expectancy by up to 15 years.

(11) An estimated 1,000,000 Americans have Type 1 diabetes, formerly known as juvenile diabetes, and 15,200,000 Americans have Type 2 diabetes, formerly known as adult-onset diabetes.

(12) Of Americans aged 65 years or older, 18.4 percent have diabetes.

(13) Of Americans aged 20 years or older, 8.2 percent have diabetes.

(14) Hispanic, African, Asian, and Native Americans suffer from diabetes at rates much higher than the general population, including children as young as 8 years-old, who are now being diagnosed with Type 2 diabetes, formerly known as adult-onset diabetes.

(15) In 1999, there is no method to prevent or cure diabetes, and available treatments have only limited success in controlling diabetes devastating consequences.

(16) Reducing the tremendous health and human burdens of diabetes and its enormous economic toll depend on identifying the factors responsible for the disease and developing new methods for treatment and prevention.

(17) Improvements in technology and the general growth in scientific knowledge have created unprecedented opportunities for advances that might lead to better treatments, prevention, and ultimately a cure.

(18) After extensive review and deliberations, the congressionally established and National Institutes of Health-selected Diabetes Research Working Group has found that ''many scientific opportunities are not being pursued due to insufficient funding, lack of appropriate mechanisms, and a shortage of trained researchers''.

(19) The Diabetes Research Working Group has developed a comprehensive plan for National Institutes of Health-funded diabetes research, and has recommended a funding level of $827,000,000 for diabetes research at the National Institutes of Health in fiscal year 2000.

(20) The Senate as an institution, and Members of Congress as individuals, are in unique positions to support the fight against diabetes and to raise awareness about the need for increased funding for research and for early diagnosis and treatment.

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

(1) the Federal Government has a responsibility to—

(A) endeavor to raise awareness about the importance of the early detection, and proper treatment of, diabetes; and

(B) continue to consider ways to improve access to, and the quality of, health care services for screening and treating diabetes;

(2) the National Institutes of Health, within their existing funding levels, should increase research funding, as recommended by the congressionally established and National Institutes of Health-selected Diabetes Research Working Group, so that the causes of, and improved treatments and cure for, diabetes may be discovered;

(3) all Americans should take an active role to fight diabetes by using all the means available to them, including watching for the symptoms of diabetes, which include frequent urination, unusual thirst, extreme hunger, unusual weight loss, extreme fatigue, and irritability; and

(4) national organizations, community organizations, and health care providers should endeavor to promote awareness of diabetes and its complications, and should encourage early detection of diabetes through regular screenings, education, and by providing information, support, and access to services.

The PRESIDING OFFICER. The Senator from Maine is recognized.

Ms. COLLINS. Mr. President, I ask unanimous consent that the Senator from Michigan, Mr. ABRAHAM, be added as a cosponsor of this amendment.

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

Ms. COLLINS. I thank the Chair.

Mr. President, I am pleased to join my co-chair of the Senate Diabetes Caucus, Senator BREAUX, as well as the chairman of the Senate Special Committee on Aging, Senator GRASSLEY, and the distinguished Senator from Michigan, Mr. ABRAHAM, in introducing a sense-of-the-Senate resolution to help address the devastating impact of diabetes and its resulting complications on Americans of all ages.

This resolution calls for increased support for diabetes research, education, early detection, and treatment. Diabetes research has been underfunded in recent years. It is imperative that we increase our commitment in order to take full advantage of the unprecedented and exciting scientific opportunities that we have as the millennium approaches for advances leading to better detection, treatment, prevention, and ultimately a cure for this devastating disease.

Diabetes is a very serious condition that affects people of every age, race, and nationality. Here in America, 16 million people suffer from diabetes, and about 800,000 new cases are diagnosed each year.

Moreover, diabetes frequently goes undiagnosed. Of the 16 million Americans with diabetes, it is estimated that 5.4 million do not realize they have this very serious condition.

Diabetes is one of our Nation's most costly diseases, both in human and economic terms. It is the sixth deadliest disease in the United States and kills almost 200,000 Americans annually. It is the leading cause of kidney failure, of blindness in adults, and amputations. It is a significant risk factor for heart disease, stroke, and birth defects. The disease shortens the average life expectancy by up to 15 years

Moreover, it is very costly in financial terms as well. Diabetes costs the Nation in excess of $105 billion annually in health-related expenditures. At present, more than 1 out of every 10 dollars that we spend on health care is related to treating people with diabetes. About 1 out of 4 Medicare dollars are used to treat people with diabetes. Indeed, more than 40 billion in tax dollars is spent each year treating people with diabetes through Medicare, Medicaid, veterans' health, and Federal employees' programs.

Unfortunately, there currently is no way to prevent or to cure diabetes. Available treatments have had only limited success in controlling the devastating consequences of this disease. This problem is made all the more complex by the fact that diabetes is not a single disease, but rather it occurs in several forms and the complications affect virtually every system of the body.

Children with type I diabetes face a lifetime of multiple daily finger pricks to check their blood sugar levels, daily insulin injections, and the possibility of lifelong complications, including kidney failure and blindness, which can be deadly, can be disabling.

Older Americans with diabetes also can be disabled by the multiple complications of the disease.

Every year, the Juvenile Diabetes Foundation hosts a children's congress in Washington, DC. They bring children from all over this Nation to put a human face on the consequences of type I diabetes.

Recently, I had the opportunity to meet a courageous 8-year-old boy from North Yarmouth, ME. Nathan Reynolds is an active young boy. He loves school, biking, swimming, and baseball, and he particularly likes collecting old coins. He is also suffering from type I diabetes. He was diagnosed about 2 years ago, and it has completely changed his life and the life of his family.

He has had to learn how to check his blood. In fact, his 4-year-old brother reminds him to do it before each meal.

He has to give himself an insulin shot or get his teacher or the school nurse or his parents to help him do so. Nathan can never take a day off from his disease. It does not matter whether it is Christmas or his birthday, he still has to prick his finger and check his blood sugar. He still has to inject himself with insulin in order to keep relatively healthy.

I will never forget the story a teacher told me of all the children in her class making a wish for Christmas. Some of them wished for a new toy, one wished for a pony, another wished to go to Disney World. But one little boy who had juvenile diabetes made the wish that he could just have Christmas without having to give himself ''yucky'' shots.

That story touched me deeply, and it hit home with the fact that this is a lifelong condition for children who are diagnosed with type I diabetes.

I will also never forget the anguish on a young mother's face who told me her 5-year-old son had just been diagnosed with diabetes. ''How do I tell him?'' she said. ''How do I tell him he is going to have to have shots every day, that he is going to have to constantly prick his finger to check his blood sugar levels? How do I tell him what this means for him and for all of us who love him?''

There is also some good news. Exciting research is underway that should lead to medical breakthroughs for Nathan, for other children, and for adults who have type I and type II diabetes. Reducing the tremendous health and human burdens of diabetes and its enormous economic toll depends upon identifying the factors responsible for the disease and developing new methods for treatment, prevention, and ultimately a cure.

The next decade holds tremendous potential and promise for diabetes research. Improvements in technology and the general growth in scientific knowledge have created unprecedented opportunities for advancements that might lead to better treatments, prevention, and a cure.

Earlier this year, the congressionally mandated diabetes research working group, an independent panel composed of 12 scientific experts of diabetes and 4 representatives of the lay diabetes communities, issued an important report. It is called ''Conquering Diabetes: A Strategic Plan for the 21st Century.'' This important report details the magnitude of the problem, and it lays out a comprehensive plan for research conducted by the National Institutes of Health on diabetes.

In this report, the diabetes working group found, ''Many scientific opportunities are not being pursued due to insufficient funding, lack of appropriate mechanisms and a shortage of trained researchers.''

The report also concluded that the current level of funding, the level of effort, and the scope of diabetes research falls far short of what is needed to capitalize on these promising opportunities. The funding level, the report found, is so far short of what is required to make progress on this complex and difficult problem.

The report goes on to recommend a funding level of $827 million for diabetes research at NIH in fiscal year 2000, and, indeed, many of our colleagues signed a letter to the Appropriations Committee requesting an appropriation of just that level to be included to advance the goals of this legislation.

I am a strong supporter of increased research and of efforts to double our investment in biomedical research over the next few years. There is simply no investment that would yield greater returns for the American taxpayers, and the commitment of the bill before us of an additional $2 billion in funding for NIH, which represents nearly a 13-percent increase, will bring us so much closer to that goal. This strategy is particularly important as we move into the next century when our public health and disability programs will be under increasing strains due to the aging of our population.

I am also very pleased and commend the chairman of the subcommittee, Senator SPECTER, and the ranking minority member, Senator HARKIN, for including very strong language in the report accompanying this bill which recognizes that diabetes research has been underfunded in the past and directs that funding for diabetes be increased at the National Institute for Diabetes and Digestive and Kidney Disease and other NIH institutes. Again, the chairman of the Appropriations Committee, Senator STEVENS, and the chairman and ranking member of the subcommittee, Senator SPECTER and Senator HARKIN, have all been tremendous advocates for people with diabetes and are to be commended for their strong leadership in this effort.

The amendment I am offering today does not earmark a particular funding level for diabetes research. Rather, it is intended to heighten awareness of the devastating impact of this disease, and it is intended to affirm that diabetes research is a high priority. Most of all, the amendment expresses the clear intent of the Senate that the National Institutes of Health should substantially increase its investment in the fight against diabetes along the lines recommended in this landmark report, the $827 million recommendation.

We must ensure that sufficient resources are available to take full advantage of the extraordinary and unprecedented scientific opportunities identified by the diabetes working group. If we do so, we can better understand and ultimately conquer this devastating disease.

I thank the Chair for his attention. I hope all of my colleagues will join us in supporting this resolution to send a clear signal that we are committed to conquering diabetes.

I reserve any remaining time I may have left.

Mr. GRASSLEY. Mr. President, I rise today in support of the sense-of-the-Senate resolution regarding diabetes. I thank my colleagues from Maine for sponsoring this resolution. Senator COLLINS and I were among the original co-founders of the Senate Diabetes Caucus and have worked together to raise awareness of the disease and the need for a cure.

Diabetes is a devastating illness that affects people of every age, race, and nationality. More than sixteen million Americans suffer from diabetes and 800,000 new cases are diagnosed each year. Diabetes is also a leading chronic illness affecting children, a special population with which it places an especially heavy burden.

Although many people with diabetes are able to survive with multiple daily injections of insulin, it is not a cure for this dreaded disease. Despite the availability of insulin, diabetes continues to cause serious health complications, including kidney failure and blindness, and it is the cause of nearly 200,000 deaths per year.

Diabetes costs our nation nearly $100 billion each year in direct and indirect costs. In fact, more than forty billion tax dollars are spent each year in treating people with diabetes through Medicare, Medicaid, veterans and federal employees health benefits.

Past investments in diabetes research at the National Institutes for Health (NIH) are beginning to show real promise for a cure and the number of research opportunities in the field continue to expand. We now stand at a pivotal juncture in the fight to cure diabetes and its complications.

A report released in February by the congressionally mandated Diabetes Research Working Group (DRWG) called upon NIH to substantially expand its support for diabetes research and has identified specific research recommendations as part of a new national plan to find a cure.

On April 26, 1999, a letter signed by myself, Senator COLLINS, and 37 of our colleagues was sent to Chairman SPECTER and Ranking Member HARKIN in requesting increased funding for diabetes research within NIH in accordance with the DRWG report. And, it is clear from the work of the Senate Appropriations Committee that diabetes has not been neglected. Therefore, in an effort to bolster the work of the committee, and I believe rightly so, this resolution is being introduced today to send a clear signal to all Americans that diabetes is a serious concern of the United States Senate.

We have not yet found a cure for diabetes. But, I am confident that in time and with sufficient support, a cure will be found and we will be able to declare victory over this debilitating disease.

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I congratulate the distinguished Senator from Maine, Ms. COLLINS, for offering this amendment. I agree with her that the amendment will appropriately

focus attention on the problems of diabetes, especially among the young people in America.

I thank Senator COLLINS for noting the work of the subcommittee and the full committee in moving ahead with funding on this important ailment and, as she noted, with the very strong language that is present in the bill encouraging the National Institutes of Health to move forward.

I think it appropriate to note for the record that on June 22 of this year we had a special hearing on diabetes. At that time, we had testimony from officials at the National Institutes of Health, the Director, Dr. Harold Varmus; Dr. Phillip Gorton, the Director of the Institute of Diabetes and Digestive and Kidney Diseases; as well as a number of others.

It is very important to put a human face on the issue, as Senator COLLINS did with the specific reference in her speech to the youngsters. At that time, we had coming forward the celebrity, Mary Tyler Moore, a juvenile diabetic; Mr. Tony Bennett, the famous singer, the grandfather of a child with diabetes; Mr. Alan Silvestri, a composer and father of a child with diabetes; and also our distinguished colleague, Senator STROM THURMOND, who has a daughter with diabetes.

It is a curious factor, but a fact of life nonetheless, that when people of celebrated stature come and testify, there is more public understanding of the ailment and more willingness to face up to it in the appropriations process.

In order to carry forward on what this sense-of-the-Senate resolution requests—and I feel confident in predicting it will pass 90-something to nothing; the only open question is how many Senators will be present to vote for it; I think it will be a unanimous vote, but our ability to carry that forward depends upon what we appropriate.

In the bill currently pending, we have an increase in NIH funding of $2 billion. That is a tremendous sum of money. We have a bill which is $4 billion higher than last year's bill, with the funding coming largely for education, where we have an increase of $2.3 billion. In assessing the priorities in education, we have put in more than $500 million more than the President's request. We have in excess of $35 billion for education.

When it comes to health care, Senator HARKIN and I have taken the lead in adding $2 billion, as we did last year. When we have assessed those priorities, it has made it necessary to reduce funding on some other proposals. I found myself in a very unique position in managing this bill. I have voted against amendments I never voted against before. I voted against an amendment to add $200 million on class size, which I would like to have supported. The bill continues the funding at $1.2 billion. If we added the $200 million on class size, in addition to the $1.2 billion, there would not be room for funding for NIH, for programs such as diabetes.

Then we had an amendment come up on afterschool programs, again, a request for $200 million more. There is $200 million in the current budget, and Senator HARKIN and I took the lead of adding $200 million to bring it to $400 million. I would like to have more for afterschool programs, but I had to vote against that amendment, because if we add $200 million more to afterschool programs, it has to come from some place. And NIH is a big target out there. The amendment adding the $200 million for afterschool programs was offered by the Senator from California, Mrs. BOXER.

Then Senator DODD offered an amendment to add about $900 million more to day care. I have always supported. But again, when you have a bill of $91.7 billion, which is at the breaking point as to what this body will pass—and I think there is a question as to whether we will have 51 votes for that because it is a lot of money, although staying within the caps—again with great reluctance, I could not support Senator DODD's amendment on day care.

Then we had a very important social service block grant, again where it is a matter of priorities. When it comes to health, I believe there is no higher priority. I have said with some frequency that the National Institutes of Health is the crown jewel of the Federal Government—perhaps the only jewel of the Federal Government.

In my position as chairman of the subcommittee, which has the baseline responsibility to fund the National Institutes of Health—and Senator HARKIN has the same consideration—we receive requests constantly from people who have Parkinson's—we had a hearing this week on Parkinson's disease. We had a hearing on prostate cancer, a special concern on breast cancer, heart ailments, a very large number of unknown diseases.

I said on the floor yesterday that Senator HARKIN is very frequently lobbied when he gets on the plane between Washington and Des Moines. I find a lot of people with unique ailments on the Metroliner between Washington and Philadelphia.

As Senator COLLINS has brought forward the issue this morning, I think it is a very profound message. But to accomplish what Senator COLLINS seeks, we have to appropriate the increase of $2 billion. Even then, if there are 10 doors with research projects behind them, 7 of those doors will not be opened, even with funding NIH at a level of $17.6 billion.

So again, I thank my colleague from Maine—carrying on the great tradition of Maine Senators.

I yield the floor, leaving her the remainder of the time before 9:30 to close.

Ms. COLLINS addressed the Chair.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. I again salute the Senator from Pennsylvania for his tremendous commitment to medical research. Without his leadership, we would not see the kinds of advancements that are being made. I thank him for his support.

Mr. President, I ask unanimous consent the Senator from Ohio, Mr. DEWINE, and the Senator from Arkansas, Mr. HUTCHINSON, be added as cosponsors to my sense-of-the-Senate amendment.

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

Ms. COLLINS. Mr. President, we are on the edge of an exciting breakthrough in the treatment and ultimately the prevention and cure of diabetes. That is why I am so excited by the possibility of a significant increase in research in this area.

As the chairman of the Senate Diabetes Caucus, I have had the opportunity to visit some of the leading-edge research labs that are doing work on diabetes. I have visited Jackson Labs in Bar Harbor, MA, where very exciting research is ongoing into the causes of both type I and type II diabetes. I am very proud of the contributions made by these distinguished scientists in my home State.

In addition, I have had the pleasure of visiting the JDF Foundation Center at Harvard Medical School, where there is also tremendous research underway. I am convinced, with the kind of increased commitment called for by my resolution, and indicated in the Appropriations Committee's report, that we can in fact break through and reach a cure for this devastating disease.

Mr. President, I do not know whether there is any other request for time. It is my understanding the vote is scheduled for 9:30. We have reached that hour.

Mr. President, seeing no one seeking further time to speak, I ask for the yeas and nays on the pending amendment.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. Is all time yielded back? Does the Senator from Pennsylvania yield back the remaining time?

Mr. SPECTER. I do, Mr. President. The hour is 9:30. I think we are set for the vote.

The PRESIDING OFFICER. All time having expired, the question is on agreeing to the Collins amendment No. 1824. 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 Indiana (Mr. LUGAR), the Senator from Florida (Mr. MACK), the Senator from Arizona (Mr. MCCAIN), and the Senator from Wyoming (Mr. THOMAS), are necessarily absent

Mr. REID. I announce that the Senator from California (Mrs. BOXER) and the Senator from Oregon (Mr. WYDEN) are necessarily absent.

I also announce that the Senator from Michigan (Mr. LEVIN) is absent because of a death in the family.

I further announce that, if present and voting, the Senator from Michigan (Mr. LEVIN) would vote ''no.''

The result was announced—yeas 93, nays 0, as follows:

[Rollcall Vote No. 305 Leg.]

YEAS—93

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

NOT VOTING—7

Boxer	Mack	Wyden
Levin	McCain	
Lugar	Thomas	

The amendment (No. 1824) was agreed to.

Mr. COVERDELL. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Mr. DASCHLE. Mr. President, I ask to proceed as in morning business.

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

MEDICARE BENEFICIARY ACCESS TO CARE ACT OF 1999

Mr. DASCHLE. Mr. President, 2 years ago, we passed the Balanced Budget Act. It was a monumental example of what Congress can achieve when we work together.

Not only did we end 30 years of deficit spending with the Balanced Budget Act, we also extended the life of the Medicare Part A Trust Fund by 13 years. And we added important new preventive benefits, including mammograms and Pap smears, for Medicare beneficiaries.

We made many changes that achieved a lot of good.

We also know now that we made some miscalculations.

Frankly, that is to be expected. Very often, when you make a lot of changes, you don't get everything right the first time.

But the miscalculations we made about Medicare in the Balanced Budget Act are causing real hardships for some of our most vulnerable citizens—hardships that cannot be justified on either financial or medical grounds. We did not anticipate these consequences when we passed the Balanced Budget Act. But now that we know about them, we have a responsibility to address them.

Today I am introducing the Medicare Beneficiary Access to Care Act of 1999.

This bill is not a comprehensive Medicare reform plan. Nor is it a wholesale revision of the Balanced Budget Act. Instead, it is a reasonable, targeted solution to certain specific problems with Medicare that Congress created inadvertently as part of the Balanced Budget Act.

Before I outline the specific remedies in my bill, I want to tell you about the real-life consequences of one of the changes we made to Medicare under the Balanced Budget Act.

Two years ago, Congress decided to limit how much Medicare would pay for rehabilitation therapy. The new limits are $1,500 a year per patient for physical and speech therapy combined, and another $1,500 for occupational therapy.

For some Medicare patients who need rehabilitation therapy, the new limits on payments are not a problem. But for Ruth Irwin, they are a nightmare.

A while back, Mrs. Irwin had to have one of her legs amputated because of complications of diabetes. With an incredible amount of effort and the help of regular physical therapy, Mrs. Irwin was learning how to walk with a prosthetic leg and two canes.

Her goal was to learn to walk with one cane, so she would have one hand free. She was on the verge of reaching that goal—when she hit the $1,500 physical-therapy limit. She couldn't afford to pay out-of-pocket, so she stopped seeing her physical therapist. Her condition deteriorated. A few months later, she tripped on a curb and broke three ribs. Ruth Irwin is not alone.

It is estimated that 1 in 7 Medicare recipients who need physical therapy—about 200,000 Americans—will hit the caps this year. These are mostly patients who are recuperating from amputations, strokes, and head trauma, and people who suffer from serious degenerative diseases such as multiple sclerosis, Alzheimer's, and Parkinson's disease.

Mr. President, between 1990 and 1996, Medicare spending on rehabilitation therapy grew 18 percent a year, to $1 billion. We had good reason to try to curb that growth. But we now know, we chose the wrong way to accomplish our goal. It's wrong to force stroke victims in nursing homes to decide whether they want to learn how to walk or talk. The Medicare Beneficiary Access to Care Act repeals the current, arbitrary caps rehabilitation therapy and replaces it with limits based on individual patients' specific needs.

It also makes a number of other, targeted adjustments.

First: It adjusts the new payment system for nursing homes and skilled nursing facilities to better reflect the increased costs of caring for very sick patients.

Second: It postpones additional cuts in home health care payments for two years and addresses the more serious problems that have come to light while the current ''interim payment system'' has been in place.

Third: It protects hospitals from crippling losses they might otherwise suffer as the result of a new Medicare payment system for outpatient medical services.

This protection is especially important for people who depend on rural hospitals—like Mobridge Hospital, in Mobridge, South Dakota. Mobridge Hospital is the only source of inpatient hospital care for 100 miles. If it were forced to drastically reduce its services, or close, that would have a devastating impact on scores of communities. Because they serve a population that is generally older and less wealthy than average, America's rural hospitals operate on lower profit margins, and they have virtually no margin for error. They need the relief that is in this bill.

A fourth area addressed by the bill are the deep cuts made by the BBA in payments to teaching hospitals. Major teaching hospitals represent only 6% of all hospitals. But they account for 70% of the burn units in America, more than half of the pediatric intensive care units, and they provide 44% of the indigent care in this country. The bill moderates these cuts.

When you combine other BBA cuts in payments with reductions in payments for indirect medical education, nearly half of America's major teaching hospitals are projected to lose money during the next few years. We cannot sacrifice the high-quality care, teaching, and research activities these hospitals provide. We must make this fix, and keep these hospitals whole. This bill does it.

Fifth, Mr. President, the Medicare Beneficiary Access to Care Act provides new protections for seniors enrolled in Medicare+Choice, when their plan pulls out of their community.

Finally, the bill includes additional provisions to protect access to rural hospitals, hospice care, community health centers, and rural health clinics.

As I said, this is not a comprehensive solution to Medicare. There are still many questions we must work together to answer. How can we add the prescription drug plan both our parties—and the vast majority of Americans—say we support? How can we make sure Medicare remains solvent when the Baby Boomers retire—and beyond?

These are questions that must be answered. They are important and must be addressed in legislation that falls outside the purview of the bill we introduce today. But make no mistake,

they are high priorities, and ones which will not go away, and will be addressed in future bills.

For now, though, there is no question that we made some miscalculations in 1997, when we changed the way Medicare pays for certain services. There is no question that those miscalculations are causing real hardships today for some of America's sickest and frailest citizens, and for the institutions that care for them. And there should be no delay in correcting those miscalculations.

We should make these changes not just because of the human suffering they are causing. There are compelling economic reasons to make them as well. That is the other part of Ruth Irwin's story. As a result of her three broken ribs, Mrs. Irwin received regular visits by a registered nurse and a home health aide—all paid for by Medicare. She also received physical therapy three times a week.

The bottom line: Her recovery was far longer, more painful—and more costly—than it needed to be. We did a lot of good in 1997. We made some tough decisions that added years of solvency to Medicare, and enabled us to add life-saving new preventive benefits. But we also made some miscalculations.

We didn't know at the time the harsh consequences some of these miscalculations would have.

Now that we do, we need to correct them—the sooner, the better. So I urge all my colleagues to support this bill and to work with us to ensure its prompt consideration and passage.

This legislation was the result of a tremendous amount of work by a number of our colleagues. This is clearly a team effort. I thank in particular Senator MOYNIHAN for his extensive efforts to help us draft and craft this legislation. His expertise was invaluable in making very important decisions. I thank Senators MIKULSKI and DURBIN and KERREY for their commitment to solving the problem. I thank Senator JACK REED for his help on home health and Senators BAUCUS and CONRAD for their efforts on rural health. I thank especially Senator ROCKEFELLER and the distinguished senior Senator from Massachusetts for their commitment to access to health care, to education, and to the array of issues they have raised throughout the work we have done on this bill to this date.

Mr. President, I now yield the floor and again thank Senator KENNEDY and others for their efforts on the floor this morning.

I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD.

S. 1678

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

SECTION 1. SHORT TITLE; AMENDMENTS TO SOCIAL SECURITY ACT; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Medicare Beneficiary Access to Care Act of 1999''.

(b) AMENDMENTS TO SOCIAL SECURITY ACT.—Except as otherwise specifically provided, whenever in this Act an amendment 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 that section or other provision of the Social Security Act.

(c) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

TITLE I—HOSPITALS

SEC. 101. MULTIYEAR TRANSITION TO PROSPECTIVE PAYMENT SYSTEM FOR HOSPITAL OUTPATIENT DEPARTMENT SERVICES.

(a) IN GENERAL.—Section 1833(t) (42 U.S.C. 1395(t)) is amended by adding at the end the following:

''(10) MULTIYEAR TRANSITION.—

''(A) IN GENERAL.—In the case of covered OPD services furnished by a hospital during a transition year, the Secretary shall increase the payments for such services under the prospective payment system established under this subsection by the amount (if any) that the Secretary determines is necessary to ensure that the payment to cost ratio of the hospital for the transition year equals the applicable percentage of the payment to cost ratio of the hospital for 1996.

''(B) PAYMENT TO COST RATIO.—

''(i) IN GENERAL.—The payment to cost ratio of a hospital for any year is the ratio which—

''(I) the hospital's reimbursement under this part for covered OPD services furnished during the year, including through cost-sharing described in subparagraph (D)(ii), bears to

''(II) the cost of such services.

''(ii) CALCULATION OF 1996 PAYMENT TO COST RATIO.—The Secretary shall determine each hospital's payment to cost ratio for 1996 as if the amendments to this title by the provisions of section 4521 of the Balanced Budget Act of 1997 were in effect in 1996.

''(iii) TRANSITION YEARS.—The Secretary shall estimate each payment to cost ratio of a hospital for any transition year before the beginning of such year.

''(C) INTERIM PAYMENTS.—

''(i) IN GENERAL.—The Secretary shall make interim payments to a hospital during any transition year for which the Secretary estimates a payment is required under subparagraph (A).

''(ii) ADJUSTMENTS.—If the Secretary makes payments under clause (i) for any transition year, the Secretary shall make retrospective adjustments to each hospital based on its settled cost report so that the amount of any additional payment to a hospital for such year equals the amount described in subparagraph (A).

''(D) DEFINITIONS.—In this paragraph:

''(i) APPLICABLE PERCENTAGE.—The term 'applicable percentage' means, with respect to covered OPD services furnished during—

''(I) the first full year (and any portion of the immediately preceding year) for which the prospective payment system under this subsection is in effect, 95 percent;

''(II) the second full calendar year for which such system is in effect, 90 percent; and

''(III) the third full calendar year for which such system is in effect, 85 percent.

''(ii) COST-SHARING.—The term 'cost-sharing' includes—

''(I) copayment amounts described in paragraph (5);

''(II) coinsurance described in section 1866(a)(2)(A)(ii); and

''(III) the deductible described under section 1833(b).

''(iii) TRANSITION YEAR.—The term 'transition year' means any year (or portion thereof) described in clause (i).

''(E) EFFECT ON COPAYMENTS.—Nothing in this paragraph shall be construed as affecting the unadjusted copayment amount described in paragraph (3)(B).

''(F) APPLICATION WITHOUT REGARD TO BUDGET NEUTRALITY.—The transitional payments made under this paragraph—

''(i) shall not be considered an adjustment under paragraph (2)(E); and

''(ii) shall not be implemented in a budget neutral manner.''.

(b) SPECIAL RULE FOR RURAL AND CANCER HOSPITALS.—Section 1833(t) (42 U.S.C. 1395(t)), as amended by subsection (a), is amended by adding at the end the following:

''(11) SPECIAL RULE FOR RURAL AND CANCER HOSPITALS.—

''(A) IN GENERAL.—For each year (or portion thereof), beginning in 2000, in the case of covered OPD services furnished by a medicare-dependent, small rural hospital (as defined in section 1886(d)(5)(G)(iv)), a sole community hospital (as defined in section 1886(d)(5)(D)(iii)), or in a hospital described in section 1886(d)(1)(B)(v), the Secretary shall increase the payments for such services under the prospective payment system established under this subsection by the amount (if any) that the Secretary determines is necessary to ensure that the payment to cost ratio of the hospital (as determined pursuant to paragraph (10)(B)) for the year equals the payment to cost ratio of the hospital for 1996 (as calculated under clause (ii) of such paragraph).

''(B) INTERIM PAYMENTS.—

''(i) IN GENERAL.—The Secretary shall make interim payments to a hospital during any year for which the Secretary estimates a payment is required under subparagraph (A).

''(ii) ADJUSTMENTS.—If the Secretary makes payments under clause (i) for any year, the Secretary shall make retrospective adjustments to each hospital based on its settled cost report so that the amount of any additional payment to a hospital for such year equals the amount described in subparagraph (A).

''(C) EFFECT ON COPAYMENTS.—Nothing in this paragraph shall be construed as affecting the unadjusted copayment amount described in paragraph (3)(B).

''(D) APPLICATION WITHOUT REGARD TO BUDGET NEUTRALITY.—The payments made under this paragraph—

''(i) shall not be considered an adjustment under paragraph (2)(E); and

''(ii) shall not be implemented in a budget neutral manner.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the amendments made by section 4523 of the Balanced Budget Act of 1997 (Public Law 105–33; 111 Stat. 445).

SEC. 102. LIMITATION IN REDUCTION OF PAYMENTS TO DISPROPORTIONATE SHARE HOSPITALS.

(a) IN GENERAL.—Section 1886(d)(5)(F)(ix) (42 U.S.C. 1395ww(d)(5)(F)(ix)) is amended—

(1) in subclause (II)—

(A) by striking ''fiscal year 1999,'' and inserting ''each of fiscal years 1999, 2000, 2001, and 2002,''; and

(B) by inserting ''and'' after the semicolon;

(2) by striking subclauses (III), (IV), and (V); and

(3) by redesignating subclause (VI) as subclause (III).

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect as if included in the amendments made by section 4403 of the Balanced Budget Act of 1997 (Public Law 105–33; 111 Stat. 398).

SEC. 103. CHANGES TO DSH ALLOTMENTS AND TRANSITION RULE.

(a) CHANGE IN DISPROPORTIONATE SHARE HOSPITAL ALLOTMENTS.—Section 1923(f)(2) (42 U.S.C. 1396r–4(f)(2)) is amended, in the table contained in such section and in the DSH Allotments for fiscal years 2000, 2001, and 2002—

(1) for Minnesota, by striking ''16'' and inserting ''33'';

(2) for New Mexico, by striking ''5'' and inserting ''9''; and

(3) for Wyoming, by striking ''0'' and inserting ''0.1''.

(b) MAKING MEDICAID DSH TRANSITION RULE PERMANENT.—Section 4721(e) of the Balanced Budget Act of 1997 is amended—

(1) in the matter before paragraph (1), by striking ''1923(g)(2)(A)'' and ''1396r–4(g)(2)(A)'' and inserting ''1923(g)(2)'' and ''1396r–4(g)(2)'', respectively;

(2) in paragraphs (1) and (2)—

(A) by striking '', and before July 1, 1999''; and

(B) by striking ''in such section'' and inserting ''in subparagraph (A) of such section''; and

(3) 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:

''(3) effective for State fiscal years that begin on or after July 1, 1999, 'or (b)(1)(B)' were inserted in 1923(g)(2)(B)(ii)(I) after '(b)(1)(A)'.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the enactment of the Balanced Budget Act of 1997 (Public Law 105–33; 111 Stat. 251).

SEC. 104. REVISION OF CRITERIA FOR DESIGNATION AS A CRITICAL ACCESS HOSPITAL.

(a) CRITERIA FOR DESIGNATION.—Section 1820(c)(2)(B)(iii) (42 U.S.C. 1395i–4(c)(2)(B)(iii)) is amended by striking ''to exceed 96 hours'' and all that follows before the semicolon and inserting ''to exceed, on average, 96 hours per patient''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect 60 days after the date of enactment of this Act.

SEC. 105. SOLE COMMUNITY HOSPITALS AND MEDICARE DEPENDENT HOSPITALS.

(a) IN GENERAL.—Section 1886(b)(3)(B)(iv) (42 U.S.C. 1395ww(b)(3)(B)(iv)) is amended—

(1) in subclause (III), by striking ''and'' at the end;

(2) in subclause (IV)—

(A) by striking ''fiscal year 1996 and each subsequent fiscal year'' and inserting ''fiscal years 1996 through 1999''; and

(B) by striking the period at the end and inserting '', and''; and

(3) by adding at the end the following:

''(V) for fiscal year 2000 and each subsequent fiscal year, the market basket percentage increase.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the date of enactment of this Act.

TITLE II—GRADUATE MEDICAL EDUCATION

SEC. 201. REVISION OF MULTIYEAR REDUCTION OF INDIRECT GRADUATE MEDICAL EDUCATION PAYMENTS.

(a) IN GENERAL.—Section 1886(d)(5)(B)(ii) (42 U.S.C. 1395ww(d)(5)(B)(ii)) is amended by striking subclauses (III), (IV), and (V) and inserting the following:

''(III) during each of fiscal years 1999, 2000, and 2001, 'c' is equal to 1.6; and

''(IV) on or after October 1, 2001, 'c' is equal to 1.35.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect as if included in section 4621 of the Balanced Budget Act of 1997 (Public Law 105–33; 111 Stat. 475).

SEC. 202. ACCELERATION OF GME PHASE-IN.

(a) ACCELERATION OF PAYMENT TO HOSPITALS OF INDIRECT AND DIRECT MEDICAL EDUCATION COSTS FOR MEDICARE+CHOICE ENROLLEES.—

(1) IN GENERAL.—Section 1886(h)(3)(D)(ii) (42 U.S.C. 1395ww(h)(3)(D)(ii)) is amended by striking subclauses (IV) and (V) and inserting the following:

''(IV) 100 percent in 2001 and subsequent years.''.

(2) ACCELERATION OF CARVE-OUT.—Section 1853(c)(3)(B)(ii) (42 U.S.C. 1395w–23(c)(3)(B)(ii)) is amended—

(A) in subclause (III), by inserting ''and'' at the end;

(B) by striking subclause (IV); and

(C) by redesignating subclause (V) as subclause (IV).

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect as if included in the enactment of the Balanced Budget Act of 1997 (Public Law 105–33; 111 Stat. 251).

SEC. 203. EXCLUSION OF NURSING AND ALLIED HEALTH EDUCATION COSTS IN CALCULATING MEDICARE+CHOICE PAYMENT RATE.

(a) EXCLUDING COSTS IN CALCULATING PAYMENT RATE.—

(1) IN GENERAL.—Section 1853(c)(3)(C)(i) (42 U.S.C. 1395w–23(c)(3)(C)(i)) is amended—

(A) in subclause (I), by striking ''and'' at the end;

(B) in subclause (II), by striking the period at the end and inserting '', and''; and

(C) by adding at the end the following:

''(III) for costs attributable to approved nursing and allied health education programs under section 1861(v).''.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall apply in determining the annual per capita rate of payment for years beginning with 2001.

(b) PAYMENT TO HOSPITALS OF NURSING AND ALLIED HEALTH EDUCATION PROGRAM COSTS FOR MEDICARE+CHOICE ENROLLEES.—Section 1861(v)(1) (42 U.S.C. 1395x(v)(1)) is amended by adding at the end the following:

''(V)(i) In determining the amount of payment to a hospital for portions of cost reporting periods occurring on or after January 1, 2001, with respect to the reasonable costs for approved nursing and allied health education programs, individuals who are enrolled with a Medicare+Choice organization under part C shall be treated as if they were not so enrolled.

''(ii) The Secretary shall establish rules for applying clause (i) to a hospital reimbursed under a reimbursement system authorized under section 1814(b)(3) in the same manner as it would apply to the hospital if it were not reimbursed under such section.''.

SEC. 204. ADJUSTMENTS TO LIMITATIONS ON NUMBER OF INTERNS AND RESIDENTS.

(a) INDIRECT GRADUATE MEDICAL EDUCATION ADJUSTMENT.—Section 1886(d)(5)(B)(v) (42 U.S.C. 1395ww(d)(5)(B)(v)) is amended—

(1) by striking ''(v) In determining'' and inserting ''(v)(I) Subject to subclause (II), in determining'';

(2) by striking ''in the hospital with respect to the hospital's most recent cost reporting period ending on or before December 31, 1996'' and inserting ''who were appointed by the hospital's approved medical residency training programs for the hospital's most recent cost reporting period ending on or before December 31, 1996''; and

(3) by adding at the end the following:

''(II) Beginning on or after January 1, 1997, in the case of a hospital that sponsors only 1 allopathic or osteopathic residency program, the limit determined for such hospital under subclause (I) may, at the hospital's discretion, be increased by 1 for each calendar year but shall not exceed a total of 3 more than the limit determined for the hospital under subclause (I).''.

(b) DIRECT GRADUATE MEDICAL EDUCATION ADJUSTMENT.—

(1) LIMITATION ON NUMBER OF RESIDENTS.—Section 1886(h)(4)(F) (42 U.S.C. 1395ww(h)(4)(F)) is amended by inserting ''who were appointed by the hospital's approved medical residency training programs'' after ''may not exceed the number of such full-time equivalent residents''.

(2) FUNDING FOR PROGRAMS.—Section 1886(h)(4)(H)(i) (42 U.S.C. 1395ww(h)(4)(H)(i)) is amended in the second sentence, by inserting '', including facilities that are not located in an underserved rural area but have established separately accredited rural training tracks'' before the period.

(c) GME PAYMENTS FOR CERTAIN INTERNS AND RESIDENTS.—

(1) INDIRECT AND DIRECT MEDICAL EDUCATION.—Each limitation regarding the number of residents or interns for which payment may be made under section 1886 of the Social Security Act (42 U.S.C. 1395ww) is increased by the number of applicable residents (as defined in paragraph (2)).

(2) APPLICABLE RESIDENT DEFINED.—In this subsection, the term ''applicable resident'' means a resident or intern that—

(A) participated in graduate medical education at a facility of the Department of Veterans Affairs;

(B) was subsequently transferred on or after January 1, 1997, and before July 31, 1998, to a hospital and the hospital was not a Department of Veterans Affairs facility; and

(C) was transferred because the approved medical residency program in which the resident or intern participated would lose accreditation by the Accreditation Council on Graduate Medical Education if such program continued to train residents at the Department of Veterans Affairs facility.

(d) EFFECTIVE DATE.—This section shall take effect as if included in the enactment of the Balanced Budget Act of 1997 (Public Law 105–33; 111 Stat. 251).

TITLE III—HOSPICE CARE

SEC. 301. INCREASE IN PAYMENTS FOR HOSPICE CARE.

(a) IN GENERAL.—Section 1814(i)(1)(C)(ii)(VI) (42 U.S.C. 1395f(i)(1)(C)(ii)(VI)) is amended by striking ''through 2002'' and inserting ''and 1999''.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the amendments made by section 4441 of the Balanced Budget Act of 1997 (Public Law 105–33; 111 Stat. 422).

TITLE IV—SKILLED NURSING FACILITIES

SEC. 401. MODIFICATION OF CASE MIX CATEGORIES FOR CERTAIN CONDITIONS.

(a) IN GENERAL.—For purposes of applying any formula under paragraph (1) of section 1888(e) of the Social Security Act (42 U.S.C. 1395yy(e)), for services provided on or after April 1, 2000, and before the earlier of October 1, 2001, or the date described in subsection (d), the Secretary of Health and Human Services shall increase the adjusted Federal per diem rate otherwise determined under paragraph (4) of such section for services provided to any individual during the period in which such individual is in a RUG III category by the applicable payment add-on as determined in accordance with the following table:

RUG III category	Applicable payment add-on
RUB	$23.06
RVC	$76.25
RVB	$30.36
RHC	$54.07
RHB	$27.28
RMC	$69.98
RMB	$30.09
SE3	$98.41
SE2	$89.05
SSC	$46.80
SSB	$55.56
SSA	$59.94.

(b) UPDATE.—The Secretary shall update the applicable payment add-on under subsection (a) for fiscal year 2001 by the skilled nursing facility market basket percentage change (as defined under section 1888(e)(5)(B) of the Social Security Act (42 U.S.C. 1395yy(e)(5)(B))) applicable to such fiscal year.

(c) RULE OF CONSTRUCTION.—Nothing in this section shall be construed as permitting the Secretary of Health and Human Services to include any applicable payment add-on determined under subsection (a) in updating the Federal per diem rate under section 1888(e)(4) of the Social Security Act (42 U.S.C. 1395yy(e)(4)).

(d) DATE DESCRIBED.—The date described in this subsection is the date that the Secretary of Health and Human Services—

(1) refines the case mix classification system under section 1888(e)(4)(G)(i) of the Social Security Act (42 U.S.C. 1395yy(e)(4)(G)(i)) to better account for medically complex patients; and

(2) implements such refined system.

SEC. 402. EXCLUSION OF CLINICAL SOCIAL WORKER SERVICES AND SERVICES PERFORMED UNDER A CONTRACT WITH A RURAL HEALTH CLINIC OR FEDERALLY QUALIFIED HEALTH CENTER FROM THE PPS FOR SNFs.

(a) IN GENERAL.—Section 1888(e)(2)(A)(ii) (42 U.S.C. 1395yy(e)(2)(A)(ii)) is amended—

(1) in the first sentence, by inserting ''clinical social worker services,'' after ''qualified psychologist services,''; and

(2) by inserting after the first sentence the following: ''Services described in this clause also include services that are provided by a physician, a physician assistant, a nurse practitioner, a qualified psychologist, or a clinical social worker who is employed, or otherwise under contract, with a rural health clinic or a Federally qualified health center.''.

(b) CONFORMING AMENDMENT.—Section 1861(hh)(2) (42 U.S.C. 1395x(hh)(2)) is amended by striking ''and other than services furnished to an inpatient of a skilled nursing facility which the facility is required to provide as a requirement for participation''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to services provided on or after the date which is 60 days after the date of enactment of this Act.

SEC. 403. EXCLUSION OF CERTAIN SERVICES FROM THE PPS FOR SNFs.

(a) IN GENERAL.—Section 1888(e)(2)(A)(ii) (42 U.S.C. 1395yy(e)(2)(A)(ii)), as amended by section 402, is amended—

(1) in the first sentence, by inserting ''ambulance services, services identified by HCPCS code in Program Memorandum Transmittal No. A–98–37 issued in November 1998 (but without regard to the setting in which such services are furnished),'' after ''subparagraphs (F) and (O) of section 1861(s)(2),''; and

(2) by inserting after the second sentence the following: ''In addition to the services described in the previous sentences, services described in this clause include chemotherapy items (identified as of July 1, 1999, by HCPCS codes J9000–J9020, J9040–J9151, J9170–J9185, J9200–J9201, J9206–J9208, J9211, J9230–J9245, and J9265–J9600), chemotherapy administration services (identified as of July 1, 1999, by HCPCS codes 36260–36262, 36489, 36530–36535, 36640, 36823, and 96405–96542), radioisotope services (identified as of July 1, 1999, by HCPCS codes 79030–79440), and customized prosthetic devices (identified as of July 1, 1999, by HCPCS codes L5050–L5340, L5500–L5610, L5613–L5986, L5988, L6050–L6370, L6400–L6880, L6920–L7274, and L7362–L7366).''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to services furnished on or after the date which is 60 days after the date of enactment of this Act.

SEC. 404. EXCLUSION OF SWING BEDS IN CRITICAL ACCESS HOSPITALS FROM THE PPS FOR SNFs.

(a) IN GENERAL.—Section 1888(e)(7) of the Social Security Act (42 U.S.C. 1395yy(e)(7)) is amended—

(1) in the heading, by striking ''TRANSITION'' and inserting ''SPECIAL RULES'';

(2) in subparagraph (A), by striking ''IN GENERAL.—The'' and inserting ''TRANSITION.—Except as provided in subparagraph (C), the''; and

(3) by adding at the end the following:

''(C) EXEMPTION OF SWING BEDS IN CRITICAL ACCESS HOSPITALS FROM PPS.—The prospective payment system under this subsection shall not apply (and section 1834(g) shall apply) to services provided by a critical access hospital under an agreement described in subparagraph (B).''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to services provided on or after October 1, 1999.

TITLE V—OUTPATIENT REHABILITATION SERVICES

SEC. 501. MODIFICATION OF FINANCIAL LIMITATION ON REHABILITATION SERVICES.

(a) 3-YEAR REPEAL.—Section 1833(g) (42 U.S.C. 13951(g)) is amended by adding at the end the following:

''(4) Subject to paragraph (6), the provisions of paragraphs (1) through (3) shall not apply to outpatient physical therapy services, outpatient occupational therapy services, and outpatient speech-language pathology services covered under this title and furnished on or after January 1, 2000.

''(5)(A) Notwithstanding the preceding provisions of this subsection and subject to subparagraph (B), with respect to services described in paragraph (4) that are furnished on or after January 1, 2003, the Secretary shall implement, by not later than January 1, 2003, a payment system for such services that takes into account the needs of beneficiaries under this title for differing amounts of therapy based on factors such as diagnosis, functional status, and prior use of services.

''(B) The payment system established under subparagraph (A) shall be designed so that the system shall not result in any increase or decrease in the expenditures under this title on a fiscal year basis, determined as if paragraph (4) had not been enacted.

''(6) If the Secretary for any reason does not implement the payment system described in paragraph (5) on or before January 1, 2003, paragraph (4) shall not apply with respect to services described in such paragraph

that are furnished on or after such date and before the date on which the Secretary implements such payment system.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect as if included in the enactment of the Balanced Budget Act of 1997 (Public Law 105–33; 111 Stat. 251).

TITLE VI—PHYSICIANS' SERVICES

SEC. 601. TECHNICAL AMENDMENT TO UPDATE ADJUSTMENT FACTOR AND PHYSICIAN SUSTAINABLE GROWTH RATE.

(a) UPDATE ADJUSTMENT FACTOR.—

(1) CHANGE TO CALENDAR YEAR BASIS.—Section 1848(d) (42 U.S.C. 1395w–4(d)) is amended—

(A) in paragraph (1), by striking subparagraph (E) and inserting the following:

''(E) PUBLICATION.—The Secretary shall publish in the Federal Register—

''(i) not later than November 1 of each year (beginning with 1999), the conversion factor that will apply to physicians' services for the succeeding year and the update determined under paragraph (3) for such year; and

''(ii) not later than November 1 of 1999—

''(I) the special update for the year 2000 under paragraph (3)(E)(i); and

''(II) the estimated special adjustments for years 2001 through 2006 under paragraph (3)(E)(ii).''; and

(B) in paragraph (3)(C)—

(i) in the matter preceding clause (i), by striking ''the 12-month period ending with March 31 of'';

(ii) in clause (i)—

(I) by striking ''1997'' and inserting ''1996,''; and

(II) by striking ''such 12-month period'' and inserting ''1996''; and

(iii) in clause (ii)—

(I) by inserting a comma after ''subsequent year''; and

(II) by striking ''fiscal year which begins during such 12-month period'' and inserting ''year involved''.

(2) FORMULA FOR DETERMINING THE UPDATE ADJUSTMENT FACTOR.—Section 1848(d)(3) (42 U.S.C. 1395w–4(d)(3)) is amended—

(A) in subparagraph (A)—

(i) in clause (ii), by striking ''(divided by 100),'' and inserting a period; and

(ii) by striking the matter following clause (ii);

(B) in subparagraph (B)—

(i) in the matter preceding clause (i), by inserting ''the sum of'' after ''Secretary) to''; and

(ii) by striking clauses (i) and (ii) and inserting the following:

''(i) the figure arrived at by—

''(I) determining the difference between the allowed expenditures for physicians' services for the prior year (as determined under subparagraph (C)) and the actual expenditures for such services for that year;

''(II) dividing that difference by the actual expenditures for such services in that year; and

''(III) multiplying that quotient by 0.75; and

''(ii) the figure arrived at by—

''(I) determining the difference between the allowed expenditures for physicians' services (as determined under subparagraph (C)) from 1996 through the prior year and the actual expenditures for such services during that period, corrected with the best available data;

''(II) dividing that difference by actual expenditures for such services for the prior year as increased by the sustainable growth rate under subsection (f) for the year whose update adjustment factor is to be determined; and

''(III) multiplying that quotient by 0.33.''; and

(C) by amending subparagraph (D) to read as follows:

''(D) RESTRICTION ON UPDATE ADJUSTMENT FACTOR.—The update adjustment factor determined under subparagraph (B) for a year may not be less than negative 0.07 or greater than 0.03.''.

(3) SPECIAL PROVISIONS.—Section 1848(d)(3) (42 U.S.C. 1395w–4(d)(3)) is amended—

(A) in subparagraph (A), in the matter preceding clause (i), by striking ''subparagraph (D)'' and inserting ''subparagraphs (D) and (E)''; and

(B) by adding at the end the following:

''(E) SPECIAL UPDATE AND ADJUSTMENTS.—

''(i) YEAR 2000.—For the year 2000, the update under this paragraph shall be the percentage that the Secretary estimates will, without regard to any otherwise applicable restriction, result in expenditures equal to the expenditures that would have occurred in that year in the absence of the amendments made by section 601 of the Medicare Beneficiary Access to Care Act of 1999.

''(ii) YEARS 2001–2006.—For each of the years 2001 through 2006, the Secretary shall make that adjustment to the update for that year which the Secretary estimates will, without regard to any otherwise applicable restriction, result in expenditures equal to the expenditures that would have occurred for that year in the absence of the amendments made by section 601 of the Medicare Beneficiary Access to Care Act of 1999.''.

(b) SUSTAINABLE GROWTH RATE.—Section 1848(f) (42 U.S.C. 1395w–4(f)) is amended—

(1) by striking paragraph (1) and inserting the following:

''(1) PUBLICATION.—Not later than November 1 of each year (beginning with 1999), the Secretary shall publish in the Federal Register the sustainable growth rate as determined under this subsection for the succeeding year, the current year, and each of the preceding 2 years.''; and

(2) in paragraph (2)—

(A) by striking ''fiscal'' each place it appears; and

(B) in the matter preceding subparagraph (A), by striking ''year 1998'' and inserting ''1997''.

(c) DATA TO BE USED IN DETERMINING THE SUSTAINABLE GROWTH RATE.—Section 1848(f) (42 U.S.C. 1395w–4(f)) is amended—

(1) by redesignating paragraph (3) as paragraph (4); and

(2) by inserting after paragraph (2) the following:

''(3) METHODOLOGY.—For purposes of determining the update adjustment factor under subsection (d)(3)(B) and the allowed expenditures under subsection (d)(3)(C) for a year, the sustainable growth rate for each year taken into consideration in the determination under paragraph (2) shall be determined as follows:

''(A) For purposes of such calculations for the year 2000, the sustainable growth rate shall be determined on the basis of the best data available to the Secretary as of September 1, 1999.

''(B) For purposes of such calculations for each year after the year 2000—

''(i) the sustainable growth rate for such year and each of the 2 preceding years shall be determined on the basis of the best data available to the Secretary as of September 1 of such year; and

''(ii) the sustainable growth rate for each year preceding the years specified in clause (i) shall be the rate used for such year in such calculation for the immediately preceding year.''.

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—Subject to paragraph (2), the amendments made by this section shall take effect as if included in the enactment of the Balanced Budget Act of 1997 (Public Law 105–33; 111 Stat. 251).

(2) NO EFFECT ON UPDATES FOR 1998 AND 1999.—The amendments made by this section shall have no effect on the updates established by the Secretary for 1998 and 1999, and such established updates may not be changed.

SEC. 602. PUBLICATION OF ESTIMATE OF CONVERSION FACTOR AND MEDPAC REVIEW.

(a) PUBLICATION.—Not later than April 15 of each year (beginning in 2000), the Secretary of Health and Human Services (in this section referred to as the ''Secretary'') shall publish in the Federal Register—

(1) an estimate of the single conversion factor to be used in the next calendar year for reimbursement of physicians services under section 1848 of the Social Security Act (42 U.S.C. 1395w–4); and

(2) the data on which such estimate is based.

(b) MEDPAC REVIEW AND REPORT.—

(1) REVIEW.—The Medicare Payment Advisory Commission (in this section referred to as ''MedPAC'') shall annually review the estimates and data published by the Secretary pursuant to subsection (a).

(2) REPORT.—Not later than June 30 of each year (beginning in 2000), MedPAC shall submit a report to the Secretary and to the committees of jurisdiction in Congress on the review conducted pursuant to paragraph (1), together with any recommendations as determined appropriate by MedPAC.

TITLE VII—HOME HEALTH

SEC. 701. DELAY IN THE 15 PERCENT REDUCTION IN PAYMENTS UNDER THE PPS FOR HOME HEALTH SERVICES.

(a) CONTINGENCY REDUCTION.—Section 4603(e) of the Balanced Budget Act of 1997 (42 U.S.C. 1395fff note), as amended by section 5101(c)(3) of the Tax and Trade Relief Extension Act of 1998 (contained in division J of Public Law 105–277), is amended by striking ''September 30, 2000'' and inserting ''September 30, 2002''.

(b) PROSPECTIVE PAYMENT SYSTEM.—Section 1895(b)(3)(A) (42 U.S.C. 1395fff(b)(3)(A)), as amended by section 5101 of the Tax and Trade Relief Extension Act of 1998 (contained in division J of Public Law 105–277), is amended by striking clause (i) and inserting the following:

''(i) IN GENERAL.—Under such system the Secretary shall provide for computation of a standard prospective payment amount (or amounts). Such amount (or amounts) shall initially be based on the most current audited cost report data available to the Secretary and shall be computed in a manner so that the total amounts payable under the system—

''(I) for fiscal year 2001, shall be equal to the total amount that would have been made if the system had not been in effect;

''(II) for fiscal year 2002, shall be equal to the amount determined under subclause (I), updated under subparagraph (B); and

''(III) for fiscal year 2003, shall be equal to the total amount that would have been made for fiscal year 2001 if the system had not been in effect but if the reduction in limits described in clause (ii) had been in effect, and updated under subparagraph (B) for fiscal years 2001 and 2002.

Each such amount shall be standardized in a manner that eliminates the effect of variations in relative case mix and wage levels among different home health agencies in a budget neutral manner consistent with the case mix and wage level adjustments provided under paragraph (4)(A). Under the system, the Secretary may recognize regional differences or differences based upon whether or not the services or agency are in an urbanized area.''.

SEC. 702. INCREASE IN PER VISIT LIMIT.

(a) INTERIM PAYMENT SYSTEM.—Section 1861(v)(1)(L)(i) (42 U.S.C. 1395x(v)(1)(L)(i)), as amended by section 701(b), is amended—

(1) in subclause (IV), by striking ''or'';

(2) in subclause (V)—

(A) by inserting ''and before October 1, 1999,'' after ''October 1, 1998,''; and

(B) by striking the period and inserting '', or''; and

(3) by adding at the end the following:

''(VI) October 1, 1999, 112 percent of such median.''.

(b) ENSURING THE INCREASE IN PER VISIT LIMIT HAS NO EFFECT ON THE PROSPECTIVE PAYMENT SYSTEM.—The second sentence of section 1895(b)(3)(A)(i) (42 U.S.C. 1395fff(b)(3)(A)(i)), as amended by section 5101(c)(1)(B) of the Tax and Trade Relief Extension Act of 1998 (contained in division J of Public Law 105–277) and section 701(b), is amended—

(1) in subclause (I), by inserting ''but if the reference in section 1861(v)(1)(L)(i)(VI) to 112 percent were a reference to 106 percent'' after ''if the system had not been in effect''; and

(2) in subclause (III), by inserting ''and if the reference in section 1861(v)(1)(L)(i)(VI) to 112 percent were a reference to 106 percent'' after ''clause (ii) had been in effect''.

SEC. 703. TREATMENT OF OUTLIERS.

(a) WAIVER OF PER BENEFICIARY LIMITS FOR OUTLIERS.—Section 1861(v)(1)(L) (42 U.S.C. 1395x(v)(1)(L)), as amended by section 5101 of the Tax and Trade Relief Extension Act of 1998 (contained in division J of Public Law 105–277), is amended—

(1) by redesignating clause (ix) as clause (x); and

(2) by inserting after clause (viii) the following:

''(ix)(I) Notwithstanding the applicable per beneficiary limit under clause (v), (vi), or (viii), but subject to the applicable per visit limit under clause (i), in the case of a provider that demonstrates to the Secretary that with respect to an individual to whom the provider furnished home health services appropriate to the individual's condition (as determined by the Secretary) at a reasonable cost (as determined by the Secretary), and that such reasonable cost significantly exceeded such applicable per beneficiary limit because of unusual variations in the type or amount of medically necessary care required to treat the individual, the Secretary, upon application by the provider, shall pay to such provider for such individual such reasonable cost.

''(II) The total amount of the additional payments made to home health agencies pursuant to subclause (I) in any fiscal year shall not exceed an amount equal to 2 percent of the amounts that would have been paid under this subparagraph in such year if this clause had not been enacted.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the date of enactment of this Act, and shall apply to each application for payment of reasonable costs for outliers submitted by any home health agency for cost reporting periods ending on or after October 1, 1999.

SEC. 704. ELIMINATION OF 15-MINUTE BILLING REQUIREMENT.

(a) IN GENERAL.—Section 1895(c) (42 U.S.C. 1395fff(c)) is amended to read as follows:

''(c) REQUIREMENTS FOR PAYMENT INFORMATION.—With respect to home health services furnished on or after October 1, 1998, no claim for such a service may be paid under this title unless the claim has the unique identifier (provided under section 1842(r)) for the physician who prescribed the services or made the certification described in section 1814(a)(2) or 1835(a)(2)(A).''

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to claims submitted on or after the date which is 60 days after the date of enactment of this section.

SEC. 705. RECOUPMENT OF OVERPAYMENTS.

(a) 36-MONTH REPAYMENT PERIOD.—In the case of an overpayment by the Secretary of Health and Human Services to a home health agency for home health services furnished during a cost reporting period beginning on or after October 1, 1997, as a result of payment limitations provided for under clause (v), (vi), or (viii) of section 1861(v)(1)(L) of the Social Security Act (42 U.S.C. 1395x(v)(1)(L)), the home health agency may elect to repay the amount of such overpayment ratably over a 36-month period beginning on the date of notification of such overpayment.

(b) NO INTEREST ON OVERPAYMENT AMOUNTS.—In the case of an agency that makes an election under subsection (a), no interest shall accrue on the outstanding balance of the amount of overpayment during such 36-month period.

(c) TERMINATION.—No election under subsection (a) may be made for cost reporting periods, or portions of cost reporting periods, beginning on or after the date of the implementation of the prospective payment system for home health services under section 1895 of the Social Security Act (42 U.S.C. 1395fff).

(d) EFFECTIVE DATE.—The provisions of subsection (a) shall apply to debts that are outstanding as of the date of enactment of this Act.

SEC. 706. REFINEMENT OF HOME HEALTH AGENCY CONSOLIDATED BILLING.

(a) IN GENERAL.—Section 1842(b)(6)(F) (42 U.S.C. 1395u(b)(6)(F)) is amended by inserting ''(including medical supplies described in section 1861(m)(5), but excluding durable medical equipment described in such section)'' after ''home health services''.

(b) CONFORMING AMENDMENT.—Section 1862(a)(21) (42 U.S.C. 1395y(a)(21)) is amended by inserting ''(including medical supplies described in section 1861(m)(5), but excluding durable medical equipment described in such section)'' after ''home health services''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the amendments made by section 4603 of the Balanced Budget Act of 1997 (Public Law 105–33; 111 Stat. 467).

TITLE VIII—MEDICARE+CHOICE

SEC. 801. DELAY IN ACR DEADLINE UNDER THE MEDICARE+CHOICE PROGRAM.

(a) DELAY IN DEADLINE FOR SUBMISSION OF ADJUSTED COMMUNITY RATES AND RELATED INFORMATION.—Section 1854(a)(1) (42 U.S.C. 1395w–24(a)(1)) is amended by striking ''May 1'' and inserting ''July 1''.

(b) ADJUSTMENT IN INFORMATION DISCLOSURE PROVISIONS.—Section 1851(d)(2)(A)(ii) (42 U.S.C. 1395w–21(d)(2)(A)(ii)) is amended in the first sentence by inserting '', to the extent such information is available at the time of preparation of the material for mailing'' before the period.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of enactment of this Act.

SEC. 802. CHANGE IN TIME PERIOD FOR EXCLUSION OF MEDICARE+CHOICE ORGANIZATIONS THAT HAVE HAD A CONTRACT TERMINATED.

(a) IN GENERAL.—Section 1857(c)(4) (42 U.S.C. 1395w–27(c)(4)) is amended by striking ''5-year period'' and inserting ''3-year period''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to contract years beginning on or after January 1, 1999.

SEC. 803. ENROLLMENT OF MEDICARE BENEFICIARIES IN ALTERNATIVE MEDICARE+CHOICE PLANS AND MEDIGAP COVERAGE IN CASE OF INVOLUNTARY TERMINATION OF MEDICARE+CHOICE ENROLLMENT.

(a) PERMITTING ENROLLMENT IN ALTERNATIVE PLANS UPON RECEIPT OF NOTICE OF MEDICARE+CHOICE PLAN TERMINATION.—

(1) MEDICARE+CHOICE PLANS.—Section 1851(e)(4) (42 U.S.C. 1395w–21(e)(4)) is amended by striking subparagraph (A) and inserting the following:

''(A)(i) the certification of the organization or plan under this part has been terminated, or the organization or plan has notified the individual of an impending termination of such certification; or

''(ii) the organization has terminated or otherwise discontinued providing the plan in the area in which the individual resides, or has notified the individual of an impending termination or discontinuation of such plan;''.

(2) MEDIGAP PLANS.—

(A) IN GENERAL.—Section 1882(s)(3)(A) (42 U.S.C. 1395ss(s)(3)(A)) is amended in the matter following clause (iii)—

(i) by inserting ''(92 days in the case of a termination or discontinuation of coverage under the types of circumstances described in section 1851(e)(4)(A))'' after ''63 days'';

(ii) by inserting ''(or, if elected by the individual, the date of notification of the individual by the plan or organization of the impending termination or discontinuance of the plan in the area in which the individual resides)'' after ''the date of the termination of enrollment described in such subparagraph''; and

(iii) by inserting ''(or date of such notification)'' after ''the date of termination or disenrollment''.

(B) EFFECTIVE DATE.—The amendments made by this paragraph shall apply to notices of intended termination made by group health plans and Medicare+Choice organizations after the date of enactment of this Act.

(b) GUARANTEED ACCESS FOR CERTAIN MEDICARE BENEFICIARIES TO MEDIGAP POLICIES IN CASE OF INVOLUNTARY TERMINATION OF COVERAGE UNDER A MEDICARE+CHOICE PLAN.—

(1) IN GENERAL.—Section 1882(s)(3)(C)(iii) (42 U.S.C. 1395ss(s)(3)(C)(iii)) is amended by inserting ''or an individual described in clause (ii) or (iii) of subparagraph (B) in the case of circumstances described in section 1851(e)(4)(A)'' after ''subparagraph (B)(vi)''.

(2) EFFECTIVE DATE.—

(A) IN GENERAL.—Subject to subparagraph (B), the amendment made by paragraph (1) shall apply to terminations of coverage effected on or after the date of enactment of this Act.

(B) TRANSITIONAL MEDIGAP OPEN ENROLLMENT PERIOD FOR CERTAIN INDIVIDUALS AFFECTED BY PLAN WITHDRAWALS.—In the case of an individual described in clause (ii) or (iii) of subparagraph (B) of section 1882(s)(3) of the Social Security Act in the case of circumstances described in section 1851(e)(4)(A) of such Act (relating to discontinuation of a plan or organization entirely or in an area), if the termination or discontinuation of coverage occurred after December 31, 1998, and before the date of enactment of this Act, the provisions of subparagraph (A) of section 1882(s)(3) such Act (in the matter up to and including clause (iii) thereof) shall apply to such an individual who seeks enrollment under a medicare supplemental policy during the 92-day period beginning with the first month that begins more than 30 days after the date of enactment of this Act in the same manner as such provisions apply to an individual described in the matter following such clause (iii).

SEC. 804. APPLYING MEDIGAP AND MEDICARE+CHOICE PROTECTIONS TO DISABLED AND ESRD MEDICARE BENEFICIARIES.

(a) ASSURING AVAILABILITY OF MEDIGAP COVERAGE.—

(1) IN GENERAL.—Section 1882(s) (42 U.S.C. 1395ss(s)) is amended—

(A) in paragraph (2)(A), by striking ''is 65 years of age or older and is'' and inserting ''is first'';

(B) in paragraph (2)(D), by striking ''who is 65 years of age or older as of the date of issuance and''; and

(C) in paragraph (3)(B)(vi), by striking ''at age 65''.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall apply to terminations of coverage effected on or after the date of enactment of this Act, regardless of when the individuals become eligible for benefits under part A or B of title XVIII of the Social Security Act.

(b) PERMITTING ESRD BENEFICIARIES TO ELECT ANOTHER MEDICARE+CHOICE PLAN IN CASE OF PLAN DISCONTINUANCE.—

(1) IN GENERAL.—Section 1851(a)(3)(B) (42 U.S.C. 1395w–21(a)(3)(B)) is amended by striking ''except that'' and all that follows and inserting the following: ''except that—

''(i) an individual who develops end-stage renal disease while enrolled in a Medicare+Choice plan may continue to be enrolled in that plan; and

''(ii) in the case of such an individual who is enrolled in a Medicare+Choice plan under clause (i) (or subsequently under this clause), if the enrollment is discontinued under section 1851(e)(4)(A) the individual will be treated as a 'Medicare+Choice eligible individual' for purposes of electing to continue enrollment in another Medicare+Choice plan.''.

(2) EFFECTIVE DATE.—

(A) The amendment made by paragraph (1) shall apply to terminations and discontinuations occurring on or after the date of enactment of this Act.

(B) Clause (ii) of section 1851(a)(3)(B) of the Social Security Act (as inserted by such amendment) also shall apply to individuals whose enrollment in a Medicare+Choice plan was terminated or discontinued after December 31, 1998, and before the date of enactment of this Act. In applying this subparagraph, such an individual shall be treated, for purposes of part C of title XVIII of the Social Security Act, as having discontinued enrollment in such a plan as of the date of enactment of this Act.

SEC. 805. EXTENDED MEDICARE+CHOICE DISENROLLMENT WINDOW FOR CERTAIN INVOLUNTARILY TERMINATED ENROLLEES.

(a) PREVIOUS MEDIGAP ENROLLEES.—Section 1882(s)(3)(B)(v)(III) (42 U.S.C. 1395ss(s)(3)(B)(v)(III)) is amended—

(1) by inserting ''(aa)'' after ''(III)'';

(2) by striking the period and inserting '', or''; and

(3) by adding at the end the following:

''(bb) during the 12-month period described in item (aa), is disenrolled under the circumstances described in section 1851(e)(4)(A) from the organization described in subclause (II); enrolls, without an intervening enrollment, with another such organization; and subsequently disenrolls during such period (during which the enrollee is permitted to disenroll under section 1851(e)).''.

(b) INITIAL MEDIGAP ENROLLEES.—Section 1882(s)(3)(B)(vi) (42 U.S.C. 1395ss(s)(3)(B)(vi)), as amended by section 804(a)(1)(C), is amended—

(1) by striking ''benefits under part A, enrolls'' and inserting ''benefits under part A—

''(I) enrolls'';

(2) by striking the period and inserting '', or''; and

(3) by adding at the end the following:

''(II)(aa) enrolls in a Medicare+Choice plan under part C, which enrollment is terminated or discontinued under the circumstances described in section 1851(e)(4)(A), and

''(bb) subsequently enrolls, without an intervening enrollment, in another Medicare+Choice plan, and disenrolls from such plan by not later than 12 months after the effective date of the enrollment in the Medicare+Choice plan described in item (aa).''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to terminations and discontinuations occurring on or after the date of enactment of this Act.

SEC. 806. NONPREEMPTION OF STATE PRESCRIPTION DRUG COVERAGE MANDATES IN CASE OF APPROVED STATE MEDIGAP WAIVERS.

(a) IN GENERAL.—Section 1856(b)(3) (42 U.S.C. 1395w–26(b)(3)) is amended—

(1) in subparagraph (A), by striking ''The standards'' and inserting ''Subject to subparagraph (C), the standards''; and

(2) by adding at the end the following:

''(C) CONTINUATION OF STATE PRESCRIPTION DRUG LAWS.—Subparagraph (A) shall not supersede any State law that requires the comprehensive coverage of prescription drugs or any regulation that carries out such a law, if—

''(i) the State has a waiver in effect under section 1882(p)(6)(A) with respect to requiring such coverage under medicare supplemental policies; or

''(ii) the Secretary provides for a waiver for the State to impose such a requirement under section 1882(p)(6)(B).''.

(b) MEDIGAP WAIVER.—Section 1882(p)(6) (42 U.S.C. 1395ss(p)(6)) is amended—

(1) by inserting ''(A)'' after ''(6)''; and

(2) by adding at the end the following:

''(B) The Secretary also may waive the application of the standards described in paragraph (1)(A)(i) so that a State may include comprehensive prescription drug coverage among the benefits required for all medicare supplemental policies.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of enactment of this Act.

SEC. 807. MODIFICATION OF PAYMENT RULES FOR CERTAIN FRAIL ELDERLY MEDICARE BENEFICIARIES.

(a) MODIFICATION OF PAYMENT RULES.—Section 1853 (42 U.S.C. 1395w–23) is amended—

(1) in subsection (a)—

(A) in paragraph (1)(A), by striking ''subsections (e) and (f)'' and inserting ''subsections (e) through (i)'';

(B) in paragraph (3)(D), by inserting ''and paragraph (4)'' after ''section 1859(e)(4)''; and

(C) by adding at the end the following:

''(4) EXEMPTION FROM RISK-ADJUSTMENT SYSTEM FOR FRAIL ELDERLY BENEFICIARIES ENROLLED IN SPECIALIZED PROGRAMS FOR THE FRAIL ELDERLY.—

''(A) IN GENERAL.—During the period described in subparagraph (B), the risk-adjustment described in paragraph (3) shall not apply to a frail elderly Medicare+Choice beneficiary (as defined in subsection (i)(3)) who is enrolled in a Medicare+Choice plan under a specialized program for the frail elderly (as defined in subsection (i)(2)).

''(B) PERIOD OF APPLICATION.—The period described in this subparagraph begins with January 2000, and ends with the first month for which the Secretary certifies to Congress that a comprehensive risk adjustment methodology under paragraph (3)(C) (that takes into account the types of factors described in subsection (i)(1)) is being fully implemented.''; and

(2) by adding at the end the following:

''(i) SPECIAL RULES FOR FRAIL ELDERLY ENROLLED IN SPECIALIZED PROGRAMS FOR THE FRAIL ELDERLY.—

''(1) DEVELOPMENT AND IMPLEMENTATION OF NEW PAYMENT SYSTEM.—The Secretary shall develop and implement (as soon as possible after the date of enactment of this subsection), during the period described in subsection (a)(4)(B), a payment methodology for frail elderly Medicare+Choice beneficiaries enrolled in a Medicare+Choice plan under a specialized program for the frail elderly (as defined in paragraph (2)(A)). Such methodology shall account for the prevalence, mix, and severity of chronic conditions among such beneficiaries and shall include medical diagnostic factors from all provider settings (including hospital and nursing facility settings). It shall include functional indicators of health status and such other factors as may be necessary to achieve appropriate payments for plans serving such beneficiaries.

''(2) SPECIALIZED PROGRAM FOR THE FRAIL ELDERLY DESCRIBED.—

''(A) IN GENERAL.—For purposes of this part, the term 'specialized program for the frail elderly' means a program which the Secretary determines—

''(i) is offered under this part as a distinct part of a Medicare+Choice plan;

''(ii) primarily enrolls frail elderly Medicare+Choice beneficiaries; and

''(iii) has a clinical delivery system that is specifically designed to serve the special needs of such beneficiaries and to coordinate short-term and long-term care for such beneficiaries through the use of a team described in subparagraph (B) and through the provision of primary care services to such beneficiaries by means of such a team at the nursing facility involved.

''(B) SPECIALIZED TEAM.—A team described in this subparagraph—

''(i) includes—

''(I) a physician; and

''(II) a nurse practitioner or geriatric care manager, or both; and

''(ii) has as members individuals who have special training and specialize in the care and management of the frail elderly beneficiaries.

''(3) FRAIL ELDERLY MEDICARE+CHOICE BENEFICIARY DESCRIBED.—For purposes of this part, the term 'frail elderly Medicare+Choice beneficiary' means a Medicare+Choice eligible individual who—

''(A) is residing in a skilled nursing facility or a nursing facility (as defined for purposes of title XIX) for an indefinite period and without any intention of residing outside the facility; and

''(B) has a severity of condition that makes the individual frail (as determined under guidelines approved by the Secretary).''.

(b) CONTINUOUS OPEN ENROLLMENT FOR CERTAIN FRAIL ELDERLY MEDICARE BENEFICIARIES.—

(1) IN GENERAL.—Section 1851(e) (42 U.S.C. 1395w–21(e)) is amended by adding at the end the following:

''(7) SPECIAL RULES FOR FRAIL ELDERLY MEDICARE+CHOICE BENEFICIARIES ENROLLING IN SPECIALIZED PROGRAMS FOR THE FRAIL ELDERLY.—There shall be a continuous open enrollment period for any frail elderly Medicare+Choice beneficiary (as defined in section 1853(i)(3)) who is seeking to enroll in a Medicare+Choice plan under a specialized program for the frail elderly (as defined in section 1853(i)(2)).''.

(2) CONFORMING AMENDMENTS.—

(A) OPEN ENROLLMENT PERIODS.—Section 1851(e)(6) (42 U.S.C. 1395w–21(e)(6)) is amended—

(i) in subparagraph (A), by striking ''and'' at the end;

(ii) by redesignating subparagraph (B) as subparagraph (C); and

(iii) by inserting after subparagraph (A) the following:

''(B) that is offering a specialized program for the frail elderly (as defined in section 1853(i)(2)), shall accept elections at any time for purposes of enrolling frail elderly Medicare+Choice beneficiaries (as defined in section 1853(i)(3)) in such program; and''.

(B) EFFECTIVENESS OF ELECTIONS.—Section 1851(f)(4) (42 U.S.C. 1395w–21(f)(4)) is amended by striking ''subsection (e)(4)'' and inserting ''paragraph (4) or (7) of subsection (e)''.

(c) DEVELOPMENT OF QUALITY MEASUREMENT PROGRAM FOR SPECIALIZED PROGRAMS FOR THE FRAIL ELDERLY.—Section 1852(e) (42 U.S.C. 1395w–22(e)) is amended by adding at the end the following:

''(5) QUALITY MEASUREMENT PROGRAM FOR SPECIALIZED PROGRAMS FOR THE FRAIL ELDERLY AS PART OF MEDICARE+CHOICE PLANS.—The Secretary shall develop and implement a program to measure the quality of care provided in specialized programs for the frail elderly (as defined in section 1853(i)(2)) in order to reflect the unique health aspects and needs of frail elderly Medicare+Choice beneficiaries (as defined in section 1853(i)(3)). Such quality measurements may include indicators of the prevalence of pressure sores, reduction of iatrogenic disease, use of urinary catheters, use of antianxiety medications, use of advance directives, incidence of pneumonia, and incidence of congestive heart failure.''.

(d) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall take effect on the date of enactment of this Act.

(2) DEVELOPMENT OF QUALITY MEASUREMENT PROGRAM FOR SPECIALIZED PROGRAMS FOR THE FRAIL ELDERLY.—The Secretary of Health and Human Services shall first provide for the implementation of the quality measurement program for specialized programs for the frail elderly under the amendment made by subsection (c) by not later than July 1, 2000.

SEC. 808. EXTENSION OF MEDICARE COMMUNITY NURSING ORGANIZATION DEMONSTRATION PROJECTS.

Notwithstanding any other provision of law and in addition to the extension provided under section 4019 of the Balanced Budget Act of 1997 (Public Law 105–33; 111 Stat. 347), demonstration projects conducted under section 4079 of the Omnibus Budget Reconciliation Act of 1987 (Public Law 100–203; 101 Stat. 1330–121) shall be conducted for an additional period of 3 years, and the deadline for any report required relating to the results of such projects shall be not later than 6 months before the end of such additional period.

TITLE IX—CLINICS

SEC. 901. NEW PROSPECTIVE PAYMENT SYSTEM FOR FEDERALLY-QUALIFIED HEALTH CENTERS AND RURAL HEALTH CLINICS UNDER THE MEDICAID PROGRAM.

(a) IN GENERAL.—Section 1902(a)(13) (42 U.S.C. 1396a(a)(13)) is amended—

(1) in subparagraph (A), by adding ''and'' at the end;

(2) in subparagraph (B), by striking ''and'' at the end; and

(3) by striking subparagraph (C).

(b) NEW PROSPECTIVE PAYMENT SYSTEM.—Section 1902 (42 U.S.C. 1396a) is amended by adding at the end the following:

''(aa) PAYMENT FOR SERVICES PROVIDED BY FEDERALLY-QUALIFIED HEALTH CENTERS AND RURAL HEALTH CLINICS.—

''(1) IN GENERAL.—Beginning with fiscal year 2000 and each succeeding fiscal year, the State plan shall provide for payment for services described in section 1905(a)(2)(C) furnished by a Federally-qualified health center and services described in section 1905(a)(2)(B) furnished by a rural health clinic in accordance with the provisions of this subsection.

''(2) FISCAL YEAR 2000.—For fiscal year 2000, the State plan shall provide for payment for such services in an amount (calculated on a per visit basis) that is equal to 100 percent of the costs of the center or clinic of furnishing such services during fiscal year 1999 which are reasonable and related to the cost of furnishing such services, or based on such other tests of reasonableness as the Secretary prescribes in regulations under section 1833(a)(3), or in the case of services to which such regulations do not apply, the same methodology used under section 1833(a)(3), adjusted to take into account any increase in the scope of such services furnished by the center or clinic during fiscal year 2000.

''(3) FISCAL YEAR 2001 AND SUCCEEDING YEARS.—For fiscal year 2001 and each succeeding fiscal year, the State plan shall provide for payment for such services in an amount (calculated on a per visit basis) that is equal to the amount calculated for such services under this subsection for the preceding fiscal year—

''(A) increased by the percentage increase in the MEI (medicare economic index) (as defined in section 1842(i)(3)) applicable to primary care services (as defined in section 1842(i)(4)) for that fiscal year; and

''(B) adjusted to take into account any increase in the scope of such services furnished by the center or clinic during that fiscal year.

''(4) ESTABLISHMENT OF INITIAL YEAR PAYMENT AMOUNT FOR NEW CENTERS OR CLINICS.—In any case in which an entity first qualifies as a Federally-qualified health center or rural health clinic after October 1, 2000, the State plan shall provide for payment for services described in section 1905(a)(2)(C) furnished by the center or services described in section 1905(a)(2)(B) furnished by the clinic in the first fiscal year in which the center or clinic qualifies in an amount (calculated on a per visit basis) that is equal to 100 percent of the costs of furnishing such services during such fiscal year in accordance with the regulations and methodology referred to in paragraph (2). For each fiscal year following the fiscal year in which the entity first qualifies as a Federally-qualified health center or rural health clinic, the State plan shall provide for the payment amount to be calculated in accordance with paragraph (3) of this subsection.

''(5) ADMINISTRATION IN THE CASE OF MANAGED CARE.—In the case of services furnished by a Federally-qualified health center or rural health clinic pursuant to a contract between the center or clinic and a managed care entity (as defined in section 1932(a)(1)(B)), the State plan shall provide for payment to the center or clinic (at least quarterly) by the State of a supplemental payment equal to the amount (if any) by which the amount determined under paragraphs (2), (3), and (4) of this subsection exceeds the amount of the payments provided under the contract.

''(6) ALTERNATIVE PAYMENT SYSTEM.—Notwithstanding any other provision of this section, the State plan may provide for payment in any fiscal year to a Federally-qualified health center for services described in section 1905(a)(2)(C) or to a rural health clinic for services described in section 1905(a)(2)(B) in an amount that is in excess of the amount otherwise required to be paid to the center or clinic under this subsection.''.

(c) CONFORMING AMENDMENTS.—

(1) Section 4712 of the Balanced Budget Act of 1997 (Public Law 105–33; 111 Stat. 508) is amended by striking subsection (c).

(2) Section 1915(b) (42 U.S.C. 1396n(b)) is amended by striking ''1902(a)(13)(E)'' and inserting ''1902(aa)''.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 1999.

Mr. KENNEDY. Mr. President, we all want to express our appreciation to our leader, Senator DASCHLE, for the development of this proposal. As he has pointed out, we have worked closely with Senator MOYNIHAN and the members the Finance Committee. We hope this will be the basis of the coming together here in the Senate. This should not be a partisan issue. The kinds of problems Senator DASCHLE pointed out are problems not only in urban areas but in rural communities, too. The program he has advocated touches the health care needs of people all over this country. This particular issue cries for a response and action from this Congress in these final few days.

I join with him and others who say we should not leave, we cannot leave, we will not leave this session without addressing these problems. We have the time now to work this process through. I think the way this has been fashioned has demonstrated a sensitivity to the range of different emergencies that are out there across the landscape affecting real people.

So I join others on our side in commending him for the leadership he has provided on this issue as in so many other areas. Hopefully, he will be successful in reaching across the aisle so that we can all work on this issue together.

Mr. President, no senior citizen should be forced to enter a hospital or a nursing home because Medicare can't afford to pay for services to keep her in her own home and in her own community.

No person with a disability should be told that occupational therapy services are no longer available because legislation to balance the budget reduced the rehabilitation services they need.

No community should be told that their number one employer and provider of health care will be closing its doors or engaging in massive layoffs because Medicare can no longer pay its fair share of health costs.

No freestanding children's hospital should wonder whether it can continue to train providers to care for children because it receives no federal support for its teaching activities. Yet these scenes and many others are playing out in towns and cities across the country today, in large part due to the unexpectedly deep Medicare cuts in the Balanced Budget Act passed two years ago.

The 1997 Act was the final part of a process undertaken since 1993 to balance the federal budget and lay the groundwork for the current economic boom and the large budget surpluses we anticipate in the years ahead. However, our ability to balance the budget was primarily attributable to deep savings achieved by cuts in Medicare—by

slowing the rate of growth in provider payments and other policy reforms. These cuts were expected to total $116 billion over five years, and nearly $400 billion over ten years. Clearly, as experience now shows, these cuts are too deep for the Medicare program to sustain.

In fact, these cuts were more than double the amount ever enacted in any previous legislation. The Congressional Budget Office has now increased the estimate of the savings to total $200 billion over five years and more than $600 billion over ten years—far greater than Congress intended.

Not surprisingly, we are now hearing from large numbers of the nation's safety net providers—especially teaching hospitals, community hospitals, and community health centers. We are hearing from those who care for the elderly and disabled when they leave the hospital—nursing homes, home health agencies and rehabilitation specialists. We are hearing from virtually every group that cares for the 40 million senior citizens and disabled citizens on Medicare. They are saying—with great alarm and anxiety—that Congress went too far.

The Medicare Beneficiary Access to Quality Health Care Act that we are introducing today will alleviate much of this damage. It will provide $20 billion over the next ten years to reduce the pain created by the harshest cuts in the Balanced Budget Act. It will ensure that the nation's health care system is able to care responsibly for today's senior citizens, and is adequately prepared to take care of those who will be retiring in the future.

The current Balanced Budget Act is unfairly imposing a $1.7 billion cut over the next five years for Massachusetts hospitals alone. Our community hospitals are reeling. Many of our teaching hospitals have laid off staff, and are unable to continue to participate in Medicare HMO contracts. Some say that these cuts are needed to make Medicare more efficient. But Massachusetts teaching hospitals are already efficient. In the past six years, one out of five of our teaching hospitals and one out of four hospital beds have been closed. We cannot afford to compromise on patient care, doctor training, and the state-of-the-art medical research conducted at the nation's top hospitals.

In addition, children's hospitals deserve help as well. They currently receive almost no federal support for their important teaching and training activities. They train a majority of the nation's pediatricians and pediatric specialists. Yet current rules keep them from receiving the level of federal support available to other teaching hospitals. While this particular legislation does not address this problem, Senator Bob KERREY and I have proposed a separate bill with strong bipartisan support to correct this injustice and give children's hospitals the funding they deserve to train the pediatricians needed to care for the nation's children in the years ahead.

The home-bound elderly—our most vulnerable senior citizens—are also suffering. In Massachusetts alone, home health agencies are losing $160 million annually, and 20 agencies have closed their doors since the Balanced Budget Act went into effect. The ones that remain are seeing fewer patients, and seeing their current patients less often.

Massachusetts nursing homes are predicting losses of $500 million over the next five years. Eleven facilities have declared bankruptcy this year, and more are expected to follow.

With the impending retirement of the baby boom generation, the last thing we should do now is jeopardize the viability and commitment of the essential institutions that care for Medicare beneficiaries. Yet that is now happening in cities and towns across the nation. In the vast majority of cases, the providers who care for Medicare patients are the same ones who care for working families and everyone else in their community. When hospitals who serve Medicare beneficiaries are threatened, health care for the entire community is threatened.

Nearly one million elderly and disabled Massachusetts residents rely on Medicare for their health care. This legislation is a sensible, affordable step to ensure that our health care system will continue to be there for them when they need it. It deserves prompt consideration and passage. I commend Senator DASCHLE for his leadership on this vital issue, and I urge the Senate to approve this important measure.

The PRESIDING OFFICER. The Democratic leader.

Mr. DASCHLE. Mr. President, I congratulate and thank my colleague from Massachusetts for his remarks and for his extraordinary commitment to this effort. He has been at every meeting. He has been engaged from the very beginning, and we are grateful, as on so many of the issues our caucus cares deeply about, for the leadership he has provided.

I am proud of the fact we have had the participation of well over 20 Members, and the senior Senator from Massachusetts has been the leader of the pack, as he is on so many other issues.

I also thank Senator ROCKEFELLER for the extraordinary effort he has put forth. As a member of the Finance Committee, no one has worked harder on many of these issues than has he. I am grateful for the participation and leadership he has provided to get us to this point.

Before I yield the floor, let me say how urgent this matter is. My colleagues yesterday discussed the urgency of this legislation again and again. I am disappointed and deeply concerned about the fact that, at least to date, there is no date yet set for consideration and markup of a bill to repair the damage done in the 1997 act. We have to address and consider and ultimately pass such a bill prior to the time we leave the Senate this year. We will do anything, and everything we know how, to ensure this becomes one of the highest legislative priorities left prior to the end of this session of Congress. It must be addressed. It must be passed. We must take this legislation up soon in order for us to accomplish what I know is a bipartisan recognition of the shortcomings and the miscalculations made in the 1997 act.

I will say again, the fact that we have over half of our caucus already, and will probably have two-thirds of our caucus as cosponsors in the not-too-distant future, is a clear recognition of the depth of feeling our Members have on this bill and the importance we place on getting something done this year. We must do it. We will do it, and we will work with our Republican colleagues to make that happen.

I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. ROCKEFELLER. Mr. President, I strongly agree with the words our Democratic leader has offered, and I congratulate him for mobilizing this effort, but it is a mobilization not so much of Democrats as it is of Senators in general. Hospitals and patients and skilled nursing facilities and home health agencies are not Republican or Democrat. The shortages, the closings, the health care denied is not Republican or Democrat. It has to do with the people of our States and of our country.

This is a bipartisan matter. I know, without even having talked to but five or six of my colleagues on the other side of the aisle, when they went back to their homes during the August recess and when they have been back since, this has been the subject with which we have all been, in a sense, lobbied in the best sense; that is, lobbied by our own constituents, by our own voters, by people who are patients, by people who have had these problems.

It is right; we should be fixing this because Congress, in 1997, when we passed the Balanced Budget Act, made changes that were larger in Medicare than any in the history of the program, and we made mistakes. This is actually one of the reasons our colleagues on the other side of the aisle often criticize congressional action because we are trying to play doctor. We often try, but we often do not do it very well. In this case, we did not. We made mistakes.

When we make a mistake, we are causing skilled working facilities, home health agencies, and hospitals to close; we are putting in jeopardy margins of profit, which have gone into the red already, of other hospitals, particularly rural hospitals. We have to correct it.

There is nothing more self-evident to me than the need for this Congress to take up the BBA corrections and, in fact, do them on a bipartisan basis. We do not have very much time. There

seems to be quite a lot of anxiousness to get out of here. That is not shared by the junior Senator from West Virginia. In that case, it puts more pressure on us to do it. We need a date. We need to do this. This is not makeup stuff. These are real problems.

In my State of West Virginia, which is not large but our citizens are no less important than anybody else's, and to me they are more important, in the next 4 years our hospitals are going to face an almost $600 million cut in payment because of mistakes we made in the 1997 Budget Act. They did not make the mistakes. They have not been keeping their books incorrectly. They have not been trying to be inefficient. We made the mistakes. We made the mistakes in Congress, and it is up to us to correct them.

Many critical public health services will be cut back. That has happened already. It will continue to happen. Home care agencies in my State expect there will be almost 5,000 less Medicare patients being admitted for their services than before.

Eleven home health care providers in West Virginia have closed. That is not a lot, but that is a lot in West Virginia, and it is in a lot of places. We have 55 counties and 1.8 million people. Eleven home health agencies is a lot; 2,500 on a nationwide basis are closed. They are not thinking about closing but have closed because of mistakes we in Congress have made in making these enormous changes to Medicare. They have been forced to close down because the current payment system does not adequately reimburse them for what they have to do.

CBO originally estimated home health reimbursement reductions would be $16 billion. It turned out the reduction was $47 billion. That was not the hospitals' fault; That was not the home health agencies' fault; that was our fault. We made that mistake. We have to correct that mistake.

The $1,500 cap on therapy is having bad results on nursing home patients with Parkinson's disease, burns, and other things. We need to correct that because we made the mistakes.

I will end by saying, I agree on teaching hospitals. We have three teaching hospitals in West Virginia. Whatever happens in general happens in a much worse way in rural States. That is by definition, that is by nature, whether it is hospitals, nursing homes, or anything else. That has always been the case.

Rural hospitals have very little to fall back on because they do not have margins. They depend on Medicare more than those in larger and more urban States. These were unintended cuts we made, but we nevertheless made them. The mistake is ours. It is a bipartisan mistake. It came along with a very good bill, the Balanced Budget Act of 1997. Within it, there was some cancer, and the cancer was caused by us, and it is the mistakes we made which are causing havoc all over the health care world. We can change it easily and change it before we leave here, and surely we should. I yield the floor.

Ms. MIKULSKI. Mr. President, I rise today as a cosponsor of Senator DASCHLE's bill to address the draconian cuts to Medicare under the Balanced Budget Act of 1997 (BBA). I thank Senator DASCHLE for introducing this important piece of legislation.

I support this bill for two reasons. First, I believe the BBA went too far when it cut reimbursements to Medicare. Second, as we move towards the millennium and our senior population continues to grow, our seniors must be able to rely on a sound and secure Medicare Program. This bill will help them do just that.

When I travel throughout the State of Maryland, the issue my constituents want to talk about most is cuts in services for the elderly. I have worked long and hard to find solutions to these cuts. That is why I cosponsored an amendment to the recent tax bill which placed a priority on fixing Medicare before providing for a tax cut. That is why I am working on a new and improved Older Americans Act, and that is why I am cosponsoring Senator DASCHLE's legislation, which helps providers who are struggling under BBA cuts to Medicare.

The BBA is one of the reasons why we have a projected budget surplus. It put us on the right track of fiscal prudence, but it went too far in the case of Medicare by imposing deep cuts on providers: It cut reimbursements to home health agencies; it cut reimbursements to nursing homes; it cut reimbursements to Medicare HMOs. Our seniors and our providers are now feeling the effects of these cuts.

What exactly do these cuts mean? In my State of Maryland, this means that 34 Home Health Agencies have closed their doors and only two public Home Health Agencies remain. This is a particular problem in rural counties in Maryland. Agencies in these areas are committed to providing health care to those who cannot travel to hospitals or doctors offices. In fact, they are so committed to providing home-bound patients with care, I know some health care providers who have traveled to homes by a snowmobile in winter months just to get to a patient. But because of substantial cuts in reimbursements under BBA, these agencies are left with no choice but to close their doors; families lose these services, employees lose their jobs, and nobody wins.

Our Skilled Nursing Facilities (SNFs) also need the relief provided by this legislation. The BBA changed the way that payments are calculated so that facilities do not get paid more money when they provide expensive services such as chemotherapy or prosthetics. In some cases, the reimbursement is so low, that facilities cannot afford to take the patients who need a high level of care. I hear stories about patients who need chemotherapy treatment but cannot find a facility to provide it. Why? The answer is because Medicare doesn't pay enough to cover the cost of the chemotherapy treatment. Where does this patient go? They could go to a hospital, but frequently this is more expensive, or might not specialize in these services. Patients and their families do not want to hear complex stories about payment methodologies, or resource utilization groups. What these families want to hear is that their loved ones can get the care that they need.

My State of Maryland has also had a devastating problem with Medicare HMOs. Because of payment changes, reimbursements to many HMOs were cut. What are the effects of these cuts? One HMO in my state is projecting losses of over $5 million this year in the rural counties of Maryland alone. This HMO can no longer afford to cover Medicare patients so it is closing up shop. 14,000 senior citizens in Maryland will lose their Medicare HMO. Where do these seniors go? In the rural counties of Maryland, these seniors do not have any other Medicare HMO to choose. They all left—not because they weren't making a profit—these HMOs couldn't even break even. Rural counties throughout Maryland and the nation will have seniors with little or no access to the extra benefits many HMOs provide, including prescription drug coverage and preventive benefits such as dental, vision and hearing screenings.

Imagine if your 85-year-old grandmother, living on a fixed income, got a letter in the mail that says in 4 months she will no longer have a Medicare HMO. She might not understand what it means. Is she losing her health care coverage altogether? Is she losing her doctor? Is she losing her medicine coverage? In many cases, my constituents aren't wondering where they should go for a mammogram or prostate screening, but if they can even go at all because their HMO is leaving town.

Some will say these cuts aren't so bad—why can't you just buy a Medigap policy? For around $150 a month you could get some of the supplemental benefits that HMOs provide. But many of these senior citizens only have $11,000 or $12,000 a year in retirement income and many times their income is much less. These seniors cannot afford $150 a month for a Medigap policy, so many of them will be forced to make difficult choices between food, rent, health care and prescription medications. This legislation provides needed relief so that our seniors would not have to make these terrible decisions.

I also know that our non-profit health facilities are having a particularly rough time. These are providers such as Hebrew Home in Rockville, Maryland, or Mercy Hospital in Baltimore, who are struggling to provide care under current reimbursements. It is especially difficult for these providers because the care they provide is

frequently uncompensated. This is health care that they frequently do not get reimbursed for, also known as charity care. In many cases, they provide the health services to seniors who have no other place to go. If we do not take steps to fairly reimburse them, where will these seniors go to get the care they need?

One of my priorities as a United States Senator has always been to honor your mother and father. It is a good commandment and good public policy—in the federal law books and checkbooks. We must address these cuts in Medicare because our safety net for seniors is badly frayed, and senior citizens are being left stranded because many health care providers have no choice but to close their doors.

In 1965 when Medicare was created, the Federal Government promised that Americans who work hard all of their lives can count on Medicare when they retire. I believe that promises made should be promises kept. Senator DASCHLE's bill will help us keep the promise we have made to the Nation's senior citizens.

Mr. JOHNSON. Mr. President, I am pleased to cosponsor the Medicare Beneficiary Access to Quality Health Care Act introduced today that works to correct the inequities of Medicare reforms included in the Balanced Budget Act of 1997.

I commend Senator DASCHLE for his tremendous efforts on this issue and for his leadership with the introduction of this bill. As well, I congratulate a number of my other colleagues who have contributed immensely to the crafting of this critical piece of legislation, including Senators MOYNIHAN, KENNEDY, ROCKEFELLER, BAUCUS, CONRAD, and others.

As part of the effort to balance the Federal budget, the Balanced Budget Act of 1997 (BBA) provided for major reforms in the way Medicare pays for medical services. The Balanced Budget Act of 1997 (BBA) included numerous cuts in Medicare payments to health care providers. These changes were originally expected to cut Medicare spending by about $115 over five years, but recent CBO projections show spending falling nearly twice that much. In the face of these deep cuts, health care providers are struggling, and beneficiary access to care is threatened. The Medicare Beneficiary Access to Care Act is a targeted solution to certain specific problems that the Balanced Budget Act has created.

As implementation of these reforms proceeds, health care providers and patient advocacy groups have asserted that some of the reforms are having—or are likely to have—undesirable or unintended consequences. Areas in patient care such as rehabilitative therapy, skilled nursing facilities, home health services, and hospital outpatient services have already begun to feel the effects of the reforms set forth in 1997.

Not surprising, I have heard from many safety net providers in South Dakota about the devastating effects such reductions in reimbursements are having throughout the health care industry. Consumers are also feeling the pain, as many individuals are being turned away from hospitals and nursing homes who cannot afford to accept new patients because of the lower reimbursement rates included in the Balanced Budget Act. These cuts are devastating and feared to have severe implications on the quality and access of health care throughout our nation, including South Dakota, unless Congress acts immediately to correct these problems. In South Dakota, and other rural parts of the country, hospitals and other health care providers have an extremely high percentage of Medicare beneficiaries making these cuts in reimbursement even more devastating. If Congress does not act in a timely fashion many of these providers may be forced to close their doors.

I look forward to continue working with my colleagues on passage of the Medicare Beneficiary Access to Quality Health Care Act which develops creative, cost-effective approaches to address the unintended, long-term consequences of the BBA. The proposed budget surplus provides Congress the unique opportunity to address many of the deficiencies in our nation's health care system. We need to address the valid concerns of teaching hospitals, skilled nursing facilities, home health providers, rural and community hospitals, and other health care providers who require relief from the consequences of the BBA.

Mr. CLELAND. Mr. President, we are all hearing from our constituents about the hardships they have encountered from the unintended consequences of the Balanced Budget Act (BBA) of 1997. From rural hospitals to home health care agencies, cuts in Medicare reimbursement have forced these health care providers to absorb tremendous debt and have threatened patients' access to care. Senator DASCHLE has proposed over 30 items that will provide immediate relief across the health care continuum. Among these provisions, the bill would redirect BBA surplus monies to provide a cap on hospital outpatient Prospective Payment System (PPS) loss, a delay on the proposed 15 percent cut to home health care reimbursement, a fix for the graduate medical education resident cap and the indigent care problem, the repeal of nursing home therapy caps, a technical correction to limit oscillations to Medicare physician reimbursement, a delay of risk adjustment for frail elderly/Evercare. Senator DASCHLE is to be commended for developing this comprehensive BBA relief bill in an incredibly short period of time. My colleague has more than met the challenge of this urgent health care dilemma. I am proud to be an original cosponsor of this critical remedial legislation for a BBA fix. I will support Senator DASCHLE with all my resources to pass a BBA fix this session.

Mr. KERREY. Mr. President, I support the legislation offered earlier by the Senator from South Dakota, the Medicare Beneficiary Access to Care Act of 1999.

I supported strongly the balanced budget amendment of 1997, the deficit reduction acts of 1993 and 1990, and am proud of the supporting role I played over the last 7 or 8 years in taking the United States of America to the point where the Federal Government was borrowing hundreds of billions of dollars—$300 billion when I came in 1989—to a point where we now have a surplus. It is quite an exciting change in the dynamics of this country.

This morning's New York Times had a story by Louis Uchitelle about 1.1 million Americans having been lifted off the rolls of poverty as a consequence of demands of wages that occur because interest rates are low, corporate profits are good, and the American economy is as strong as it has been in my lifetime. It is quite impressive what a strong economy will do with low interest rates and what increased rates in productivity will do. The report also pointed out the significant problems we still have with income growth, especially with African Americans.

But I am proud of the role I played in eliminating the deficit and creating a surplus that has contributed enormously to the growth of the U.S. economy. Certainly lots of action in the private sector contributed to it, but Congress and those who were here—Republicans and Democrats—over the last 7 or 8 years who voted for these three pieces of legislation can take some pride in taking the United States not just into recovery economically, but I remember how frustrating the deficit was—politically frustrating—that caused Americans to lose confidence that Congress could get anything done. It seemed a relatively small ''bone'' in a great nation and I am glad we finally coughed it up. I don't want to backtrack on that.

That is why I am pleased Senator DASCHLE has indicated this bill has to be paid for. Not only do we have to be careful to not drain the Social Security trust fund, but we have to be careful we not do this in a fashion that takes America back to the bad old days of deficit financing. It is easy to do that.

The 1997 act had an impressive number of people in the Senate and the House voting for the legislation. The United States was to produce $100 million of savings in 10 years. It is now estimated it will produce $200 million in savings. I voted for $100 million. That is what I thought the legislation would produce. Not all of that $200 million estimate occurs as a consequence of the changes in reimbursement. Some has occurred as a result of the vigorous effort by Secretary Shalala and HCFA to reduce fraud and, as a consequence, save taxpayer money. They made billing changes that produced some savings. They are doing a better job of

managing the taxpayers' money. Some of the savings has occurred as a consequence.

There is no question there is a fraction of that excess $100 million that has come as a result of our making some changes to take more out of the providers than anyone anticipated. This legislation will put $23 billion back. I believe that is fair, reasonable, and defendable. I think it will have a tremendously positive impact on the ability of my State of Nebraska to get high-quality health care; that is what is at stake. What is at stake is not just the health of health care institutions but the health of the citizens of the country who depend upon those institutions.

I believe this piece of legislation is needed. It is needed in Nebraska and by citizens who depend upon their doctors, who depend upon their hospitals, who depend upon this thing we call the health care system in the United States of America. It is an issue of life and death for them. It is a very important issue. It is a very personal issue.

When we talk to somebody in a hospital, it is easy to acquire the right sense of urgency to overcome whatever ideological differences we might have. The people of Nebraska need this Congress to act. It is not just something that we are being asked to do; it is something that is necessary in order to improve the quality of life in our State.

I will go through some of the things this legislation does. For hospitals, the 1997 act cuts hospital payments in several ways: Lower inpatient payments; a new outpatient prospective payment system; a special payments cut for low-income patients: and cuts in graduate medical education.

This legislation does not restore all of those cuts. It creates a 3-year transition period to protect hospitals under this new outpatient system, and there is additional protection for rural and cancer hospitals. The bill also moderates the cut in DSH and GME payments, a central concern of teaching and academic centers. And it takes action for pediatric hospitals.

I urge colleagues who have not studied this to examine the very low reimbursements for graduate medical education for pediatric hospitals. There is a glaring difference and it will create tremendous problems as we try to train pediatricians—a very important profession in the health care industry.

There are a number of changes that increase the quality of care in Nebraska hospitals and increase the chances, especially in rural hospitals, that we will not see a continuation of what we had in 1998 when two rural hospitals closed. My hospital administrators tell me there may be more of the same unless we make some reasonable adjustments.

The Balanced Budget Act made some changes in skilled nursing facilities. We understand the need to balance the budget. This does not undo that. It is paid for. The Balanced Budget Act created a prospective payment system for skilled nursing facilities. This does not adequately account for the costs of very sick patients and rare high-cost services. This bill attempts to address both of these problems by increasing payments for groups of patients for whom payment is low and by paying separately for high-cost services, such as prosthetics, to ensure the nursing homes receive adequate payment.

We have heard about the impact of therapy caps. I hope in addition to putting some money back into the providers, we can take the advice of the Senator from Oklahoma and get some structural changes enacted in Medicare. One of the problems we have as a Congress trying to make changes in Medicare is we don't know the full impact of changes.

Senators BREAUX and THOMAS were proposing the creation of a new Senate-confirmed board that has authority over HCFA to make certain HCFA has the authority to offer fee-for-service plans on a competitive basis and make sure competitors have a level playing field to compete and offer their plans against the fee for service that HCFA has. I think it would be easier to solve the problem of dealing with waste, fraud, and abuse and make it more likely the consumers receive good information when they are trying to make decisions about what to buy. Consolidating Part A and Part B was also in the proposal of Senator BREAUX, and as a consequence of consolidating those two programs, it would make it much more likely when dealing with medical procedures, such as therapy, that we get it right.

What we did with the Balanced Budget Act is create a 1,500-per-annual-beneficiary cap, but these are arbitrary. They don't allow any flexibility based upon the need of the patient. What we have done with the legislation is repeal the caps until 2003 and require HCFA to implement a new system for therapy payments that is budget neutral to caps. It is designed to address the needs for varying amounts of therapy based upon a patient's condition. That is the point I was trying to make earlier, why we need structural changes, as well.

There are varying needs of the patient that are extremely difficult for HCFA to address. It is a central system. They have fiscal intermediaries in the country making payments. It is still a centrally controlled system and awfully difficult to get it right in Ohio, Nebraska, and Missouri simultaneously. They have to apply a system nationwide. It is better, in my judgment, if we have a board of directors, Senate-confirmed, to manage HCFA, moving in a direction where the private sector is able to compete for HCFA's fee for service simultaneously, with HCFA offering its fee-for-service plans.

It makes changes in home health. We created under the BBA an interim payment system for home health agencies which limits payments on both a per beneficiary as well as a per visit basis. The temporary system locked in very low rates. This affects rural areas more than urban areas. There are very low rates for areas that had traditionally low costs such as Nebraska. We have low costs.

The IPS locked in those very low costs in October 2000, and the IPS is scheduled to be replaced by a new PPS system for home health services. Those payments will be reduced in an arbitrary fashion by 15 percent. We make three changes in the legislation that are vital: First, we postpone this 15-percent cut for 2 years; second, we assist low-cost agencies that have been disadvantaged under the IPS by increasing the per visit limit; finally, the bill reduce administrative burdens placed upon the providers by eliminating interest on overpayments, eliminating a 15-minute reporting requirement, and eliminating a requirement for home health agencies to do the billing for durable medical equipment.

We make changes for physicians. The BBA created a new system for physician payments based on a target rate of growth. The system includes bonus payments and reductions intended to create incentives to meet the target rate of growth. However, what we have done will cause payments to fluctuate widely, creating tremendous uncertainty in the physician communities and causing physicians who are out there trying to manage a clinic or their business to say: We can't depend upon HCFA. We can't depend upon a revenue stream. There is too much uncertainty in the system. We may opt out as a consequence.

They are facing a very big challenge in dealing with HCFA's representation that there may be fraud when, in fact, all that has occurred is there are a number of additional changes that will be very constructive for physicians, for Medicare+Choice, for rural health clinics, federally qualified health centers, and for hospice care where we have not had any rebasing of payments since 1982. It is a $1 billion—an extremely important program.

Unfortunately, we do not pay a lot of attention to the problem we are facing when individuals know for certain they are dying. Hospice addresses that. This is an important change, in my view, and I urge colleagues on both sides of the aisle to say, whether it is with the Daschle bill, which I support, or a bill that comes out of the Finance Committee, which I am apt to support as well: This is one of the things we need to do. We need to get this done.

I hope we can at least get some minimal changes in Medicare as well, but we need to address this.

Mr. BINGAMAN. Mr. President, I rise today to join my colleagues in introducing the ''Medicare Beneficiary Access to Care Act of 1999.'' I want to commend the leadership in the development of this legislation and hope

that the Congress will act upon this now, before we adjourn.

The bill is designed to modify some of the many, unforseen consequences of the Balanced Budget Act of 1997. Daily I receive letters and calls citing the negative impact of the Balanced Budget Act on access to patient care and to the delivery of quality care in an ongoing and coordinated fashion. In my State of New Mexico, the health care delivery system has been particularly hard hit. Essentially, the system for delivery of health care that we have worked so hard to attain is being eroded and must be bolstered before patients face a crisis.

I represent a state where 21 out of 33 counties are designated as health professional shortage areas. I represent a state that has seen an exodus of physician specialists and rural doctors this past year. Over the last year, New Mexico had 70 home care agencies close despite yeoman's efforts to keep these agencies open and serving our citizens. This represents closure of over 40 percent of our home health care agencies. We currently have one county, Catron, that has no home care entity available for serving patients. Failure to deal with the additional 15-percent cut that is slated to go into effect in October of 2000 would be the end of numerous other home health agencies throughout my state. It would be inexcusable not to address this issue this session.

Additionally, the system is further under stress in the nursing home arena. We have seen one nationally based entity declare bankruptcy and face the demise of others. Long term care facilities must be reimbursed at a level that reflects the acuity of the residents for whom they care. Long term care is key not only for the residents but for their families near and far.

Mr. President, several of my colleagues have addressed the issue of GME and the plight of our teaching hospitals. Hospitals have a multitude of services that they provide and which we should bolster. I must note, for example, that in New Mexico, declining Medicare reimbursement is forcing the only acute care hospital in Dona Anna County to close a 15 bed skilled nursing unit because of mounting financial losses. Realities such as this must make us mindful of the far reaching and adverse effects the BBA of 1997 is now having on communities and their residents. We want to ensure that no other facilities face closure.

Finally, I must add that rural and frontier clinics are critical components to care for seniors and others in the community with limited resources and serve to allow for timely, geographic access where there otherwise would be no health care available. I am pleased that some redress of their needs is provided in this legislation.

Others have outlined the components of this legislation and I will not repeat the specifics. It is sufficient to say, that these changes are needed to avert a crisis in the health care delivery system of this country, to maintain access to quality care for our seniors and to rectify problems for the system that were created inadvertently. We must act now to provide for easy access to quality, continued health care for our citizens.

I look forward to working with all of my colleagues here in the Senate to see that this legislation is passed prior to adjournment.

Mr. MURRAY. Mr. President, I am pleased to join with my Democratic colleagues in introducing this important legislation. In the Balanced Budget Act of 1997, we reformed the Medicare program to extend its solvency. In the past year, we have seen the dramatic and negative impact of those reforms on patients and health care providers. The bill we are introducing today will fix those unintended consequences and will ensure that millions of seniors have access to high quality health care. I urge the Republican leadership to act on it before we adjourn for the year.

Two years ago, the Medicare Program was in serious trouble—facing bankruptcy within 5 years. We had to make substantial changes to the program to extend its solvency. It was a painful and difficult process, but we made changes intended to slow the growth of Medicare expenditures.

And overall, it worked. Medicare is still functioning and is on a more sound financial footing.

But the revisions we implemented went too far. Let me give you an example. Based on the estimates we had at the time, our changes were supposed to reduce the overall growth in Medicare expenditures by $100 billion over 10 years. In reality, the changes we enacted will result in more than $200 billion in lost Medicare revenue for health care providers over the same period. This was not the order of change I supported.

And today we see that those revisions are hurting our health care providers and making it more difficult for them to give patients the high quality care they need.

When I meet with health care providers in my state, this is their top concern. Each day we delay making these corrections, we make it harder for them to ensure that quality health care is available to millions of seniors.

I have heard from hundreds of hospital administrators, home health care workers, doctors, rehabilitation therapists, teaching hospitals, skilled nursing facilities, and hospice providers. For example, I've received letters from Providence General Medical Center in Everett, Washington, from hospital caregivers at Prosser Memorial Hospital, from the University of Washington's School of Medicine and from hundreds of others. They have shared with me the impact of the 1997 changes and what it means for patient care. I believe the situation is critical.

If we fail to correct this, we will see hospitals closing. We will see home health agencies turning away patients. We will see skilled nursing facilities unable to take complex patients. We will see a devastated rural health system. Our health care system is in jeopardy.

The bill we are introducing today will go a long way toward correcting some of the unintended consequences of the Balanced Budget Act of 1997. I worked with my Democratic colleagues in drafting what I believe is a reasonable bill that provides immediate relief to hospitals, home health care agencies, skilled nursing facilities and hospice care to ensure that seniors in this country have access to quality, affordable health care services. The bill we have put forth is modest. It is not a cure-all, but it addresses the most pressing challenges. This is not about repealing the fiscal discipline imposed in BBA97. This is about adjusting the changes we made to reflect the current estimates. Our bill fixes the problems and provides legislative remedies. It does not jeopardize the solvency of Medicare. We can and should make changes to improve access and ensure access without jeopardizing solvency.

There is still much we have to address from quality care to affordable health insurance to prescription drugs. However, if the hospitals close or seniors are denied quality care, the ability to pay is not an issue. The very foundation of our health care system is at stake. This legislation is long overdue. We need to pass it and make the Medicare Program function better today.

Mr President, at the same time, we cannot forget that the entire Medicare Program will run out of money in 2015. So, I want to remind my colleagues there is still much work to be done to ensure Medicare remains a stable program that our children will be able to count on for their health care.

Mr. President, from my point of view, this Congress has failed on too many vital issues this year. This Congress failed to pass a real Patients' Bill of Rights—that would put patients and doctors, not insurance companies, in charge of their medical decisions. Earlier this week, this Senate failed our children, by cutting our commitment to putting 100,000 teachers in the classroom to reduce the size of our overcrowded classrooms. This Congress failed to help our farmers, and all those facing too many challenges in rural America. Let me just say, that I am not giving up or letting up on any of those fights—because they are too important. And let's not forget that this Congress even failed to do one of its most basic work—passing our appropriations bill on time, with real numbers—not gimmicks.

Mr. President, it is high time we bring some good news back to our constituents. I want my hospitals and health care providers, as well as the senior citizens in Washington State, to know I have heard their concerns and I recognize the dangerous implications of BBA97 on health care. It is high time

we show them we see the problems facing Medicare, we understand them, and we are acting to fix them. It is high time we move on our priorities. This is one of them. I urge my colleagues to support this legislation.

Mrs. LINCOLN. Mr. President, today I rise to voice my support for a bill which addresses the unintended consequences of the Balanced Budget Act of 1997. I am pleased to join my Democratic colleagues as an original cosponsor of the Medicare Beneficiaries Access to Care Act.

Since I've been in the Senate, one of the greatest concerns of Arkansans is the lowered Medicare reimbursement rate for a variety of services that resulted from the Balanced Budget Act. Yes, we must continue to rid our Medicare system of waste, fraud and abuse. That is a high priority for our government and it should remain so. However, when Medicare changes were made as part of the Balanced Budget Act of 1997, Members of Congress did not intend to wreak havoc on the health care industry.

Enough time has elapsed to know the unintended consequences of the Balanced Budget Act. Hospitals have lost tremendous amounts of money due to changes in the outpatient prospective payment system. Many hospitals in my state are on the brink of closing due to the tremendous financial losses they have suffered. Nursing homes have not been reimbursed by Medicare at rates that cover the cost of patients with acute care needs. Payments for physical and rehabilitation therapy have been arbitrarily capped. Teaching hospitals have lost funding to support their training programs. Home health agencies have been forced to absorb huge losses and limit services to the elderly. Rural health clinics have been forced to cope with even more losses and operate on a shoestring budget.

Not only do these cuts and changes in Medicare reimbursement wreak havoc on the health care community and force them to absorb unfair financial losses, but Medicare beneficiaries, the very people that Medicare was set up to help, lose access to critical services. We cannot allow our parents and grandparents to be denied access to coverage or receive limited medicare care because we didn't take action to correct the devastating cuts of the Balanced Budget Act.

As a member of the Senate Rural Health Caucus and a member of the Senate Special Committee on Aging, I care deeply about the quality of health care and our citizens' access to health care. Over the past few months I have cosponsored various pieces of legislation which address all of the abovementioned issues and the need to restore Medicare cuts. However, this legislation is ''all encompassing'' and if passed, would ensure that hospitals, skilled nursing facilities, physical therapy clinics, home health agencies, rural health clinics, and hospice programs receive important financial relief.

Above all, this legislation is about priorities. Ensuring the health and well-being of our Nation's seniors and most vulnerable citizens should be our highest priority. I thank my colleagues for their hard work on this proposal and I look forward to the quick passage of this legislation so we can deliver relief to our health care communities and let them know how much we value their services.

Mr. KERRY. Mr. President, I am pleased to join with Senators DASCHLE, KENNEDY, ROCKEFELLER and others to introduce the Medicare Beneficiary Access to Care Act of 1999.

In July, during consideration of tax relief legislation, I offered an amendment on the floor of the Senate to carve out $20 billion from the tax bill and devote it towards relief for Medicare providers from the unintended consequences of the Balanced Budget Act. Although the amendment received the support of 50 Senators, including seven of my Republican colleagues, it did not gather the necessary three-fifths majority required for passage. Today's legislation, a $20 billion package of specific measures to address the shortcomings of the Balanced Budget Act, represents the embodiment of our continued commitment to ensure that this relief is enacted before the end of the congressional session.

Mr. President, I cannot fully express the urgency of this matter. Here in Washington, we often throw around numbers with little realization of the real impact on America's communities. In this instance, I assure you, the impact is real. Take the town of Quincy, Massachusetts, population 88,000, and the birthplace of former presidents John Adams and John Quincy Adams. As we introduce this bill, the community hospital in Quincy, Massachusetts stands at the edge of closure. Jeffrey Doran, the hospital's CEO, has been working overtime to ensure that if the hospital closes, patients will be safely transferred to health care providers outside the community. Over the past several weeks, I have been on the phone multiple times with our State leaders asking them to step in and provide the needed relief where the Federal Government has failed. Failed, Mr. President, because the Medicare cuts enacted in 1997 have gone above and beyond what we intended or desired. The budget savings have exceeded the levels we envisioned at the time of enactment.

Alternatively, Mr. President, let's take a look at the home health care industry. Home health care providers deliver rehabilitative services to Medicare beneficiaries in the safety and comfort of their home. In the State of Massachusetts, just since passage of the Balanced Budget Act, we have witnessed the closure of 20 home health care agencies who are no longer able to cover their costs as a result of cuts in Medicare payment reimbursements. The same is true with our nursing homes and extended care facilities.

And just to provide some perspective, the cost of the legislation we introduce today amounts to less than three percent of the cost of the tax bill President Clinton vetoed last month. The cost of the entire bill is less than one provision in the tax bill to subsidize the interest expenses of American multinational corporations operating overseas. In fact, we could have passed this bill, repealed the interest expense provision, and saved American taxpayers an additional $4 billion.

What a sad reflection on our state of affairs when the Senate would approve a tax provision to expand eligibility for Roth IRAs for people making over $100,000 a year, a provision that would cost over $6 billion, but has yet to address the dire needs of our teaching hospitals. A full legislative remedy for the Medicare payment problems facing teaching hospitals would cost $5.7 billion.

Mr. President, the time will come for this debate, and the time will come before we adjourn. The bipartisan support exists. Let's keep the doors of our teaching and community hospitals, nursing homes, home health care agencies, and rural clinics open. Let's accept responsibility for the unintended effects of our previous legislation. Let's not wait any longer.

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2000—Continued

The PRESIDING OFFICER. The Senator from Oklahoma.

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

The PRESIDING OFFICER. S. 1650, the Labor-HHS appropriations bill.

AMENDMENT NO. 1851

(Purpose: To prevent the plundering of the Social Security Trust Fund)

Mr. NICKLES. Mr. President, I call up amendment No. 1851.

The PRESIDING OFFICER. The clerk will report.

The legislative assistant read as follows:

The Senator from Oklahoma [Mr. NICKLES] proposes an amendment numbered 1851.

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

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

The amendment is as follows:

At the appropriate place, insert the following:

SEC. . PROTECTING SOCIAL SECURITY SURPLUSES.

(a) FINDINGS.—Congress finds that—

(1) Congress and the President should balance the budget excluding the surpluses generated by the Social Security trust funds; and

(2) Social Security surpluses should only be used for Social Security reform or to reduce the debt held by the public and should not be spent on other programs.

(b) SENSE OF THE SENATE.—It is the Sense of the Senate that conferees on the fiscal

year 2000 appropriations measures should ensure that total discretionary spending does not result in an on-budget deficit (excluding the surpluses generated by the Social Security trust funds) by adopting an across-the-board reduction in all discretionary appropriations sufficient to eliminate such deficit.

AMENDMENT NO. 1889 TO AMENDMENT NO. 1851

(Purpose: To prevent the plundering of the Social Security Trust Fund)

Mr. NICKLES. Mr. President, I send a second-degree amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative assistant read as follows:

The Senator from Oklahoma [Mr. NICKLES] proposes an amendment numbered 1889 to amendment No. 1851.)

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

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

The amendment is as follows:

Strike all after the first word, and insert the following:

PROTECTING SOCIAL SECURITY SURPLUSES.

(a) FINDINGS.—Congress finds that—

(1) Congress and the President should balance the budget excluding the surpluses generated by the social security trust funds; and

(2) social security surpluses should only be used for social security reform or to reduce the debt held by the public and should not be spent on other programs.

(b) SENSE OF THE SENATE.—It is the Sense of the Senate that Congress should ensure that the fiscal year 2000 appropriations measures do not result in an on-budget deficit (excluding the surpluses generated by the Social Security trust funds) by adopting an across-the-board reduction in all discretionary appropriations sufficient to eliminate such deficit if necessary.

Mr. NICKLES. Mr. President, the modification of the amendment is very minor and technical. I will tell you what it is:

It is the sense of the Senate that the Congress should ensure that the fiscal year 2000 appropriations measures do not result in an on-budget deficit (excluding the surpluses generated by Social Security trust funds) by adopting an across-the-board reduction in all discretionary appropriations sufficient to eliminate such deficit. . . .

The original amendment I filed said it is the sense of the Senate that conferees would make sure they did not dip into Social Security funds. Now I am saying the Congress should make sure we do not dip into the Social Security funds and, if necessary, that we have across-the-board reductions in spending to make sure we do not touch Social Security funds.

I have stated—and I think all of our colleagues on both sides of the aisle have done so as well—that we do not want to touch Social Security, we absolutely do not want to touch the Social Security trust funds.

We are going to have a surplus next year and it is in large part, if not totally, because of the Social Security surplus. Many have drawn the line and said: We are not going to touch that. Maybe because of emergencies we will spend the non-social security surplus. Those funds may well be spent—as a result of the hurricane, agricultural disasters, the events in Kosovo or East Timor, or whatever. There may be some emergencies that that $14 billion is going to be spent on, but absolutely not a dime more.

As we total all of these appropriations bills—the numbers are growing, or at least some people are trying to make them grow. I am saying that no matter what we do, at the end of this process, we will have across-the-board cuts if they are necessary. Hopefully, we won't have to. If we do our jobs, we will not need to have across-the-board cuts.

Senator STEVENS, the Appropriations chairman, said we are not going to need the cut because he is going to make sure we come in below the amounts necessary. He said that he will make sure outlays do not exceed the level that would intrude upon or have us spend Social Security trust funds. I respect that and I agree with it. But just in case I am saying—let's go on record; let's make sure that, if necessary we will have across-the-board cuts.

What are we talking about? I have added up all the bills. Just for the information of colleagues, I have added up all the bills including the Labor-HHS bill we have before us. If you add them all up, we are about $5 billion into the Social Security surplus right now. According to the calculations I am using, the same ones I believe CBO and OMB are using, we are about $5 billion over. That is about $5 billion out of $500 billion on discretionary spending. It equals about 1 percent.

I hope we can avoid an across-the-board cut. I do not think it is the best way to govern because we should be making reductions throughout the process. But, it may be necessary if we can not accomplish the FY 2000 appropriations without dipping into Social Security.

Incidentally, in the bill we have before us, I see we have about a $2 billion increase in NIH, about $1.7 billion more than the President's request; we have $2.3 billion more in education spending; we have $500 million in administrative expenses in the Department of Labor, and much, much more. There is a lot of squeezing we could do. Even if we went to the President's numbers on a few items, we could save $3.5 billion or $4 billion.

So I hope an across-the-board cut will not be necessary. But I think it is important we do whatever is necessary to make sure we do not raid the Social Security trust fund. A lot of us agree with that rhetorically, but we should make sure that each and every one of us mean it.

I have heard some of my colleagues saying: Well, we need to make some fixes in various areas such as Medicare, to correct some of the mistakes made in the Balanced Budget Act of 1997. I will just say that there are many on this side of the aisle who are willing to make some adjustments in Medicare. We understand that some of the assumptions and some of the guesstimates were inaccurate and fell disproportionately on some different areas. So we are willing to make some adjustments.

Medicare is an important issue and I am very disappointed that the administration would not work with and support the Bipartisan Commission on Medicare, to make significant, real reforms that would help save Medicare long term. The idea that the administration is going to save Medicare by putting an IOU into the Medicare fund, is baloney. It is false, it is misleading, it is deceptive, and it does not do anything to save Medicare.

My colleagues have just talked about introducing a proposal that will greatly increase Medicare spending. We are willing to make some adjustments. I do not use the word ''fix'' because you are not going to fix it with a few Band-Aids.

A lot of us are somewhat knowledgeable on the issue, and we are willing to take the bipartisan efforts of the Breaux Commission and put together some positive solutions to help save Medicare for several years. Maybe we can only do a Band-Aid this Congress.

Frankly, I think we could and should do more. Certainly this Senator, and others on this side of the aisle are willing to work toward that. It is the administration that has been unwilling to dedicate itself to saving Medicare and as a result they have withdrawn their support of the Medicare proposal that was chaired by Chairman BREAUX and Congressman THOMAS.

Regardless, I hope we can lay aside the partisan guns and ask ourselves what we need to do to fix the system? I know Senator KERREY of Nebraska worked on that commission and did some outstanding work. Frankly, I think there are many of us who want to help fix and save Social Security, not just apply a few Band-Aids to alleviate a few of the problems. We are willing to try to work to help fix the entire system.

In working on these various appropriations it has become apparent that there is no limit to the appetite of some members of this body to spend money. Democrats yesterday offered about $3 billion of additional spending on the Labor-HHS bill that is already growing by tremendous amounts. Chairman SPECTER has already come out with an amount that was $2.3 billion over last year. Obviously, no matter what is reported out of committee, it is not enough, so we have to have billions more.

I think the appropriations process is getting a little faulty when we start appropriating so many years in advance. I do not quite subscribe to some of the games that are being played. And how much money can we move forward? We are seeing this happen time and time again.

Incidentally, the administration's budget had $19 billion in forward funding. And now, evidently, the process will come out closer to $19 billion or $20 billion, but that is still not enough.

I know the Medicare fixes are going to cost money. My point is, I already said, before we have the add-ons, we are $5 billion into the Social Security trust funds. We are going to have to make those adjustments in the conferences in the next couple weeks. It is going to have to happen. It is going to have to happen by people working together. If, for some reason, these conferences come out and exceed the amount and raid Social Security, we should have across-the-board reductions to stop it, to make sure we do not raid Social Security.

Maybe with the momentum for popular programs and we can't say no—if we do not have the collective will to say we are going to vote down and vote no on some of these appropriations bills, then let's set up a mechanism to say the bottom line is, if these amounts are so large that they actually raid Social Security, we are going to have to say no by having across-the-board reductions.

I hope that is not necessary. I do not expect it to be necessary. I think when it is all said and done, and the budgeteers finally start scrubbing these numbers—the CBO and Budget Committee—Democrats as well as Republicans will say: Wait a minute, let's limit the appetite of growth in spending and make sure we do not raid Social Security. That is the purpose of this amendment. It is a sense of the Senate.

Frankly, I was considering budget language that would implement it. Senator STEVENS has pointed out he will make a budget point of order that it is legislation on appropriations. But at some point we are going to have to get serious and say we are not going to touch Social Security.

At this point, I offer this sense of the Senate. I hope 100 Members of the Senate will support it. I am hopeful we will not need it, but we will have it if necessary to make sure—absolutely sure—that we do not touch the Social Security trust funds in our spending programs. Let's make absolutely positive that does not happen for the fiscal years 2000 and 2001 or for the foreseeable future.

Mr. President, I thank my colleagues and yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, I listened, with interest, to the comments made by my colleague from Oklahoma. I read his amendment. All I can say is I will use a term that is very popular out in the Midwest: It is like closing the barn door after you let the horse out.

I would have to ask my friend from Oklahoma—he's part of the Republican leadership—I wonder if he has talked to himself lately.

I wonder if he has talked to the other Republican leaders.

This is a great sense-of-the-Senate resolution, but the fact is, the Republican leadership has already dipped into Social Security. Don't take my word for it; take CBO's word for it. They have already dipped into it.

Mr. NICKLES. Will the Senator yield?

Mr. HARKIN. Let me finish a couple of things, and then I will. We will get into a dialogue on this.

Mr. NICKLES. I want the Senator to be factual.

Mr. HARKIN. ''GOP Spending Bills Tap Social Security Surplus, CBO Cites Planned Use of $18 Billion.'' This was in the paper yesterday:

> On the same day House Republicans launched a new attack charging Democrats with ''raiding'' Social Security to fund spending programs, congressional analysts revealed that the GOP's own spending plan for next year would siphon at least $18 billion of surplus funds generated by the retirement program.
>
> Yesterday's report by the nonpartisan Congressional Budget Office seemed to undermine a concerted GOP effort to blame President Clinton for excessive spending and gain the high ground in the high-stakes political battle over Social Security.

There it is. They already have dipped into Social Security. We have already used up the non-Social Security budget of $14 billion, according to CBO. Actually, it was by $19 billion, but that included about $5 billion that was in the tax scheme they came up with, which the President vetoed. So we get that back. We are about another $15 billion into Social Security already.

Again, this is a great sense-of-the-Senate resolution. The fact is, though, the President sent a budget this year that was balanced, that met all our needs. I might have wanted to add a few things here and jiggle a few things there, but there were some penalties on tobacco companies in that budget. But, no, the Republicans, they don't want to penalize the tobacco companies, oh, no. Hands off the tobacco companies. We can't penalize them. But what we can penalize are the elderly on Social Security. They can pad the budget on the Pentagon. They added more to the Pentagon budget than what the Department of Defense even asked for. We have been playing all these shell games all year, moving money around.

Well, we have a plan, and we have had a plan, to be able to balance the budget, fund these programs by not dipping into Social Security but by penalizing the tobacco companies that fail to reduce teen smoking.

It seems to me we could beef up our efforts to reduce Medicare waste and abuse. There is $13 billion right there, by the latest estimates. How about legislation that would save money by reducing student loan defaults and cutting excessive administration fees that we pay to banks for student loans? How about reducing some corporate welfare? How about closing some special interest tax loopholes?

No, no, the GOP, the Republicans don't want to do that. They want to cut education and health care. Oh, yes, and the earned income tax credit; that is their latest scheme. I see in the paper this morning that their frontrunner for the Presidency, Governor Bush of Texas, couldn't even swallow that one. He said: What are the House Republicans doing? He said: I am against balancing the budget on the backs of the poor. Obviously, House Republicans want to do that; evidently, a few Republicans over here, too, want to use the earned income tax credit to pay for their schemes and for the faulty budgeting they have done.

I say to my friend from Oklahoma, I may come up with a second degree. I guess he has already second degreed it. We can second degree it again. We will have a vote on that. I think we need a sense-of-the-Senate resolution that we send the Republican leadership back for remedial math so they can add things up a little bit better.

I yield to my friend from Oklahoma, having said that; I yield for a question anyway.

Mr. NICKLES. Let me make a couple of comments.

Mr. HARKIN. Does the Senator want me to finish and yield the floor?

Mr. NICKLES. If the Senator doesn't mind.

Mr. HARKIN. Mr. President, again, don't take my word for it. Read the CBO's letter, dated August 26, almost a month ago. Things haven't gotten any better. You can read it in the newspapers. You can add it all up for yourselves.

This is what they have done, all these schemes. Now they are going to designate the census as an emergency. Thomas Jefferson could have told you there was going to be a census in the year 2000, but they think it is an emergency.

I said they want to delay the tax cut for low-income Americans, the one program that helps get people from welfare into work, the earned income tax credit. They want to cut that down to pay for their schemes and their tax cuts for the wealthy. They are using two sets of books—CBO books, OMB books, one or the other, whichever make it look good on any one day or the other. They want to spread one year's funding over 3 fiscal years. They propose to defer approximately $3 billion in temporary assistance for needy families, TANF block grants, from fiscal year 2000 to 2001.

The schemes go on and on and on, all because, it seems to me, the Republicans looked at the Clinton budget that was sent down this year, which was balanced, which moved us ahead in the areas of education and health, which moved this country forward but had some penalties on tobacco companies and some offsets, as we call it around here, which means we pay for some of this by penalties on the tobacco companies. It is obvious to me the Republicans said, no, we can't touch the tobacco companies.

All year we have been having this jiggling going back and forth and back and forth about where they are going to come up with the money to fund the extra $4 billion that they put onto the Pentagon. Where are we going to come up with the extra money to pay for their tax breaks for the wealthy? So on and on, we get these schemes; they keep bouncing around.

Now we are told that defense, I guess, is going to be an emergency. That is the latest scheme. The defense bill is now going to be an emergency bill, but there is no emergency out there.

As I said, you can have a sense-of-the-Senate resolution which says we should adopt an across-the-board reduction if we don't have a balanced budget. But quite frankly, why don't we have some penalties on the tobacco companies? Rather than cutting health care for the elderly, rather than cutting education for our kids, which his sense of the Senate would do, why don't we have some penalties on the tobacco companies for their failure to reduce teen smoking? CBO told us that would raise, if I am not mistaken, about $6 billion. There is $6 billion we could get right there for teen smoking.

That is where we are. I find it odd, kind of amusing, kind of bemusing, I guess, that the Senator from Oklahoma, one of the leaders on the Republican side, would offer this sense-of-the-Senate resolution. As I said, they have already dipped into Social Security. Now he wants to close the barn door.

All I can say is, too little and too late. I think the Senator from Oklahoma needs to have some remedial math.

I ask unanimous consent to print in the RECORD the article from which I quoted.

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

[From the Washington Post, September 30, 1999]

GOP SPENDING BILLS TAP SOCIAL SECURITY SURPLUS—CBO CITES PLANNED USE OF $18 BILLION

(By Eric Pianin and Juliet Eilperin)

On the same day House Republicans launched a new attack charging Democrats with ''raiding'' Social Security to fund spending programs, congressional analysts revealed that the GOP's own spending plan for next year would siphon at least $18 billion of surplus funds generated by the retirement program.

Yesterday's report by the nonpartisan Congressional Budget Office seemed to undermine a concerted GOP effort to blame President Clinton for excessive spending and gain the high ground in the high-stakes political battle over Social Security. Indeed, only hours before the report was released, House GOP leaders unveiled a national advertising campaign vowing to ''draw a line in the sand'' in opposing Democratic spending initiatives that they said would eat into the Social Security surplus.

But in a new analysis, CBO Director Dan L. Crippen shows that lawmakers writing the spending bills that would fund government next year have already used up billions of dollars of funding beyond what they were supposed to spend under existing budget restrictions.

As a result, he shows, lawmakers will have to dip into the projected government surplus next year of $167 billion to fund programs at the level they are targeting. Because almost all of that surplus will be created by extra money rolling into the Social Security program, Crippen suggests that as much as $18 billion will have to be drawn from the retirement program.

This is up from an August CBO estimate that showed Congress on the way to spending $16 billion of the Social Security surplus, but it does not include the extra spending lawmakers are likely to approve for hurricane and earthquake relief, restoring cuts in Medicare and other needs that could drive the number even higher.

The country has more than enough surplus funds to accommodate the new spending plans under consideration on Capitol Hill, but the CBO numbers are likely to sharpen the intensifying political debate over Social Security. Although the government has routinely tapped Social Security to fund other agencies in years past, both parties have elevated protection of the retirement program to the highest priority this year.

''What the Republicans are protesting in their ad campaign they already are guilty of themselves, and have been for two months now,'' said Rep. John M. Spratt Jr. (S.C.), the Ranking House Budget Committee Democrat who requested the CBO study. ''They're . . . invading the Social Security surplus, and these are conservative numbers.''

But one GOP lawmaker said the CBO numbers are premature because Congress has yet to complete work on all the 13 spending bills, implying that the numbers could change. ''To somehow suggest that CBO says the funding level is going to be this or that for fiscal year 2000 is completely hypothetical,'' said Rep. John E. Sununu (R-N.H.), a member of the Budget Committee.

GOP lawmakers remained defiant yesterday. ''Under no circumstance will I vote to spend one penny of the Social Security surplus for anything but Social Security,'' House Majority Whip Tom DeLay (Tex.) said during a media event dubbed ''Stop the Raid.''

Although Clinton and congressional leaders have agreed to a three-week extension of Friday's budget deadline in an effort to iron out their differences over sensitive spending issues, the two sides still appear to be far apart on numerous issues. If anything, the GOP may be forced to accept even more spending—and to dip further into Social Security—to accommodate Clinton.

By far the biggest fight is likely to be over the huge labor, health and education spending bill, which trims or guts many of Clinton's education initiatives, including his call for the hiring of 100,000 new teachers. The Senate began debating its version of the bill yesterday and voted 54 to 44 to kill an effort by Sen. Patty Murray (D-Wash.) to restore funding for the hiring of more teachers. Instead, senators approved a plan providing $1.2 billion that states could use for hiring teachers or other education goals.

The House Appropriations Committee is scheduled to vote today on what the administration considers a far more draconian version of the bill, and there is certain to be a major dustup not only on funding levels but also on how Republicans intend to pay for the additional spending in the bill.

In an effort to keep from drawing on Social Security, House Speaker J. Dennis Hastert (R-Ill.) outlined a plan to delay the earned income tax credits to the working poor to save $8.7 billion from the bill next year.

Republicans defended the measure, saying that it would encourage better monthly planning by the beneficiaries. But critics said it would create undue hardship on people struggling to stay off welfare, and senators are balking at the idea.

Hastert has been under pressure from some of his House colleagues not to make significant concessions to the White House, but criticism seemed to recede after the speaker delivered an unequivocal declaration yesterday that Republicans would safeguard the Social Security surplus.

Meanwhile, White House Chief of Staff John D. Podesta, who addressed Democratic lawmakers yesterday morning, called the GOP's spending approach ''crazy'' and said ''the budget process is headed toward chaos.''

Overall, Congress made little progress in completing work on the overdue spending bills. Faced with opposition from both Democrats and antiabortion Republicans, House leaders were forced to postpone a vote yesterday on the foreign operations spending bill.

The agriculture budget bill was also held up, a GOP leaders scrambled to line up enough signatures to force it out of a contentious conference committee. Yesterday, Democrats as well as several Republicans accused the GOP leadership of shutting down the committee in order to kill a provision lifting trade sanctions on Cuba.

Mr. NICKLES addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. I tell my colleague from Illinois, I will be very brief, a couple comments.

I ask unanimous consent to add Senators GREGG and GRAMM as original sponsors of the amendment.

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

Mr. NICKLES. Very briefly, we don't have to debate all the budget assumptions.

My colleague pointed out a lot of things he has read in the paper that different people have tried. The earned income tax credit, frankly, needs to be reformed. About 24 percent of that program is waste and fraud. It needs to be reformed, but we are not going to do it. I am probably the biggest proponent of reforming the program, but I have already said it shouldn't be done in this bill and it will not be done in this bill. It is not in the Senate bill. You haven't seen it; you are not going to see it in the conference report. At least that is my intention.

The Senator mentioned a few other things. My point is, we don't have to play games. He mentioned tax cuts. We don't have a tax cut in this bill.

When it is all said and done, let's not raid Social Security. The Senator said we are going to have to cut education. We have more money in the bill that is pending than the President requested for education. Even if we had an across-the-board cut to make sure we didn't touch Social Security, we would still have more than the President requested. There is $500 million more than the President requested in this bill for education, and if we had an across-the-board cut, it still comes out. There would still be more money than the President requested, and almost $2 billion more than last year. My colleague said: Hey, the horse is out of the

barn. Well, it is not out of the barn. We have a lot of horses in the barn. Big horses are still there, such as the Defense bill, Labor-HHS. Those are two bills that are expensive. Most of the other bills are coming in at last year's level, maybe a little less. There are big increases in Labor-HHS and in the Department of Defense. Those are not out yet. Defense is close to being finished.

If Defense and Labor-HHS, Commerce-State-Justice, and HUD, come in too high—we do not know yet because they haven't been reported out, but if they raid Social Security, let's cut everything across the board. That is what this says. I hope they don't. I absolutely believe if I had my say-so, they would not. But I am just one person.

I think if the conferees show some restraint, and if we show some restraint on Labor-HHS, on the Department of Defense, and on the remaining bills, we don't have to touch Social Security, not one dime. But if, for some reason, we are not able do it, with the Agriculture bill for instance, the Agriculture bill emergency funding, as designated has blown from $6 billion to $8.7 billion; it grows by $1 billion every few days. I question that. I may vote against it. I think it has grown too much.

I have a lot of farmers in my State who are going to be quite upset when I vote against it, but I may well because I think it is getting ridiculous how much we are spending. Even if we do, that will be classified as an emergency; but I don't care if it is called emergency or regular outlays. If it starts dipping into Social Security, this resolution says let's cut all spending enough to make sure we don't. Are we going to draw the line and stop at a certain level or not?

Let me make one other comment because we have heard a lot of discussion on Medicare. President Clinton's budget proposal proposed to freeze hospital payments. How many of us have had hospitals coming up here and saying: You have cut too much? The President's proposal was to cut it more. Nobody has talked about that. My colleague says President Clinton's budget was balanced. It was not. The President's budget, according to CBO, still raids Social Security by $7 billion in 2000. I am saying, no, let's not let Congress do it, or the President; let's not do it. But if we have to, let's have an across-the-board cut and cut everybody a little bit.

Right now, the projections are that maybe it would take 1 percent if we don't show a little restraint. We can show a little restraint. We can save a measly $5 billion out of $500 billion of appropriations that have not been passed. We can do that, and we should. Absolutely. I am going to be disgusted if we don't do it. We used to have Gramm-Rudman-Hollings that provided for an automatic sequester if we didn't meet certain targets. I prefer that we not touch Social Security, but if we do, let's cut across the board so it is a small percentage.

I urge my colleagues to seriously consider that and, hopefully, pass this resolution when we vote next week.

I yield the floor.

Mr. HARKIN. Mr. President, I think the Senator and I do agree we should not raid Social Security. But I think it already has been under some of their proposals. That could be open for debate. The Senator says let's make an across-the-board cut if at the end have gone overboard. I made a list of some of the things we could cut, such as $13 billion in Medicare fraud and abuse; $6 billion in tobacco penalty; $2 billion in student loan guarantees, as fixes that we can make; $10 billion in corporate welfare; $4 billion cut in Defense to get just to the DOD request. That is about $35 billion. Why don't we take some of that money, if we have to, rather than cutting education and community health centers? That is what the Senator from Oklahoma would propose, if I am not mistaken.

Mr. NICKLES. Mr. President, my colleague has made several references about Republicans cutting education. I have called him on it in the past, and I am calling him on it again. The budget we have before us increases education by $2.3 billion. If you took what I said, cut 1 percent, that increases education from $35 billion to $37 billion. And that is a $2.3 billion increase. So I keep hearing him say Republicans are cutting education, and it has grown every single year.

I think he needs to stay with the facts. If you adopted this draconian proposal, you would reduce the growth of education from maybe $2.3 billion to $2 billion, which is still a big growth. So I want to make clear there is too much rhetoric that is too inaccurate which says Republicans are cutting education, when education is growing by over $2 billion in this bill.

Mr. HARKIN. If the Senator will yield, the last time I checked, the Republicans do run the House of Representatives. Their education budget is below that. Ours is up a little bit, but you know what happens when you go to conference. And who runs the conference? The Republicans. I am saying, we may be up in the Senate, but the Republicans run the House and they have cut it down below. That is my point.

The Senator said education was up. But under the Senator's scenario of an across-the-board cut, obviously, education would be cut, as would community health centers and Head Start, because it would be across the board. I am saying, if we want to have a balanced budget, which we do, where do we cut?

Why won't the Senator accept penalties on the tobacco companies? The CBO gave us scoring of $6 billion just from penalties on tobacco companies for not reducing teen smoking to the level they said they were going to do. That is $6 billion right there. Yet the Senator doesn't seem to be willing to even entertain that as a possible source of revenue. No, he wants to cut across the board.

So, again, this debate will continue, obviously, for the remainder of the fall as we get into the final crunch on our bills around here. But it seems to me that to have a sense-of-the-Senate resolution that we do an across-the-board cut, without looking at some other things—as I mentioned, there are $2 billion in student loan guarantee fixes we can make, and the tobacco penalty I talked about, or bringing Defense back down to the DOD request. There are a whole bunch of things we can look at that will still let us increase Head Start and education, community health centers, all the things that meet human needs and invest in the human resources of our country, rather than doing it as the Senator from Oklahoma has suggested.

I yield the floor.

Mr. DURBIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. DURBIN. Mr. President, I would like to change the mood a little bit and wish all of my colleagues a happy new year. Here we are on October 1, a new fiscal year. I wish to say it is a pleasure to be in the Senate debating the spending bills for our Nation, and it is a pleasure to have the resolution brought by my friend, the Senator from Oklahoma.

I have to agree with the Senator from Iowa; it is hard for some people to keep a straight face when the Congressional Budget Office reported just 2 days ago that the Republican leadership in the House and Senate is already $18 billion into the Social Security trust fund, and we are considering a sense-of-the-Senate resolution that says, by all means, we are never going to touch the Social Security trust fund. I don't think we can pull that off with a straight face. I think the American people are going to see through that. I think they understand what is happening. They understand we have not met our new year's deadline of October 1 and passed our spending bills.

But very few Congresses ever do, in all fairness. What is different about this Congress is, here we are on October 1 and we don't have a clue how to finish. We don't have a dialog between the President and Congress to try to bring us to a reasonable, bipartisan conclusion. Instead, as my old friend, Congressman DAVID OBEY of Wisconsin, used to say: ''Too many people are posing for holy pictures here.'' They want to be known as the person who ''saved'' this or that.

I think the American people expect candor and honesty from us. Candor and honesty would tell us several things. First, if we are so desperate now that we want to do across-the-board cuts in spending, why in the world were we ever discussing a $792 billion tax cut? That was the Republican mantra a few weeks ago. We have so much money, we can give away $792 billion. Well, the American people were

skeptical and folks on this side of the aisle were also skeptical, and they dropped the idea. But now they come back and say we are in such dire straits that we have to pass this sense-of-the-Senate resolution to discipline ourselves, keep our hands off Social Security.

Some of the schemes the Republican leaders are coming up with to try to end this budget debate are, frankly, not only greeted with skepticism by Democrats, but even by fellow Republicans. Gov. George W. Bush of Texas, yesterday, took a look at the House Republicans' proposal to end this budget impasse, and this is what he said:

I don't think they [Congress] ought to balance their budget on the backs of the poor. I am concerned for someone who is moving from near poverty to middle class.

The nominal front runner for President of the Republican Party has tossed congressional Republicans overboard because of their extremism and their budget policy. What is it they want to do? They want to cut the earned-income tax credit—a credit that goes to 20 million low-income working Americans to help them get by. That is their idea. Some would argue that is painless. I don't think anyone among the 20 million families would. They understand that can hurt a family when they are trying to meet the basics.

The balanced budget amendment which is being debated on the floor—and the reason I came over—passed in 1997, established caps on spending and wanted to make some cuts in areas such as Medicare to save money to move forward a balanced budget. It was a sensible thing to do. I supported it. I did not believe that I was in any way voting for the Ten Commandments. I thought instead I was voting for a reasonable legislative attempt to bring this budget into balance.

But I will tell you that at this point in time I don't believe Senators on either side of the aisle can ignore what is happening across America when it comes to health care.

I support the legislation introduced by Senator DASCHLE this morning. I have my own bill, introduced a few days ago, which is very similar which tries to come to the rescue of many of these hospitals across America.

I am worried about the sense-of-the-Senate resolution that is pending now before the Senate because it suggests we can ignore problems such as this. And we certainly cannot.

As I travel across my State, I find hospitals are really in trouble, particularly teaching hospitals. In Illinois, we have about 66 teaching hospitals. These are hospitals where young men and women are learning to be the doctors of tomorrow. It is not the most cost-efficient thing to do at a teaching hospital. You have to take extra time to teach, and many insurance companies don't want to pay for that now that Medicare is not reimbursing adequately for it. Hospitals come to me—St. Francis Hospital in Peoria, St. Johns Hospital in Springfield, hospitals in Chicago, and all across the State—and say: If we are going to meet our teaching mission, we need help.

I think Senator DASCHLE is right. Before this Congress pats itself on the back and goes home, we need to address this very serious problem—this problem that could affect the quality of health care, the quality of future doctors, and not only teaching hospitals as educational institutions but also because they take on the toughest cases. These are the academic and research hospitals which try to institute new procedures to deal with disease and try to find ways to cure people in imaginative ways. We don't want to in any way quell their enthusiasm and idealism. Unfortunately, these Medicare cuts are going to do just that.

I might also add that these teaching hospitals in my State account for 59 percent of charity care. In other words, the poorest of the poor who have no health insurance, who are not covered by Medicaid, who may be working poor, for example, come into these hospitals. They are taken care of free of charge.

If the Senator from Oklahoma thinks we can just walk away from this, make a 1-percent cut and go home and accept that as the verdict of history, I think he is wrong. I think, frankly, whether you are in Texas, Oklahoma, Iowa, Nebraska, or Illinois, these hospitals are in trouble. Rural hospitals are in trouble, as well.

These hospitals have seen dramatic cutbacks in reimbursement. In my part of the world, these hospitals are a lifeline for farmers who are injured in their farming operations or in traffic accidents. These small hospitals keep people alive. If we turn our backs on them and say that because we are enmeshed in some theoretical budgetary debate we can ignore what is happening to these hospitals, we are making a serious mistake. Some of the hospitals may close, some will merge, some will be bought out, some may keep the sign on the door that you have seen for years, but what is going on inside the hospital is going to change. It is going to change for the worse instead of the better.

When we consider sense-of-the-Senate resolutions that try to strike some position of principle—and I respect the Senator from Oklahoma for his point of view—I say: Let's get down to the real world.

Let's be honest with the American people in the closing days of this budget debate. And I sincerely hope we are in the closing days of this debate. Let's tell them what is going on here.

We are no longer awash in red ink as we have been for 20 years. We are starting to move toward a surplus. The economy is strong. We feel good about that. We would borrow less from Social Security this year, if it is held to $5 billion, than probably any year in recent memory, and all of it will be paid back with the interest. We would use it to meet emergency needs of America—such as the farm crisis the Senators from Iowa and Nebraska have shown such leadership on—and we would be responsive to these crises at a time when what is at stake is, frankly, a major part of our economy and a major part of America.

Second, we would address the health care needs of this country. If we think we can go home and beat our chests about how pure we were in the budgetary process and don't lift a finger to help these hospitals that are struggling to survive, we will have made a very serious mistake.

I salute the Senator from Iowa and other colleagues, such as Senator BOXER of California and Senator MURRAY of Washington, who have tried to make sure this Labor-HHS bill does not lay off 29,000 teachers at the end of this school year. This bill would do it. The bill that some Republican Senators are so proud of would lay off 29,000 teachers across America because of cuts that are made in that bill and 1,200 teachers in my home State of Illinois.

Is that how we want to welcome the new century? Is that how we want to tell our kids we are going to greet a new generation, by laying off teachers and increasing class size? No.

There are important priorities for us to face. I sincerely hope before we get caught up in some theoretical debate, as Senator HARKIN has said, about whether the horse is out of the barn, that we talk about whether or not we are going to protect Americans in their homes and protect them in their communities.

I support Senator HARKIN's remarks. I support—maybe one of the few times—Gov. George W. Bush, who has reminded his congressional Republicans to keep their feet on the ground and to realize there are real people out there who, frankly, are going to be injured and damaged and their lives changed if congressional Republicans have their way in this budgetary process. Governor Bush is on the right track. We will stay tuned to see if he stays there.

I sincerely hope before we leave and before we think we have completed our responsibility that we will pass a budget we can explain to American families is in their best interests.

I yield the floor.

Mr. BYRD. Mr. President, yesterday afternoon I voted against Senator HUTCHINSON's amendment to transfer $25 million from the budget of the National Labor Relations Board (NLRB) to increase funding for community health centers. I am not opposed to expanding the services provided by community health centers—to the contrary, I believe they are an important element in health care delivery in West Virginia.

However, Mr. President, the National Labor Relations Board is also important to West Virginia. During the first half of this century, labor conditions in West Virginia coal mines, and the resulting growth in unions, led to a virtual state of war, in some instances.

Having an orderly process in place to resolve these kinds of issues, such as that managed by the NLRB, helps to keep management-labor-union relations on a civilized path.

The National Labor Relations Board is an independent agency created by Congress to administer the National Labor Relations Act, which is the primary law governing the relationship between unions and employers in the private sector. The NLRB has two principal functions: first, to determine, through secret ballot elections, if employees want to be represented by a union in dealing with their employers; and second, to prevent and remedy unfair labor practices by either employers or unions. The NLRB investigates violations of the National Labor Relations Act, seeks voluntary remedies to violations, and adjudicates those businesses that refuse to comply with the Act.

Opponents of the NLRB have been eager to eliminate it in recent years, but have not had much success in doing so on the merits. Instead, they have been attacking its financing. The NLRB's budget has not kept pace with inflation over the last six years, and, even though the case load has decreased since last year, overall, staffing levels have fallen at a greater rate. The NLRB had 6,198 unfair labor practice cases pending initial investigation at the end of Fiscal Year 1998. The Hutchinson amendment, according to the NLRB, would have caused them to process six thousand fewer cases, and cut all staff training and information technology activities in Fiscal Year 2000.

I support community health centers. They provide a vital service to low income persons who cannot afford health insurance. However, in my opinion, it is not practical to underfund one valuable program in order to fund another. Rather, I would prefer to see the funds come from other sources less disruptive to agencies as valuable to our nations' laborers as the NLRB.

The PRESIDING OFFICER (Mr. VOINOVICH). The Senator from Georgia.

MORNING BUSINESS

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

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

FINALLY FIX SOCIAL SECURITY

Mr. KERREY. Mr. President, I heard an exchange earlier between the Senator from Iowa and the Senator from Oklahoma who talked about raiding the Social Security trust fund. We have not been raiding the Social Security trust fund for the last 16 years. What we have—since 1983—is a tax that generates revenue in excess of what we need. The law says we have to take that tax and purchase Treasury bonds. When the Treasury is purchasing Treasury bonds from itself, Treasury ends up with cash.

The question is—since 1983—what do we do with that cash? We have been using it to fund general government, and the impact of that since 1983 is that people who get paid by the hour are the ones who suffer. We make this appeal to people over the age of 65 for political reasons: Do not raid Social Security. But the people who suffer and have been paying the price since 1983 are the American taxpayers, people who get paid by the hour. For the median-income family earning $37,000 a year, they will pay $5,700 in payroll taxes and $1,300 or $1,400 in income taxes. Since 1983, they have shouldered a disproportionate share of deficit reduction. Now that the deficit is gone, guess what they get to do. They get to shoulder all the debt reduction. This does not save Social Security. What this does is save us from having to make a change. That puts a tremendous burden upon people who are paid by the hour.

What we ought to be doing is debating reducing that burden, not, in my judgment, making a play for people over the age of 65 and saying we have been raiding the trust. We have not. We have not been raiding the trust fund since 1983. The trust fund has been building up, and those Treasury bonds are valuable. They earn interest. In fact, there is $40 billion worth of interest added on to the Social Security trust this year as a result of paying for the interest on those bonds.

The people who suffer as a consequence of Congress' delay on fixing Social Security are 150 million Americans under the age of 45. If you are under the age 45 and you are watching Congress say, ''Let's fix Social Security'' and do nothing, what you ought to be saying is: Mr. Congressman, when are you going to fix it?

Why do we not fix it? You can see it. I was watching the news this morning. I saw Ken Apfel, the head of the Social Security Administration, in an interview with Katie Couric, proudly telling about a letter he is sending out to Social Security beneficiaries telling them what they are going to get when they retire. He left one thing out. If they are under 45 and they get a letter in the mail that says ''this is what your benefits are going to be,'' Mr. Apfel is not informing those beneficiaries that unless Congress increases taxes, there is going to be a 25- to 33-percent cut in benefits, according to the Social Security trustees. He is not informing them of that, and he is not informing them that Social Security, for that low- and moderate-wage individual, is not a very generous program. If you live very long after the age of 65, God help you if that is all you have.

Those of us who have been arguing we need to fix Social Security get a little irritated when we hear people say we have been raiding Social Security for the last 16 years and that the lockbox saves Social Security. It does not. What the lockbox does is say to people who are paid by the hour, the median family who has $5,700 in payroll taxes, after shouldering all the burden for deficit reduction from 1983 to 1999, it is now their responsibility to pay down the debt. On behalf of those people, to keep Social Security as an intergenerational program, I beg my colleagues to finally decide: What will you support?

I went to the University of Nebraska, graduated with a degree in pharmacy, and was trained in demolitions in the U.S. Navy. I do not consider myself to be an intellectual giant. I am neither a Rhodes scholar nor some sort of scholastic achiever. I do not consider myself to be intellectually superior to anybody in this place. An average staffer with an hour's worth of work can present to any Member of Congress the options that are available to us. This is not complicated. This is not youth violence. This is not the deterioration of the American family. This is not lots of issues that are complicated.

We have a liability that is too big, and for 150 million beneficiaries who are now charged with the responsibility of paying down all the debt with their payroll taxes, they face a 25- to 33-percent cut in their benefits. We are not keeping the promise to them, and we are making an appeal to people over the age of 65, saying: The lockbox saves you. Nonsense, it does not.

I know how difficult it is to finally say this is what I choose because you either have to increase taxes or you cut benefits. There are no other magical choices. There is not any other choice. You either cut the benefits in the future or you increase taxes. I wish there were some other choice, but there is not.

I hope Americans, as they hear this debate about raiding Social Security, will understand we are not, in my view, raiding Social Security. What we are saying is that we are going to postpone fixing Social Security because we are afraid of people over the age of 65. We are afraid they cannot stomach the truth. I believe that is wrong. They can stomach the truth. They want to know the truth. They want the facts. They are patriotic; they love their country; they love their kids and grandkids; and they want to make certain their future is secure and sound and that Social Security is going to be there for them when they become eligible.

I hope we are able to take action on the Balanced Budget Restoration Act that Senator DASCHLE has introduced. But I hope in this budget debate as well, we will finally recognize the sooner we fix Social Security, the smaller the changes will have to be. The people who are going to suffer the consequences today may not be us. We may be able to get by the next election by fooling people about what we are doing. But the people who are going to suffer are 150 million Americans under

the age of 45 who are not going to be happy when they wake up on Christmas morning and go down and check the sock and find out there is a third less in it than they were told, by the Social Security Administration, was going to be in it.

Mr. President, I appreciate your indulgence and I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. ASHCROFT. Mr. President, may I inquire as to the state of the proceedings?

The PRESIDING OFFICER. We are in morning business with each Senator having 10 minutes to speak.

PROTECTING SOCIAL SECURITY

Mr. ASHCROFT. Mr. President, I will try to say what I have to say in less than 10 minutes, especially because of my regard for my esteemed colleague from the State of Connecticut, who I see has entered the Chamber.

I appreciate the intensity and commitment of the Senator from Nebraska. He is correct; we do not have on the drawing board a long-term remediation for the long-term problems of Social Security. But if we just spend and spend and spend so we continue to elevate the debt of the United States rather than curtail the spending by not spending the Social Security surplus, we are going to make it more difficult, when the time comes, to pay for the Social Security benefits for which we are committed to pay.

So I think it is important not to spend Social Security surpluses to expand Government and to make Government more and more committed and deeper and deeper in debt. It is a major benefit to the future of this country if we decide to refrain from spending Social Security surpluses, which will allow us to protect the integrity, not only of Social Security, on a more persistent basis, but certainly to protect the integrity of the finances of this Government so when the time comes for us to make payments, we will have the fiscal integrity to do so.

I know we are in morning business, but particularly today I rise to comment on and to support the Nickles amendment to the Labor-HHS appropriations bill. I support the amendment because it puts the Senate on record demanding we protect the Social Security trust fund from being raided to pay for other Government spending. The less we go into debt for other Government spending, the more likely we are to be able to honor the claims of Social Security.

So the theft of Social Security funds this year must stop. We should stop spending as if Social Security were a funding resource for all kinds of other spending programs. I am concerned the Labor-HHS bill will result in the Senate's completion of all 13 appropriations bills and, as a result, perhaps take us into the Social Security trust fund.

Some estimates have been as high as $5 billion. I would work to delay the bill if I did not have assurances from the majority leader that the conference reports will not touch the Social Security surplus, even if Senate appropriations have, that the entirety of the package of bills we send to the President after negotiation with the House will not touch the Social Security trust fund.

The majority leader has worked tirelessly to protect the Social Security trust fund. I commend him for it, and I appreciate his ongoing effort.

Furthermore, the Congressional Budget Office has stated in a letter to Speaker HASTERT that the House plan to spend $592.1 billion will not touch the Social Security trust fund.

If we do dip into the Social Security trust fund this year, it would erase all the hard work we have undertaken to protect Social Security.

In January, President Clinton proposed bleeding $158 billion out of Social Security surpluses over the next 5 years. This Congress objected to President Clinton's proposal, and I am glad to say that the Congress got the President to change his mind and to take far less out of the Social Security surpluses over that 5-year period of time. I wish I could say that he had agreed to take none, and sometimes he represents it that way.

In the President's midsession review of the budget process, he said that Social Security surpluses should be spent for Social Security, period. That is right. That is the Social Security lockbox philosophy. Unfortunately, his new budget still took $30 billion out of Social Security over the next 10 years, but that is a lot better than $158 billion. I commend the President for moving so aggressively in the direction of the Congress.

Still the President's midsession review, while it is a vast improvement, and Congress has succeeded in moving him as far as he has moved, it is not far enough. We need to work throughout this year to demonstrate our commitment to protect every single penny of the Social Security trust fund.

In April, we passed a budget resolution that does not spend 1 dime or 1 cent of the Social Security trust fund surplus. In addition to protecting the Social Security surplus, the budget resolution sticks to the spending caps from the 1997 balanced budget agreement. It cuts taxes and increases spending on education and defense.

In addition to ordering our spending priorities correctly, the budget resolution contained a majority point of order preventing the use of Social Security surpluses for non-Social Security purposes. The Senate voted unanimously in favor of this point of order. I had the privilege of sponsoring this particular provision, and since that point, the Congress has continued along its responsible spending path and has also repeatedly demonstrated its commitment to the Social Security lockbox concept, which is to limit Government spending to the revenues designed for Government spending, and not to have general Government spending come out of the revenues designed to provide for the retirements of America's workers.

The House of Representatives passed the Herger bill which created a supermajority point of order of protecting Social Security.

These actions demonstrate a strong commitment and dedication to protecting every dollar of the projected Social Security surplus to shoring up Social Security, making sure we treat it with integrity.

In addition, a majority of Senators have repeatedly voted for the Abraham-Domenici-Ashcroft Social Security lockbox provision. Unfortunately, the lockbox, which was approved by the House, has been endorsed by the President, and a majority of the Senate has been held hostage in the Senate by those on the other side of the aisle.

Despite this setback, we have made great progress in protecting Social Security, the integrity of the fund, and limiting the kind of spending that would jeopardize our capacity to make good on our commitments at some date when Social Security needs to call upon us.

The most important thing we can do right now is demonstrate our commitment to protecting every cent of Social Security resources to make sure they are available for Social Security and to make sure they are not spent on the operations of Government generally. This is a plan that we have agreed to under the budget resolution. We promised the American people that Social Security surpluses will be reserved for Social Security, and now is the time when we are testing that resolve.

Last year, when faced with this test, Congress failed, agreeing to an omnibus appropriations bill that raided—and I think that is the right word—$21 billion from our retirement security fund. I voted against the bill but was unable to prevent the raid by doing so.

This year, we have all been committed to completing all our spending bills on time and avoiding the omnibus spending train wreck such as we saw in last year's $21 billion raid.

I approve of this plan, but a necessary element of the plan is that Congress not spend resources on operating Government that were destined to and designed to support the Social Security trust fund.

The Nickles amendment would put us on record stating we categorically oppose a raid on our retirement system and will support spending cuts to let us meet that goal. As I said, according to unofficial Budget Committee estimates, the Congress is now poised to spend as much as $5 billion out of the Social Security trust fund. If that is the case, I will vote against any plan that would do so. We must avoid filching resources from the Social Security trust fund to support the operations of Government.

This spending bill, the Labor-HHS fiscal year 2000 appropriations bill, is the last of the 13 appropriations bills to reach the floor. It is also the largest of the nondefense discretionary appropriations bills. If the estimates about this year's spending that I have referred to are correct, we are going to dip into Social Security, and this is the bill that will push us over the edge. For this reason, I commend Senator NICKLES for bringing up this amendment on this bill at this time.

Now is the time for us to stand up and say we will not support taking any money out of the Social Security trust fund to finance the operations of Government. Making sure that Social Security funds do not go for anything other than Social Security is essential to the protection of long-term Social Security integrity.

Social Security is expected to meet all of its obligations until the year 2034—until then. Starting in 2014, however, Social Security will begin spending more than it collects. It will begin spending the trust fund, the surpluses. By saving Social Security surpluses and using those surpluses to pay down the debt, Congress will ensure the Nation is on secure economic footing when Social Security surpluses diminish and then disappear. If we do not save Social Security now, it will make it that much harder for us to meet our own obligations later.

We need to protect Social Security now for the 1 million Missourians who receive Social Security, for their children, and their grandchildren. We need to protect Social Security now, and this bill fails to do that. It certainly threatens not to do it, and it is time for us to vote in favor of the Nickles amendment, and to vote against any plan that would invade the Social Security trust fund.

It is for this reason I urge my colleagues to support the Nickles amendment calling for the full protection of our Social Security resources.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. I thank the Chair.

SPECIAL COMMITTEE ON CULTURAL MATTERS

Mr. LIEBERMAN. Mr. President, last evening after the final vote occurred, my friend and colleague from Kansas, Senator BROWNBACK, took the floor and offered an amendment which he then withdrew. I was not able, because of my personal schedule, to be here at that time. But as an original sponsor of the original legislation offered by Senator BROWNBACK, which would have created a special committee on cultural matters, I did want to simply say a few words about this.

I know this became controversial within the Senate, but I felt from the beginning that Senator BROWNBACK's intentions were not only worthy but they were relevant; that the cultural problems which the committee, or later the task force, would have addressed are real, as every family in America knows when their children turn on the television or go to a movie or listen to a CD or play a video game.

The problems are not only real, but they are actually relevant to so many of the matters we more formally discuss on the floor of the Senate—such as the solitary explosions, violent criminal behavior, problems such as teenage pregnancies, I think all of which are affected by the messages our culture gives our children and, indeed, adults about behavior. Of course, I am talking about the hypersexual content, hyperviolent content in too much of our culture.

In this case, this effort by Senator BROWNBACK, with the withdrawal of the amendment last night, was not to culminate successfully. But the battle will go on.

Clearly, the standing committees of the Senate will—I certainly hope they will; I am confident they will—continue to pursue cultural questions because they are so important, they are so central to the moral condition and future of our country. I look forward to working on those with Senator BROWNBACK and other colleagues as we go forward.

HONORING 20TH ANNIVERSARY OF THE ESPN NETWORK

Mr. LIEBERMAN. Mr. President, I note there is a rule in the Senate against using props. I, just for a moment, ask unanimous consent for a transitional prop, if I might briefly hold this up.

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

Mr. LIEBERMAN. I thank the Chair.

This is my favorite ESPN parka. It gives you an indication of about what I am going to speak. It is in some sense as cultural as the first part of my comments. It does involve the influence of television on the American culture. But today, in this part of it, the news is good and the occasion is one to celebrate, particularly for those who may find some meaning in words that might confuse visitors from another planet, such as ''en fuego'' or ''boo-yaah.'' Twenty years ago, a small cable television enterprise, tucked away in the woods of central Connecticut, introduced itself to America with these words:

> If you're a fan, what you'll see in the minutes, hours and days to follow may convince you that you've gone to sports heaven.

True to that prophecy, the past 20 years have marked our national elevation into another world of sublime sports saturation.

In recognition of its outstanding contribution in shaping the sports entertainment industry, I wish to speak today—and I believe I speak for all of my colleagues, at least a great majority—in offering our kudos to an American sports institution and the pride of Bristol, CT—the ESPN Network which turned 20 years old last month, on September 7. The folks at ESPN aired an anniversary special that night duly celebrating the network's unique constructive contribution to our culture, and yesterday there was a congressional reception in honor of that anniversary.

Those of us who attended not only had the chance to toast ESPN but to meet an extraordinary group of American heroes: boxing legend Muhammad Ali, football great Johnny Unitas, and Olympian Carl Lewis.

So I take the floor to pay tribute to one of my favorite corporate constituents, and I think one of America's favorite networks.

The story of how ESPN came to be is really an American rags to riches classic, and that network's unbreakable bond with the small Connecticut city of its founding is part of that story.

Bristol, CT, population 63,000, is a wonderful town, 20 minutes west of Hartford. Most famous previously for being the cradle of clockmaking during the industrial age, Bristol seemed an unlikely candidate to emerge as the cradle of electronics sports media, but it did. Believe it or not, ESPN probably would not exist today—certainly not in Bristol—if the old New England Whalers of the World Hockey Association had not had a disappointing season in 1978.

The Whalers' public relations director, a man named Bill Rasmussen, one of several employees to lose his job in a front-office shakeup at the end of that season, decided he had an idea he wanted to try. He was a Whalers man at heart, and he figured he could stay involved with his team by starting a new cable television channel that would broadcast Whalers games statewide. He even had a second-tier dream of someday possibly broadcasting University of Connecticut athletics statewide as well.

Rasmussen rented office space in Plainville, CT, near Bristol, and thought up the name Entertainment and Sports Programming Network, or ESPN. But before he had even unpacked in Plainville, he ran into his first problem—the town had an ordinance which prohibited satellite dishes. Undeterred, Rasmussen scrambled to nearby Bristol, found a parcel of land in an industrial park in the outskirts of the city, which he promptly bought, sight unseen, I gather, for $18,000. The rest, as they say, is history.

Today, ESPN, from this same location, generates $1.3 billion a year in revenues and is seen in more than 75 million American homes.

ESPN realized that second-tier dream that Rasmussen had. Earlier this year, his station provided exhaustive coverage of UConn athletics when the Huskies won the NCAA men's basketball championship—only the game was not broadcast statewide; it was broadcast worldwide.

Twenty years after its founding, ESPN commands an international audience that watches every sport—from baseball to badminton to Australian rules football. The network's flagship, SportsCenter, is currently the longest running program on cable television, with more than 21,000 episodes logged—truly, the Cal Ripken of network television.

In a measure of its enormous influence on our culture, the catch phrases coined by SportsCenter's quick-witted anchors routinely find their way into the American vocabulary, such as the aforementioned ''en fuego'' and ''booyaah.''

The program also has broadened sports appeal by peppering broadcasts with references to literature, history, and other high-minded fields not always connected with sporting events. The father of this breed of broadcasting, of course, is Chris Berman, probably my most famous constituent. He was hired from a Waterbury, CT, radio station at the age 24 to become one of ESPN's pioneering voices. What a great professional and source of great joy Chris Berman is.

A testament to his place among sportscasting greats can be heard across ballparks in America each time a home run ball is struck. If you listen closely, as the ball nears the fence, you may think that the ballfield is being overtaken by a herd of chickens clucking: ''Back, back''—I am restraining myself here on the floor, Mr. President, but you get the idea—''back, back, back, back, back,'' in homage to the Swami's classic call. Berman is also the father of the modern sports nickname, concocting such classics as: Burt ''Be Home'' Blyleven, John ''I Am Not A'' Kruk, and Roberto ''Remember The'' Alomar. There are certain individuals unnamed in the Democratic Cloakroom who have attempted to emulate this style of nicknaming for sports figures, and they are not doing badly. Oh, and lest we forget another household name, ESPN introduced us to the man who genuinely put the ''Madness'' into March Madness—the nattering nabob of Naismith, the great Dick Vitale.

So thanks to Chris Berman, to Dick Vitale, and to all the others who have made ESPN part of our lives.

ESPN is today to sports what Walter Cronkite once was to politics and public affairs—the authoritative voice fans turn to when a major story breaks. As political columnist George Will once wisely said: ''If someone surreptitiously took everything but ESPN from my cable television package, it might be months before I noticed.''

Mr. President, I ask unanimous consent for 3 more minutes.

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

Mr. LIEBERMAN. Despite ESPN's national prominence and its countless opportunities to relocate to a larger media market, the network has steadfastly stayed with bucolic Bristol, as it is endearingly referred to on the air. ESPN maintains its foothold in the same industrial park where it began 20 years ago, although the Bristol campus, as it is now called, spans today 43 acres and the network has 210 employees. We in Connecticut are very proud of this relationship and particularly of ESPN's leaders and broadcasters who have happily put down roots and raised their families in central Connecticut.

I think John Leone, former mayor of Bristol, now head of the Bristol Chamber of Commerce, may have summed up the relationship between the city and its network best when he said:

In New York, ESPN would be just another network. Here in Bristol, ESPN is the king.

So to the king of Bristol—and their royalty of American sports television—I say happy 20th, ESPN, and many more.

Before I yield the floor, I want to give a special thank you to Eric Kleiman of my office staff who truly inspired this statement of gratitude and tribute to a great television network.

I thank the Chair and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

UNBORN VICTIMS OF VIOLENCE ACT

Mr. DEWINE. Mr. President, yesterday my colleagues in the Senate, Senator HELMS, Senator ENZI, Senator VOINOVICH, Senator Tim HUTCHINSON, and Senator NICKLES, introduced a bill that would establish new criminal penalties for anyone injuring or harming a fetus while committing another Federal offense. By providing a Federal remedy, our bill, the bill we are calling the Unborn Victims of Violence Act, will help ensure that crimes against unborn victims are in fact punished. The House passed their version of this bill yesterday by a vote of 254 to 172.

Tragically, unborn babies, perhaps more than we realize, are the targets—sometimes intended, sometimes otherwise—of violent acts. That is why we need to pass this bill.

Let me give several very disturbing real-life examples.

In 1996, Airman Gregory Robbins and his family were stationed in my home State of Ohio at Wright-Patterson Air Force Base. At that time, Mrs. Robbins was more than 8 months pregnant with a daughter whom they would name Jasmine.

On September 12, 1996, in a fit of rage, Airman Robbins wrapped his fist in a T-shirt to reduce the chance he would inflict visible injuries and then savagely beat his wife by striking her repeatedly about the head and the stomach. Fortunately, Mrs. Robbins survived this violent assault, but, sadly and tragically, her uterus ruptured during the attack, expelling the baby into her abdominal cavity, causing this little child's death.

A prosecutor sought to prosecute the airman for the little girl's death, but neither the Uniform Code of Military Justice nor the Federal code makes criminal such an act, such an act which results in the death or injury of an unborn child. So they had to look outside the Federal code, outside that law. The only available Federal offense actually was for the assault on the mother. That, of course, is a Federal offense.

This was a case in which the only available Federal penalty obviously did not fit the crime. So prosecutors looked outside Federal law, used Ohio law, and then bootstrapped—if we can use the term—the Ohio fetal homicide law to convict Mr. Robbins of Jasmine's death. This case is currently pending appeal. We certainly hope justice is done. It is being appealed under the theory that if it was not in fact a Federal offense, you could not use the assimilation statute to bring this into the court using the Ohio law.

If it weren't for the Ohio law that is already in place and that the Presiding Officer of the Chamber was very instrumental in getting passed and signed into law, there would have been no opportunity to prosecute and punish Airman Robbins for the assault against baby Jasmine.

We need a Federal remedy to avoid having to bootstrap State laws and to provide recourse when a violent act occurs during the commission of a Federal crime, especially in cases when the State in which the crime occurs does not have a fetal protection law in place, because there are some States that simply do not.

There are other sickening examples of violence against innocent unborn children. An incident occurred in Arkansas just a few short weeks ago. Nearly 9 months pregnant, Shawana Pace of Little Rock was days away from giving birth to a child. She was thrilled about the pregnancy. Her boyfriend, Eric Bullock, did not share her joy and did not share her enthusiasm. In fact, Eric wanted the baby to die. So he hired three thugs to beat her, and to beat her so badly that she would lose this unborn child. During the vicious assault against mother and child, one of the hired hitmen allegedly said—and I quote—Your baby is going to die tonight.

Tragically, the baby did die that night. Shawana named the baby Heaven. We all should be saddened, we all should be sickened, by the sheer inhumanity and brutality of this act of violence.

Fortunately, the State of Arkansas, like Ohio, passed a fetal protection law which allows Arkansas prosecutors to charge defendants with murder for the death of a fetus. Under previous law,

such attackers could be charged only with crimes against the pregnant woman. That is under the old law, as in the case of Baby Jasmine's death in Ohio, but for the Arkansas State law, there would be no remedy—no punishment—for Baby Heaven's brutal murder. The only charge would be assault against the mother.

Another example: In the Oklahoma City World Trade Center bombings—here, too—Federal prosecutors were able to charge the defendants with the murders of, or injuries to, the mothers—but not to their unborn babies. Again, Federal law currently only provides penalties for crimes against born humans. There are no Federal provisions for the unborn, no matter what the circumstances, no matter how heinous the crime. This clearly is wrong.

Within the Senate, we have the power to do something about this, to rectify this wrong, to change the law. That is what our bill is intended to do.

It is wrong that our Federal Government does absolutely nothing to criminalize violent acts against unborn children. We must correct this loophole. I think most Americans would look at it that way and say that is a loophole that should not exist. Congress should change this. We must correct this loophole in our law, for it allows criminals to get away with violent acts—and sometimes even allows them to get away with murder.

We, as a civilized society, should not, with good conscience, stand for that. That is why our bill would hold criminals liable for conduct that harms or kills an unborn child. It would make it a separate crime under the Federal Code and the Uniform Code of Military Justice to kill or injure an unborn child during the commission of certain existing Federal crimes.

Our bill, the Unborn Victims of Violence Act, would create a separate offense for unborn children. It would acknowledge them as the victims they are. Our bill would no longer allow violent acts against unborn babies to be considered victimless crimes. At least 24 States already have criminalized harm to unborn victims, so this is not a new concept. Another seven States have criminalized the unlawful termination of a pregnancy.

In November of 1996, a baby, just 3 months from full term, was killed in Ohio as a result of road rage. An angry driver forced a pregnant mother's car to crash into a flatbed truck. Because the Ohio Revised Code imposes criminal liability for any violent conduct that terminates a pregnancy of a child in utero, the prosecutor successfully tried and convicted the driver for recklessly causing the baby's death. Our bill would make an act of violence such as this a Federal crime. It would make sure it was always covered. This is a very simple step, but one that will have a dramatic affect. It is, quite frankly, a question of justice.

Let me make it clear to my colleagues in the Senate that we purposely drafted this legislation very narrowly. For example, it would not permit the prosecution for any abortion to which a woman consented. It would not permit the prosecution of a woman for any action—legal or illegal—in regard to her unborn child. That is not what the intent of this legislation is all about. This legislation, further, would not permit the prosecution for harm caused to the mother or unborn child in the case of medical treatment. The bill would not allow for the imposition of the death penalty under this act.

It is time we wrap the arms of justice around unborn children and protect them against criminal assailants. Those who violently attack unborn babies are criminals. The Federal penalty should, in fact, fit the crime. I strongly urge my colleagues to support our legislation. We have an obligation to our unborn children. This bill will bring about justice. It is the right thing to do.

I thank the Chair and yield the floor.

Ms. LANDRIEU addressed the Chair.

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

Ms. LANDRIEU. Mr. President, I ask unanimous consent to speak for 15 minutes.

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

ADOPTING A CHILD

Ms. LANDRIEU. Mr. President, I rise this afternoon to speak on a subject that is very important to many Members of this body. In fact, Senator DEWINE from Ohio has been one of the leading advocates for adoption. Before he leaves the floor, I wanted to acknowledge that. He, along with many Members, including the occupant of the Chair, Senator VOINOVICH, have been very active in the promotion of laws and policies that would help us to reach our goal of finding a loving and nurturing home for every child in this world that needs one. Many of us believe that it is a fundamental right to grow up in a home with a family, as opposed to in a hospital, or some type of institution.

I rise to bring the body up to date on some of the things that we have accomplished and that we should be proud of, as well as some of the challenges that are still before us as a Congress. In the short time ahead, I am hopeful the appropriate committees will have hearings on relevant legislation in order to move the adoption debate along quickly. There are literally millions of children and families depending on us to act.

First, let me congratulate Senators CHAFEE and ROCKEFELLER for leading the successful effort last year to pass the Adoption and Safe Families Act. Last week, President Clinton and Mrs. Clinton hosted the first awards ceremony associated with the passage of that Act. The great news is that we have taken a mighty and important step forward because since the passage of the Act 36,000 American children have been placed in foster care while 15,000 foreign children have found permanent homes—all with wonderful families throughout America. Moreover, at least 35 States were acknowledged for their outstanding work in this area at the White House ceremony last week.

In some States, the increases have been 20 percent over last year's numbers, while others have seen 50- to 70-percent increases over the previous year. This has occurred because the law we passed gave the necessary tools to parents, social workers, community activists, and to local elected officials so that the dream of a family became a reality for these 36,000 children.

The problem is we still have over 500,000 children waiting for a family to call their own. Through this bill, many of the children in foster care, who range from all ages, races, medical conditions, and backgrounds, will be able to one day return to their biological families. However, despite our best efforts, unfortunate circumstances exist which prevent some of these children from returning home. Consequently these children must be moved to a permanent place. The Adoption and Safe Families Act will provide the tools for us to help these children in terms of guidelines and the necessary resources.

Again I want to thank all the members, particularly Senators ROCKEFELLER and CHAFEE, for their leadership in making this law possible. It is working and we just need to continue our efforts because many children are still waiting for a home to call their own.

That leads me to the next three points.

We have accomplished some wonderful things. But in this Congress during the next few weeks, some important tasks still remain to be finished. If we fail, there will be several million children left waiting.

Next week, under the leadership of the distinguished Senator from North Carolina, Senator HELMS, we will be having our first hearing on the Hague Treaty, the International Convention for Adoption. The purpose of the hearing will be to consider the Intercountry Adoption Act, legislation which seeks to implement the objectives of this Treaty. I am an original cosponsor of this measure, along with Senator HELMS, Chairman of the Senate Foreign Relations Committee, and the Ranking Member, Senator BIDEN from Delaware.

This Treaty is very important because, as we endeavor to ensure that every child in America who needs a home will have one, it is also important for us to realize that there are millions of children around the world—in South America, in Africa, in Latin America, in Eastern and Western Europe, and Asia—who are growing up in horrible conditions. Some of them are

in institutions with unspeakable conditions and there are others who are actually living in the streets.

With all of our global successes, it is appalling and unacceptable that these conditions exist anywhere in the world. We can do something about it.

Today, the Internet will allow us to do more than we ever dreamed possible—connecting families with children, allowing agencies to work more closely together, and, most importantly, allowing for improved communications between governments. The language barriers are coming down as technology opens up greater opportunities.

But none of this can work without a body of international law that gives us the rules and regulations for how this is going to take place. We must eliminate the corruption, the outrageous trafficking of children, and the extraordinary fees that are sometimes being paid illegally. So if we are to have protection for children, protection for families, and protection for the legal framework, this Treaty is absolutely essential.

I urge my colleagues to pay special attention next week during this hearing, and I urge them to learn more about this issue, because there is something we all can do; that is, to move this piece of legislation forward with the few minor differences that exist between both sides of the aisle, approve the treaty, and then implement it.

If my colleagues are like me—and I think many of them are—when we get a few minutes to watch television we can view programs such as Save the Children where there are thousands of children who are in need. I sit there and think about what I could do as one individual sponsoring one child. It does not seem to be enough. But in many instances reaching out to sponsor that one child is quite enough. Millions of Americans have the opportunity to do the same.

I am looking forward to the Senate Foreign Service Committee's hearing on adoption next week. I am confident that we can solve the differences that may exist among the interested parties who are working to move this important legislation forward.

In addition to the implementation of this international Treaty, we are faced here in the United States with some additional challenges in our adoption laws. One of the things we failed to accomplish, which perhaps may have been an oversight when we passed the Family and Medical Leave Act, was a requirement that employers offer adoptive families the same benefits as birth families.

I believe the Family and Medical Leave Act made progress toward equal treatment for adoptive families, but discrepancies remain for adoptive families who seek the same employee benefits as birth families. This law enables both adoptive and birth families to take up to twelve weeks of unpaid, job protected leave. Some employers, however, permit employees to use sick leave or provide paid leave for birth parents, but do not provide these same benefits for adoptive families.

As an adoptive parent, I can certainly attest to the fact that whether the child is biological or comes as a gift through adoption, the stress on the families are very much the same. This is why the expansion of the Family and Medical Leave Act is so important. It must include the thousands of families in our country who adopt either domestically or internationally every year. This inclusion will allow Congress to say that building a family through adoption is a blessing for children and parents. This is one important goal I hope we can achieve this Congress.

In addition, I hope we can extend the adoption tax credit we passed several years ago, which is now $5,000 based on actual expenses, and double it, making it $10,000. This will make it real and workable, especially for those families who adopt special needs children.

Currently, this tax credit is working but it can be improved for those parents who adopt special needs children—older children, handicapped children, children with special emotional challenges, sibling groups, or international adoption. Unless you can demonstrate all expenses in connection with the adoption you are unable to avail yourself of the tax credit.

In many ways, when you take a special needs child, there are no expenses associated with the adoption itself because the agencies of course want to place these children. I believe it would be in the best money this Congress could spend to provide tax credits, tax credits to families who adopt hard-to-place children and sibling groups, and others with difficulties.

The Government should state that if you will take a child into your home and call it your own, we will give you a $10,000 tax credit. A family who would adopt two children would get a $20,000 Federal tax credit. It is my hope that they would not have to pay Federal taxes for many years because these families are doing something great for their community and country.

Mr. President, in closing, let me show you a picture of a beautiful little girl as an example of what I have been talking about. This child is coming from China. Her mother, Cheryl Varnado, wrote me a letter about little Anna Grace Cai Yong Lin.

Her letter reads: Senator, would you fly an American flag over the Capitol today so that I can give it to our little girl in remembrance of her first day in the United States?

I commend the Government of China for the wonderful work they are doing to provide homes for millions of Chinese children. Today they are doing a much better job in this area. The challenges faced by this country are great. There are over one million children without families who will grow up in institutional care unless someone brings them into their home and provides them with the love of a family.

We are happy for Anna and her new family. The flag flying over the Capitol today will remind us of her arrival to the United States and the thousands of other children that have come from all over the world to find homes in America.

In conclusion, a wonderful couple that won an award was honored on the front steps of the Capitol earlier today for adopting not one, not two, but 30 children of all ages, races, physical handicaps, and challenges. They received the Norman Vincent Peale Award for outstanding service to our country. I commend Penny and Chuck Hauer.

Mr. President, I ask unanimous consent to have an article printed in the RECORD about this couple.

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

Some things are in short supply around Penny and Chuck Hauer's house: Toilet paper. Money. Bathroom space.

But not love.

It radiates in the heart-melting smiles of Carissa, brain-damaged as an infant, who is 17 and occupies a wheel-chair.

It's reflected in the sparkling eyes of Calli, who is 11 and has Down Syndrome and a huge crush on skater Scott Hamilton.

It zaps you like electricity in the gnarled handshake of Clifton, who is 21 and has cerebral palsy and a fondness for country music.

In all, over 20-some years, the Hauers have adopted 35 physically and/or mentally disabled children of all races—black, white, Korean, Hispanic. Nine have died. Others have grown up and moved out on their own.

All were among those hardest to find homes for, the ones nobody else wanted.

''The world says these kids should be in a group home, or in a hospital or an institution,'' says Penny Hauer. ''That's not our philosophy.''

Sharing an eight-bedroom, three-bath home are 21 adopted siblings, ages 8 to 32, plus two of the Hauers' five offspring and a 7-year-old grandson.

''It was a four-bedroom house but we've made some revisions,'' Penny Hauer says. ''The living room is a bedroom. The dining room is a bedroom.

''Bath time can be a problem. If you want a bath every night, fine—get in line.''

In a family tradition, the children all have names with C—Catey, Cotey, Courtney, Curtis, Colin . . . and on it goes.

Much has changed in the year since a newspaper story introduced readers to this remarkable family and their battle with the Social Security system.

They've been on national TV. They've gotten back in touch with a lost son. They've made lots of new friends.

And they have resolved the bureaucrats' mess that threatened the $7,000 monthly Supplemental Security Income funding the family depends upon.

The Hauers moved here from Montana in July 1997 because the kids were being ridiculed and mistreated in the school system there, the parents said. The sale of their Montana home fell through, leaving them stretched beyond thin, paying two mortgages.

In August 1997, filing routine renewal forms at San Diego's Social Security office, the couple dutifully reported their deeds on two homes. They were notified three months

later that their assets exceeded government allowances for Supplemental Security Income.

With help from an attorney and Rep. Duncan Hunter, R–E1 Cajon, the Hauers kept the checks coming while they appealed. Finally, in April, they solved the problem by selling the $600,000 Montana home to a Vista couple for $225,000.

Still, making ends meet is a struggle. The payment on the East County home is $3,000 a month, groceries $2,000. The family goes through three loaves of bread a day, two gallons of milk and two boxes of cereal.

Other changes have occurred. The Hauers have re-established contact with an adult son who was living on the streets in San Diego a year ago. They say he's in an apartment now, doing fine.

Chuck Hauer, 61, quit his part-time job because of high blood pressure. He gets a small pension from General Tire and Rubber in Akron, Ohio, where he worked until 1982 as a quality-control inspector.

Penny, who discloses her age to no one, has resumed volunteer work she gave up nine years ago when the family moved from Ohio to Montana. From her bedroom, she makes calls for a Toledo agency, Adopt America Network, trying to match disabled children with families who will take them.

In three-ring binders, she has thumbnail descriptions of hundreds of kids and potential adoptive families in the agency's nationwide system. She gets new ones in every Monday's mail—two to five families, 10 to 20 children.

''In Los Angeles County (alone), each caseworker has 100 kids. They don't have time to make the matches,'' she said. ''Somebody's got to do it.''

Although there are never enough families, Penny Hauer is determined to make a difference. She tells excitedly of hooking up an Ohio couple just last week with three siblings, ages 2 to 4, in Escondido.

''I'm always looking,'' she said. ''I want these kids to have a home.''

The Hauers' own story dates to the mid-'70s, when they took in Charity April, a tot with cerebral palsy. The couple, then with four biological kids of their own, fell in love with the foster child and realized there were many more like her in need.

''We just decided to start adopting—not to adopt 35, but that's just what's transpired over the years,'' Penny Hauer said. ''One takes all your undivided attention. When you have a group of children, they interact with each other.

Everyone has chores: Charity, 24, changes diapers for seven incontinent siblings. Cristy, 21, helps cook. Chet, 18, takes out the trash.

And the family may be growing. The Hauers have applied to adopt four more disabled orphans.

''I think when they carry me out of the house and I'm gone and dead, there's going to be somebody wrapped in my arms, because that's just the way I am,'' Penny Hauer said.

Today, the Hauers will squeeze some extra seats up to their 30-foot table—actually four oak tables stuck end to end.

After offering to provide Thanksgiving dinner to any armed forces member with no place to go, they learned Tuesday that they'll be joined by a mother and three young children whose Navy husband and father is away.

''It's all about sharing,'' said Penny Hauer. ''I hope they like my cooking.''

Foothills Republican Women's Club President Dawn Sebaugh, whose group adopted the Hauers last Christmas, has become a year-round helper and friend.

''It's just amazing,'' she said. ''You wonder how someone could take care of, love and treat these children so well.''

Sebaugh said her group will be helping the family over the holidays again this year.

''We will make sure Santa's there for Christmas,'' she said. ''I know they could use a couple of extra bedrooms. I don't know if we can do anything (about that), but we're going to try.''

Someone else who has fallen for the Hauers is Robert Stein of New York. An HBO producer of in-house promotional videos, he saw Penny Hauer's brief appearance on the ''Rosie O'Donnell'' show in February and was deeply moved.

Since then, Stein has spent several days with the family over repeated visits, filming a documentary at his own expense that he intends to pitch to his cable network.

''I was truly impressed witnessing these kids. They really do have a strong sense of love for each other,'' he said.

Stein said the Hauers' story could open more eyes and hearts to the disabled.

''People see disabled or handicapped kids or adults in the street, and a lot of times people look down . . . or write them off as people they can't connect with,'' he said. ''These people have been very selfless as far as welcoming kids who may not have had a family life.

''They've really nurtured kids who may have been forgotten in the system, and they've really blossomed.''

Ms. LANDRIEU. Obviously, there are many great things we can do in this Congress to promote adoption. Many of them have already been accomplished. However, there is much more that should be done, beginning with acknowledging the great work of everyone who has worked on this issue in America and around the world. Finally, I am delighted that we are taking the necessary time today to bring this important issue to the attention of all of our colleagues.

I yield back the remainder of our time and I suggest the absence of a quorum.

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

The legislative assistant proceeded to call the roll.

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

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

Mr. GRAHAM. Mr. President, I understand we are in morning business with a 10-minute restriction on length of comments.

The PRESIDING OFFICER. The Senator is correct.

Mr. GRAHAM. I ask unanimous consent to be able to speak for 20 minutes.

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

THREE BRANCHES OF GOVERNMENT

Mr. GRAHAM. Mr. President, I wish to speak on an issue which has already been addressed by several of our colleagues earlier in the week. Initially, I was reluctant to discuss this matter for fear of contributing to a charge of politicization of an issue which, in my judgment, should not be thought of as political but, rather, one to be judged and decided in the finest traditions of our Nation, the relationship of each of the branches of Government carrying out their appropriate responsibilities.

The reticence I had to discuss this issue was overcome when I heard some of the comments made about our Justice Department and about our Attorney General relative to the decision made to file civil claims on behalf of the Federal Government and the citizens of the United States against the tobacco industry.

The purpose of my remarks this afternoon is not to rebut comments made elsewhere; rather, it is my purpose to remind our colleagues of the bedrock principles upon which this body, upon which our Federal Government operates, the rule of law and the separation of powers.

The level of rhetoric on the question of whether the Federal Government should have initiated civil litigation against the tobacco industry has been very high. The level of analysis, unfortunately, in my opinion, has been quite shallow. In their haste to spring to the tobacco industry's defense and to, once again, heap partisan abuse upon the Attorney General and the Justice Department, some Members of Congress have disregarded the very nature of our system of government.

I have heard it said the Justice Department suit violates both separation of powers and the rule of law. In my opinion, these accusations turn the structure of our Government completely on its head. Nearly 200 years ago, Chief Justice John Marshall explained the powers of our coordinate branches of Government. In Marbury v. Madison, the seminal decision which established the concept of judicial review, the Chief Justice wrote: The powers of the legislature are defined and limited and that those limits not be mistaken or forgotten, the Constitution is written.

The Chief Justice went on to say it is emphatically the province and duty of the judicial department to say what the law is.

For the last 200 years, the American people have understood the respective roles of the three branches of Government. As the national legislature, our duty as Congress is to find and limit it to the role of making law. It is the executive branch's role, in part through the Justice Department, to enforce that law. It is the Judiciary's role to interpret the law. Each branch of Government must be left to do its work without interference from the other branches.

We in Congress have already done our job. We have made the laws which the Justice Department now seeks to enforce. Whether the Justice Department ultimately prevails is left to a third branch of Government, the judiciary. The only threat to the rule of law in filing this litigation on behalf of the American people against the tobacco industry is posed by those who seek to step beyond their proper relationship and usurp the power granted by the

Constitution to other branches of Government. It is neither wise nor right for members in the legislature to attempt to tell the executive how to enforce the laws or to tell the courts how to interpret the laws. If we practice jurisprudence by press release, we become lawmakers, law enforcers, law judges. If we have learned anything at the end of this millennium, it is that such an aggregation of power is the antithesis of the rule of law and is, instead, the imposition of tyranny.

Throughout the world—from East Timor to Kosovo to Cuba—we encourage other countries to follow the rule of law. We must do no less here. We have the greatest judicial system in the world. It resolves disputes based on evidence not rhetoric. Let us allow our court system to adjudicate this dispute without congressional interference.

Undoubtedly there have been instances when individual Members, if not a majority of the Senate, have questioned the wisdom of lawsuits brought by the Justice Department.

When powerful industries violate federal law, it is not uncommon for them to seek congressional interference. When individuals or groups have used their power and privilege to dominate others, and that power was challenged by the law, they have shrilled—''foul.''

Many disagreed when President Theodore Roosevelt's Justice Department sued to break up Standard Oil. Similar complaints were heard when President Reagan's Justice Department sued AT&T.

And we can all remember the outcry in some quarters in the 1950's and 1960's when the Justice Department sought to enforce civil rights guarantees.

While some influential members might have advocated congressional intervention, in none of those cases did the Congress step in to attempt to tell the Justice Department whom it can or cannot sue. We must not do that now.

Some have asked why Congress was not consulted prior to this suit being filed. The questioners appear to have forgotten much of what has happened in the last year.

Setting aside the fact that the Justice Department has no obligation to ask Congress for permission to enforce the law, Congress was well aware this litigation was under consideration.

In his State of the Union address, the President discussed the possibility of this tobacco suit, by announcing that he had asked the Justice Department to prepare a litigation plan against the tobacco industry. Specifically, the President said:

> So tonight I announce that the Justice Department is preparing a litigation plan to take the tobacco companies to court—and with the funds we recover, to strengthen Medicare.

It would have been hard to be clearer.

Congress also considered the potential for a federal tobacco suit when it protected the states' tobacco settlements from federal incursion. In the budget resolution, passed on March 25, 1999, I offered a sense-of-the-Senate amendment which stated that the proceeds of a successful federal lawsuit should be used to shore up the Medicare Trust Fund and help to establish a prescription drug benefit. That amendment passed without dissent.

In March of this year, during debate of the budget resolution, the Senate defeated an amendment offered by Senators SPECTER and HARKIN to place strings on the states' tobacco settlements. Several Members of this body, including myself, stated that if the federal government believed it had claims against the tobacco industry, the Justice Department was free to bring those claims but that the Federal Government should not attempt to recoup State settlement proceeds. The matter was discussed yet again when the Commerce, Justice, and State Appropriations Subcommittee attempted to impede the Justice Department's ability to pursue litigation against the tobacco industry. Not only was the offensive report language effectively removed through a colloquy, the chairman of the subcommittee expressly acknowledged that:

> Nothing in the bill or the report language prohibits the Department from using generally appropriated funds, including funds from the Fees and Expenses of Witnesses Account, to pursue this litigation if the Department concludes such litigation has merit under existing law.

Quite obviously, the Justice Department has reached the very conclusion discussed on the floor of the Senate just a few months ago.

Surely it is absurd to suggest that the Justice Department somehow blind-sided Congress with the announcement of this lawsuit. But again, these facts beg the question. The Justice Department does not need my permission or your permission, or the permission of anyone else in this body to do its job, which is to enforce the law. Conversely, if we attempt to prevent the Justice Department from doing its job, we are engaging in obstruction of justice. Others have questioned the motivation for bringing this suit. I believe the motivation for the Attorney General's decision is similar to that of the attorneys general in many of our states: to enforce the law—and by doing so—protect the American people and particularly the children of America.

The suit seeks to end the cycle of addiction to nicotine, an addiction created in part by false advertising and advertising targeting the youth of our country. It also seeks to recompense taxpayers for the billions of dollars this addiction has cost them—the taxpayers of America. These are motivations which should be celebrated, not ridiculed.

The merits of this case rightfully will be determined in a court of law—not in this body, not in the Congress. But since some of my colleagues have seen fit to put on their own imaginary black robes and pretend to judge this case, I would like to offer a few observations of my own.

It has been argued that the civil RICO statute does not apply in this case because tobacco is a legal product. But this argument ignores the claims made by the Justice Department.

The Justice Department does not allege that tobacco itself is illegal. Nor does it suggest that the tobacco industry broke the law by selling or marketing tobacco products to adults.

Instead, the Justice Department argues that tobacco companies violated the civil RICO statute—a Federal law, of course, enacted by Congress—by conspiring to illegally market their cigarettes to children and by wilfully withholding critical information from the public and the Government.

The tobacco companies have known for years what we are just beginning to learn. If they don't hook you early, they'll never hook you. And if they never hook you, their business dies. It's as simple as that. Tobacco relies by necessity on addicting our children.

According to the Centers for Disease Control, 89 percent of all smokers begin smoking before age 18. So, Mr. President, does it surprise us that the tobacco industry has spent millions of dollars each year to addict our children? It certainly should not.

But whether it surprises us or not, we have an obligation to do something about it. In this case, we should simply let the Justice Department enforce the laws that we have passed.

As documents introduced in state court actions have demonstrated, some of the marketing efforts of these companies have been directed at children as young as 10 years old.

The fact that tobacco is legal for adults does not give these companies the right to market their products illegally to children or to misrepresent or conceal information. These allegations, if proven, will constitute a violation of the RICO statute.

I am even more disturbed by another argument made by the pro-tobacco forces. They argue that even if the Justice Department can prove the tobacco companies lied and illegally marketed their products, the Federal Government has suffered no damages because tobacco use imposes no net cost to the taxpayer.

Let me restate that: the Federal Government has suffered no damages because tobacco use imposes no net cost to the taxpayer.

Let us be clear on what is being argued here. Big Tobacco says that the taxpayers incur no increased costs because tobacco kills people prematurely. Therefore, the industry argues that the taxpayers save money by not having to pay out Social Security or Medicare funds to Americans whose lives are cut short by tobacco before they reach 65.

I imagine there might be some who would congratulate the tobacco industry for saving us all this money by killing our fellow American citizens before

they become a burden. I, for one, and I am confident the vast majority of Americans, would much rather spend money on Social Security and Medicare than have millions of our fellow citizens die a slow, a painful, and a premature death.

Along with being a ghoulish and despicable argument, the industry's twisted logic that it has imposed no net cost on the American taxpayer has also been properly rejected on public policy grounds.

In January of 1998, the trial court in the Minnesota State suit against the tobacco industry upheld the motion of the State of Minnesota for summary judgment, effectively stating that the State of Minnesota had established its case with no further evidence required.

In granting this motion, Judge Fitzpatrick ruled the tobacco industry defendants could not use the fact that they killed people prematurely to their advantage in defending against the suit.

Predictably, the friends of tobacco also make another slippery slope argument. If the Justice Department can sue tobacco companies, they say, what other industries will not be safe? Will fast food or beef or dairy industries be the next in line?

This argument is truly offensive. It is an affront to me personally and should be an affront to all legitimate owners of businesses, large and small, who contribute to this Nation, instead of destroying its health. My family happens to have been in the dairy business for almost 70 years. I take great offense at the comparison between the tobacco industry and the dairy industry. Neither the dairy industry, the beef industry, fast food industry, nor any other is comparable to tobacco. The tobacco industry is unique. Only the tobacco industry has stonewalled and lied to the American public and the American Government for half a century about the known addictive nature of its products. If anyone in this body wants to argue that the dairy or beef industries are analogous to big tobacco, then I invite them to come down to the Senate floor and let's have that debate. Better yet, go to Florida or Wisconsin and tell cattle and dairy farmers they should be treated like big tobacco, an industry which depends on destroying the health of our children in order to succeed.

Let's spend a moment talking about those children. When all the legal arguments and all the political rhetoric fall away, our children remain. They, not lawsuits, not politicians, are our most important concern. It is our children who have been the targets of a predatory effort by the tobacco industry to entice them into an addiction which will eventually kill them.

We also know that early cigarette habits are directly related to other drug use. A 1994 Surgeon General report showed that cigarettes are a gateway drug, a significant risk factor to increased incidents of alcohol and illicit drug use.

This report highlighted the relationship of teenage smoking as a precursor to the use of alcohol and drugs, including recent data from the National Institute on Drug and Alcohol Abuse's ''Monitoring the Future'' project which showed that 33 percent of those surveyed admitted to starting drinking at the same time they started the use of tobacco. This same survey also indicated that 23 percent of the respondents began using both cigarettes and marijuana in the same year.

Importantly, 65 percent of the respondents smoked cigarettes before they used marijuana. This relationship was more pronounced for cocaine: 98 percent of individuals who used cocaine first smoked cigarettes. Putting an end to the tobacco company's illegal marketing efforts toward our Nation's youth will reduce children's smoking. This, in turn, will go a long way to helping combat the use of other illegal drugs.

I know the Justice Department's suit is not a panacea. It will take a combination of litigation and legislation to solve this problem.

A court, for instance, cannot grant enhanced Food and Drug Administration authority to classify nicotine as a drug and cigarettes as a drug-delivery device, a powerful tool to prevent the tobacco industry from manipulating the product to addict even more people. Only Congress can give the Food and Drug Administration that authority.

Should Congress find the tobacco industry responsible for the high rate of youth smoking, Congress may have to impose penalties on big tobacco based on the industry's failure to meet statutorily defined youth smoking reduction targets. A court cannot bind future entrants into the tobacco market to marketing and advertising restrictions which were entered into by the previous participants in the tobacco industry through a consent decree. That may also require congressional involvement.

I stand ready to work with my colleagues on all of these and other necessary legislative issues, but this suit is, however, an important, a useful step in enforcing the rule of law. It is important in protecting our children and our grandchildren.

I am proud to call Janet Reno a friend. As an American, I applaud her for her hard work, for her tenacity, and courage in the face of fierce partisan opposition. I say thank you, Madam Attorney General, on behalf of all of America's citizens.

I thank the Chair. I yield the floor.

Mr. MURKOWSKI addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. Mr. President, I believe the combined leadership has come to the floor and we should give them our undivided attention at this time because I am sure they have something very important to advise the Senate. I will refrain from recognition and defer to my senior colleagues.

The PRESIDING OFFICER. The Senate majority leader.

Mr. LOTT. Mr. President, I thank the distinguished Senator from Alaska for allowing us to enter into some unanimous consent agreements and some colloquy that we have been working on for quite some time. I understand the Senator from Alaska may want to continue after we complete this.

Mr. MURKOWSKI. I thank the majority leader, but I understand Senator AKAKA has been waiting longer than I, so I will defer to Senator AKAKA following the leadership pronouncements.

UNANIMOUS CONSENT AGREEMENTS—EXECUTIVE CALENDAR

Mr. LOTT. As in executive session, I ask unanimous consent that on Monday, October 4, at a time determined by the majority leader, after consultation with the Democratic leader, the Senate proceed to executive session to consider the following nomination, and it be considered under the following limitations: Executive Calendar No. 172, Ronnie White to be District Judge for the Eastern District of Missouri, under a 1-hour time limitation divided as follows: 45 minutes equally divided between the chairman and ranking member; 15 minutes under the control of Senator ASHCROFT.

I further ask consent that following that debate, the Senate then begin debate en bloc on the nominations of Calendar No. 215, Ted Stewart, and Calendar No. 209, Raymond Fisher.

I further ask consent that following the granting of this consent, the nominations of Calendar Nos. 213 and 214 be immediately confirmed, the motion to reconsider be laid upon the table, the President be immediately notified, and the Senate resume legislative session.

I further ask consent that following the debate on Monday on the three nominations, the Senate resume legislative session.

I finally ask consent that at 2:15 p.m. on Tuesday, October 5, the Senate resume executive session and proceed to consecutive votes, first on the nomination of Ronnie White, to be followed by a vote on the nomination of Ted Stewart, to be followed by a vote on the nomination of Raymond Fisher. I also ask consent that following the votes, again the President be notified of the Senate's action and the Senate then resume legislative session.

Before the Chair rules, I yield to the Democratic leader for his comments and an appropriate response from me.

The PRESIDING OFFICER. The Senate minority leader.

Mr. DASCHLE. I appreciate the majority leader's effort to try to move these nominations along. Before I make some comment, let me ask the majority leader what his intentions are with regard to Marsha Berzon, the nominee to be the United States Circuit Judge for the Ninth Circuit, as

well as Richard Paez, a similar nominee for the Ninth Circuit. Can the majority leader give me his current intentions with regard to those two nominations?

Mr. LOTT. Mr. President, if the Senator would yield under his reservation to respond, let me say again, I appreciate the cooperation of Senators on both sides of the aisle, from the Judiciary Committee, and other Senators who have interest in these nominations. It has been a very delicate balance to work through a process where we could get these nominations confirmed.

The nominations of Mr. Marrero from, I believe, New York, and Mr. Lorenz from California have not been controversial. They have been cleared for quite some time. We had the unfortunate situation with regard to the nomination of Ted Stewart where we had a cloture vote, which I think both sides would prefer not to have happened. There are reasons for it. But I think it is important we not start down that trail. Both sides have indicated we do not want to start having cloture votes to determine the confirmation of judges. Then also there is the nomination of Mr. Fisher for the Ninth Circuit.

So we have here a process where we can have a voice vote on two of them and some debate and votes on the other three: White, Stewart, and Fisher. That is a significant undertaking. That will get us into the process where judges—certainly judges who are not controversial—will not be held up because of controversial judges in other areas. So I just wanted to kind of go through that whole process.

With regard to the other two nominations Senator DASCHLE asks about, I will continue to work with the Democratic leader as well as other Members on his side of the aisle and on my side of the aisle in scheduling executive nominations. I have to go through a process where I have to notify Members that a judicial nomination may be called up and see if there are problems with it, see if that can be worked out, see if we are going to need an extended period of time of debate, see if there is a threatened filibuster.

So I will work, as I have in the past, to see if we can get these nominations cleared so we can move forward. I will continue to do that. I will do that on specifically the two that have been mentioned. I will try to find a way to have them considered. I cannot confirm at this point when or how that will be done, but I will continue to work on it.

That is one of the reasons that moving these other judges is important. Because it takes time to get the nominations cleared. When you have five that you are close to getting cleared, once you get those out of the way, then you can focus your attention on the remaining judges on the calendar.

By the way, I understand there are other basically noncontroversial judges on whom the Judiciary Committee will be meeting, maybe in the next week or two, and there will be more judges on the calendar. So we want to keep moving the ones that can be cleared because there are districts and circuits around the country that do need these judges to be confirmed. I think we can get this request agreed to. It will be positive, and we will be able to continue to work together.

I hope that is helpful in responding to Senator DASCHLE's question.

Mr. DASCHLE. That is helpful. With that assurance, I will certainly not object to the request propounded by the majority leader. He has made it to me privately. It is my hope we will continue to work. These are important matters. As the majority leader has heard me say, and others say, now for some time, in some cases they have been pending not for months but for years. For anyone to be held that long is just an extraordinary unfairness, not only to the nominees but to the system itself.

The majority leader has also noted that a cloture vote is an unfortunate matter. Actually, a cloture vote is a recognition of the difficulty to move judges. A cloture vote is probably no more unfortunate than a hold. We have people who are maintaining holds on judges, which is also very unfortunate. A hold is nothing more than an intent to filibuster.

So I hope our colleagues will drop their holds and will recognize that taking hostages in this form is not the right way to proceed and does not live up to the traditions of the Senate when it comes to the expeditious consideration of individuals who want to serve in public life.

The majority leader also mentioned—I will mention this just briefly because it is another important factor in our decision to want to cooperate with the majority—the decision and the commitment made by the chairman of the Judiciary Committee that he will hold hearings and he will move other nominees forward. It is important that all of the nominees who are pending before the Judiciary Committee be considered. He has indicated he will do his best to ensure they are considered.

Our ranking member, the Senator from Vermont, has been extremely persistent and dedicated to that effort. I appreciate his contributions as well.

So, Mr. President, I will not object.

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

EXECUTIVE CALENDAR

NOMINATIONS OF M. JAMES LORENZ AND VICTOR MARRERO

Under the previous order, the nominations were considered and confirmed, as follows:

THE JUDICIARY

M. James Lorenz, of California, to be United States District Judge for the Southern District of California.

Victor Marrero, of New York, to be United States District Judge for the Southern District of New York.

Mr. SCHUMER. Mr. President, I rise in strong support of the nomination of Victor Marrero to serve as a judge on the United States District Court for the Southern District of New York.

I express my appreciation to Chairman HATCH for moving this nomination expeditiously to the floor.

This is one of those moments where you cannot help but feel proud about this country and about how the American Dream is not a myth but a reality.

Where else in the world could a young child, with no knowledge of the native language, go to school, learn English, become valedictorian of his high school, and embark upon a distinguished and towering career in public service?

Only in America.

That is the abridged story of Victor Marrero. He came to this country with practically nothing. He studied and learned in school. He was inspired to public service by President John F. Kennedy.

And from that day on, he has never strayed from helping people, teaching them, from trying to make the world a better and more just place.

President Clinton nominated Ambassador Marrero to this judgeship upon my recommendation and on the basis of the Ambassador's extensive experiences and accomplishments as both a practitioner of law and a public servant.

Ambassador Marrero's legal career is extensive and distinguished. Between his two stints in public service, he spent twelve years as a partner at two prominent New York City law firms.

Ambassador Marrero's public service career is almost without equal in its breadth and degree of achievement. He has served as Executive Director of New York City's Department of City Planning, Chairman of the city's Planning Commission, Commissioner of New York State's Division of Housing and Community Renewal, and Under Secretary at the U.S. Department of Housing and Urban Development.

In 1993, President Clinton appointed him United States Ambassador to the Economic and Social Council of the United Nations. In 1998, be became United States Ambassador to the Organization of American States.

Ambasssador Marrero, through charitable work, has helped to enhance New York City's public schools, libraries, museums and parks, and to help bring opportunity to other Puerto Ricans and Hispanics.

Perhaps the most telling testament to the esteem in which Ambassador Marrero is held is the fact that he has been confirmed by the United States Senate on three separate occasions over the past twenty years.

I am pleased today that Ambassador Marrero will be adding a fourth Senate confirmation to an already impressive resume.

Mr. LEAHY addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I say, with both the leaders on the floor, this is a matter that has had some discussion. I appreciate the discussions I have had with both my leader, the distinguished Democratic leader, and the majority leader of the Senate, the distinguished Senator from Mississippi. The distinguished senior Senator from Utah, Mr. HATCH, and I have also had lengthy discussions about this.

As I have stated before—I will not hold the floor here now because I know others are waiting to speak; I will speak on this later this afternoon—I do have a concern about the slow pace of nominations being confirmed, especially with those such as the Paez and Berzon nominations that have waiting years, not just weeks and months. We should be moving forward on those nominations, as well.

I have also received the assurance of the distinguished chairman of the Senate Judiciary Committee that we will expedite, as much as possible, the hearing schedule and the executive session schedule of the Committee and that we will get more nominations promptly to the Executive Calendar.

One thing I have learned after 25 years here is that in the last few days of any session we suddenly find a lot can be done—provided items are available on the calendar. While it is a time, I am sure, to which the two leaders look forward with great anticipation—and they have a chance to earn a higher place in Heaven because their patience will be strained but they will not allow the strain to break them—I hope we will have a number of judges who might then be available to start the December, if not the January, sessions of their courts.

I know that Bruce Cohen, counsel on the Democratic side, and Manus Cooney, Senator HATCH's chief counsel on the Republican side, have been working hard to make progress on these matters.

I think this is a good step forward. I think it is a positive thing. But I hope the leader will be able to use his persuasion on the Republican side for Berzon and Paez. I know there are those who will not vote for them, but allow them to have an up-or-down vote.

I can assure the Democrat leader and I can assure the majority leader that I have canvassed this side of the aisle and there is no objection on the Democratic side—none whatsoever—to going forward with Berzon and Paez.

I know some Senators have told me on the other side they will vote against them. I have a number of Senators on the other side who say they will vote for them. We ought to give them the courtesy of the vote.

I know that requires scheduling and work, but I urge that upon the leadership. I want the leaders to know there is no objection on this side.

Mr. LOTT. Mr. President, I would like the RECORD to reflect that Senator HATCH is in agreement with this request. He has worked on it very diligently; also, that he has made a commitment to have hearings and votes on additional nominees in the near future. I do not recall him specifying a day. I think you have some tentative date you have worked on.

Mr. LEAHY. We do.

Mr. LOTT. One other request. I ask unanimous consent that at 5:30 on Monday the Senate proceed—Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative assistant proceeded to call the roll.

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

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

UNANIMOUS CONSENT AGREEMENT—H.R. 2084

Mr. LOTT. Mr. President, I ask unanimous consent that at 5:30 p.m. on Monday, the Senate proceed to the Transportation appropriations conference report, the conference report be deemed to have been read, and statements by Senators SHELBY and LAUTENBERG be placed in the RECORD and a vote occur immediately on adoption of the conference report at 5:30 p.m. on Monday.

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

Mr. LOTT. I ask unanimous consent that after Senators AKAKA and MURKOWSKI speak—Senator AKAKA is going to speak next and then Senator MURKOWSKI—Senator LEAHY be recognized to speak as in morning business.

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

Mr. LOTT. I yield the floor.

The PRESIDING OFFICER. The Senator from Hawaii.

U.S. POLICY TOWARDS NORTH KOREA

Mr. AKAKA. Mr. President, I thank the majority leader for the time and also my chairman from Alaska, Senator MURKOWSKI, for permitting me to speak during this time.

I rise to address an issue of critical importance to our national security: containing the proliferation of weapons of mass destruction by North Korea. As ranking member of the Subcommittee on International Security, Proliferation, and Federal Services, I see this as one of the most pressing security issues facing America. The Clinton administration has been working hard at containing and countering this threat, holding important discussions with the North Koreans, most recently in Berlin. Last Friday, a North Korean spokesman stated that North Korea would ''not launch a missile while the talks are underway with a view to creating an atmosphere more favorable for the talks'' with the United States.

This, I believe, is a very positive step. North Korea's development and August 1998 testing of a long-range missile drew America's attention to this emerging threat to our national security. Even more directly, it raised concerns about Hawaii's security. Following this test, the North Koreans began preparing to launch a second missile, which our intelligence analysts believe could deliver a several-hundred kilogram payload to Hawaii and to Alaska. North Korean preparations to test launch a much larger missile prompted the administration to take multilateral efforts to persuade the North Koreans not to launch and to restrict their missile development.

Following negotiations in Berlin between the United States and the North Koreans last week, the President announced his decision to ease some sanctions against North Korea administered under the Trading with the Enemy Act, the Defense Production Act, and the Department of Commerce's Export Administration regulations. So far these efforts have been partially successful, and the North Koreans have agreed to a moratorium on missile launches during this series of talks with the United States. The administration is to be congratulated for the intensity with which it has pursued a solution to this dangerous problem.

There has been some criticism of the administration's approach, with a few critics arguing that the administration is rewarding bad behavior or giving in to extortion demands. I do not believe this is the case. The formal announcement by the North Korean Government stating there would be no missile tests while talks are underway with the United States is a clear indication that North Koreans have accepted the new approach in relations outlined by Secretary Perry. There is no doubt that the North Koreans have an active missile export program which is dependent upon imports of foreign technology and exports of cruise missiles.

Therefore, it is in our national security interest to limit North Korean missile development and especially North Korean missile exports toward which the Berlin agreement takes a firm step. By lifting some economic sanctions, holding out the possibility of lifting additional sanctions, and suggesting to the North Koreans that the United States is willing to normalize relations with North Korea, the North Koreans have been given a powerful incentive towards agreeing to a permanent moratorium on missile development. Reimposing sanctions would send such a strong signal of distrust with North Korean actions that it could well set back North Korean efforts to achieve international respectability to lower levels than those today.

This is not a sanctions relief for moratorium deal. It leads, instead, to a

normalization of relations for a reduction in threat. Normalization is predicated upon North Korean willingness to change their behavior in terms of terrorism, drug dealing, and proliferation, including a verifiable end to their nuclear warhead and missile programs. We are not looking at an immediate end to the hostile atmosphere that has worsened tensions on the Korean peninsula. We must determine what our long-term objectives are on the Korean peninsula. If our ultimate goal is the peaceful unification of the Koreas as one democratic state, we need to assess more effectively how our current strategy will lead us in that direction.

I look forward to the administration's elaborating its next steps towards North Korea. So far, the administration has worked hard and well at containing tensions on the peninsula. It is not a success which must come easily, given the difficulty of dealing with the North Koreans. More hard work and the support of Congress will be needed to make a lasting peace possible.

I yield the floor and thank the Senator from Alaska for granting me this time.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. Mr. President, I thank the Chair, and I thank my good friend and colleague from Hawaii with whom I have a great rapport. I very much appreciate his statement and the meaningful application of both Hawaii and my State of Alaska, as we look at the potential threat from some of the rogue nations of the world.

IN MEMORIAM—MARY MIKAMI ROUSE

Mr. MURKOWSKI. Mr. President, my purpose in coming to the floor today is to tell you about an extraordinary Alaskan family. And to pay tribute to a mother who took from her immigrant heritage and from her adopted Alaskan home, the courage and tenacity to excel at a time when successful women were not the norm and too often uncelebrated. Her name is Mary Mikami Rouse. She died August 7th at the age of 87.

Her story begins in Japan with the arrival of a fifth son in the Mikami family in 1864. Shortly after the birth of Mary's father, Goro Mikami, Japan began a period of social and political revolution and tempestuous change. The Shogunate lost power and Japan's imperial house was restored to a position of prestige and authority. The feudal system was eroding and there was a remarkable degree of westernization in all areas of Japanese life.

Goro Mikami's father was a vassal of the Shogun, an admiral who was ultimately responsible for a navy failure that contributed to the subsequent loss of power by the Shogun. His sense of honor demanded he commit seppuku, or suicide for that loss. Fortuitously, the emperor stopped him from that action, pardoned him and made him the head of the country's new naval academy. In that position he got to know a number of American naval officers.

As the fifth son to a family that was Samurai, or part of the aristocracy, Goro Mikami made a decision that reflected the changing times in which he found himself. He rebelled against an arranged marriage that was in the offing and he and a friend, who were studying in Tokyo around 1885, decided to head for the American West. Plans went awry and the friend stayed behind, but Mikami took the ship to a new life. He settled in San Francisco where at some point he attended the University of California at Berkeley to learn English. Two of his brothers went on to serve in Japan's diplomatic corps. The family name was Kondo, Goro was given the last name of Mikami in order to rescue a branch of the family that was dying out—not unusual in Japanese culture.

Rumor says Mikami was drawn to the goldfields in Alaska, and there is some evidence he may have worked as a civilian aboard a U.S. Coast Guard Cutter. By this time, he had Americanized his name from Goro to George. But whatever his adventures, Mikami made a monumental decision in 1910, to take a trip back to Japan. His school friend had become a famous lawyer in the intervening years, and put together a huge homecoming for Mikami. At the homecoming events he met Miné Morioka, who had served as a nurse in the Russian Japanese War. They married and returned to the States in 1911, this time to Seattle. In 1912, Mary Mikami was born.

About 1915, the family, including Mary's younger sister Alice, moved to Seward, Alaska. It appears George found work on the Alaskan railroad then being constructed between Seward and Anchorage. That same year, Mary's brother Harry was born. By 1918, the family had moved on to Anchorage where they opened George's Tailor Shop on Fourth avenue between ''B'' and ''C'' Streets. Flora was born in 1919, and the family was complete. The Mikamis were either the first or one of the first Japanese families to settle in Anchorage.

Prior to the 1940s, Anchorage's population never moved above 2,000. Alaska was still a territory and not a stopping ground for the faint of heart. It was peopled with pioneers and adventurers seeking wealth, anonymity or a new way of life. The Mikami family persevered and prospered in this still rough and tumble atmosphere. They met the challenges of a new business, a young family, assimilating into a different culture and mastering a new language.

The second daughter Alice Mikami Snodgrass, who still lives in Palmer, Alaska, remembers her mother as a strict disciplinarian. She recalls the lure of swing-sets and seesaws and clamoring friends, while her mother kept the Mikami kids inside until they finished their schoolwork. Even in summer, there were sums to do and chores before play.

In Japanese tradition, children were kept at home until they were five and then sent to school. Up to that point, the Mikami children spoke Japanese. Mary's relatives explain that she was highly traumatized when she entered school and realized she had to learn English.

But Mary's mother's dedication to her children's scholarship resulted in all four children being named valedictorian of their respective graduating classes in Anchorage's public high school. Mary Mikami took the honors first and subsequently attended the Alaska Agricultural College and School of Mines in Fairbanks. She graduated with highest honors in 1934. The next year the College was renamed the University of Alaska at Fairbanks. Her sister Alice recalls that Doctor Charles E. Bunnell, the first President of the University, at the time literally came to the towns, visited with the families, and recruited students by bringing along a University basketball team to play the local high school and community teams.

After graduating, Mary joined an anthropological expedition jointly sponsored by the college and the Department of the Interior to St. Lawrence Island, located in the windswept Bering Sea between Alaska and Siberia. The expedition studied Alaskan prehistory. She was the only woman on the team; another team member, Roland Snodgrass, was to become her brother-in-law.

After the expedition, she went to work for the University of Alaska Museum and was considering graduate school, perhaps at Columbia University. Instead, she met Froelich G. Rainey, a Yale graduate who became the head of the Museum. He influenced her to go to Yale instead and helped her make connections there. The intrepid Mary left Alaska for the first time in her young life and took the steamer to Seattle and then the train across country to a different challenge—a new world. Like her mother and father before her, she entered a new life with few connections to the past, and no one to greet her and ease the transition.

She adapted and continued her success. She met and married fellow graduate student Irving Rouse. Both received Ph.D's and remained at Yale for lifelong careers of learning and teaching. Mary Mikami Rouse was a visiting lecturer, an editor of translations, instruction assistant at the Institute of Oriental Languages and a research assistant. She also served as an editorial assistant for American Antiquity, Journal of the Society for American Archaeology. Her husband, now retired, was the editor of that journal and is a well known anthropologist specializing in the Caribbean.

Back in Alaska, her brother and sisters followed her to the University of

Alaska and brother Harry also received a Ph.D from Yale. Sister Alice married Roland Snodgrass who later served as Director of the Division of Agriculture in Gov. Walter Hickel's first administration. Their son Jack is an attorney in Palmer. Mary's youngest sister, Flora Mikami Newcomb lives in Vancouver, B.C. Her brother, Harry, is deceased.

The elder Mikamis sold the tailor shop and retired to Los Angeles just before World War II. Instead of the surcease they sought in retirement, they were moved to a Japanese internment camp in Arizona—a fate the four children escaped. In honor of their parents, the four Mikami children established the Mikami Scholarship at the University of Alaska Fairbanks, and it is available today to any sophomore or junior student.

Mary and Irving Rouse were the parents of two boys, Peter M. Rouse of Washington, D.C. and David C. Rouse of Philadelphia. David is a landscape architect and urban designer. In this body, we are most familiar with Pete Rouse, who many of you will recognize as the Chief of Staff to our esteemed Minority Leader TOM DASCHLE. Mary may have been as stern about studies as was her mother because Pete has a B. A. from Colby College, an M.A. from the London School of Economics and an M. A. from Harvard University. In the mid-1970s, Pete and TOM DASCHLE were both legislative assistants to Sen. James Abourezk, D-S.D. While at the Kennedy School at Harvard, Pete became friends with an Alaskan named Terry Miller, who was to become an Alaskan Lt. Governor. In 1979, Miller asked Pete to come to Alaska and work for him in the State House, reestablishing Pete's family ties with the state.

The winds of political fortune soon brought him back to Capitol Hill and Chief-of-Staff positions with Representative RICHARD DURBIN, Representative THOMAS DASCHLE and then Senator DASCHLE. But Pete never forgot Alaska and his many friends there. His continuing efforts and interest in our State are greatly appreciated.

Mary Mikami's life was an American success story. Hers was an example of achievement against great odds. She honored both of her cultures and her family. She was a combination of Samurai pride, Alaskan fortitude and New England grit. Mary was her own woman before anyone had heard the term ''women's liberation''. She was also a lifelong Democrat, and I'm sure was always very proud of the path her son has followed. Today, I join my colleagues in expressing condolences to the family and friends of Mary Mikami Rouse. Alaska is proud to claim her as one of its pioneers.

Mr. DASCHLE. Mr. President, I join the Senator from Alaska in remembering Mary Mikami Rouse. Mary Rouse recently passed away, at the age of 87, leaving behind an accomplished family and a legacy of academic achievement.

She was born in the United States in 1912, the daughter of Japanese immigrants who had come to the United States to seek their fortune. Growing up in Alaska, Mary Mikami excelled academically and graduated with the highest honors from Alaska Agricultural College and the School of Mines, which later became the University of Alaska.

After completing her college work in Alaska, she traveled to New Haven, CT, where she attended Yale University, where she met and married Irving Rouse and earned her Ph.D. Throughout her life she continued living in New Haven, working as lecturer, translator, and instructor at Yale's Institute for Oriental Languages.

With her husband Irving, Mary had two sons, David Rouse, an urban landscape architect in Philadelphia, and Peter Rouse, my chief of staff and a man who has been my friend and closest adviser for now more than 15 years.

All of us who know and work with Pete are aware of the enormous influence his mother Mary had on him. His success in life stems from the legacy of his mother—a keen intelligence, unparalleled integrity and judgment, and basic human kindness.

The values he brings to this institution each day are, no doubt, the product of his upbringing and his mother's influence. In fact, it is her character we have the privilege of seeing reflected in her son each and every day.

For those of us who have the good fortune to work with Pete Rouse, there is no way we can thank his mother Mary for all that she has done to influence his life, for all that she did to ensure we have the good fortune to call Pete Rouse our friend, to call him, now, our coworker, and for me to rely upon him each and every moment of every day to the extent that I do.

I, and all who know Pete, share his loss now. We are grateful that she has had the good life, the successful life, the extraordinary life that she has had, and we all wish Pete and his family well under these circumstances.

IT CAME FROM SEATTLE: TRUE HORROR STORIES OF THE EPA

Mr. MURKOWSKI. Mr. President, there is a letter in your mailbox from the Internal Revenue Service. Your pulse quickens. Beads of perspiration break out on your brow as you tear open the envelope to see what the most feared agency in Washington has in store for you.

At least that's how it used to be. Now the Environmental Protection Agency appears determined to replace the IRS as the government agency you really don't want to hear from. Consider the following true stories from my office case files:

A small land owner in Ketchikan recently opened a letter from the EPA to learn that he had been assessed a $40,000 fine for a wetlands violation. He knew he had problems with the EPA, but he had been meeting with EPA officials and had been encouraged that an acceptable mitigation plan might be negotiated. The $40,000 fine hit him like a bolt of lightning our of a clear blue sky.

Meanwhile, in Anchorage the commanding general of the United States Army in Alaska received a letter from the EPA. The General knew he had a problem with the powerplant at Fort Wainwright that was not in full compliance with the Clear Air Act, but he and his staff had been working diligently to bring the plant into compliance. With the help of the Alaska Congressional Delegation, he had received a $15.9 million appropriation for new pollution control measures. He had budgeted another $22 million for additional upgrades next year. The Army had, of course, informed EPA of these efforts to bring the plant into compliance, and the EPA seemed satisfied. But the letter the General now held in his hand said that EPA was assessing the U.S. Army with a $16 million fine—a fine greater than the combined value of all EPA fines ever assessed against the U.S. Army nationwide. Another bolt of lightning out of a clear blue sky.

These stories suggest that the EPA hasn't learned a fundamental lesson understood by every decent cop—good law enforcement requires discretion. When you're pulled over by a trooper for going a few miles per hour over the speed limit and are calmly discussing the matter with the officer, you have every right to expect that you will not be beaten senseless with a nightstick. And when a small businessman, residential landowner, or U.S. Army general finds himself engaged with the EPA over an alleged violation and is making an effort to find a resolution, he should not be slammed with unprecedented, punitive fines.

We need laws to protect the environment, but the interpretation and enforcement of law must be blended with common sense and judgment. Take wetlands protection, for instance. Some wetlands perform critical roles in protecting water supplies and providing important wildlife habitat. Other wetlands are lower value muskeg. The letter of the law may not make the distinction, but human beings with the responsibility of enforcing the law should understand the difference.

These ''bolt from the blue'' letters that Alaskans are getting in their mailbox are postmarked Seattle. The EPA regional office ''in charge'' of Alaska is in Seattle. What the EPA folks in Seattle know of Alaska they get from their brief visits, or from their small staff in Anchorage. They aren't our neighbors. They aren't Alaskans. I want to change that.

At the risk of enticing the mad dog from an adjacent neighborhood to our own backyard, I am renewing my efforts to force EPA to create a separate region for Alaska. That way, the EPA

officials writing these letters will at least have a chance to better understand the environment in which we live. They would live in our neighborhoods, and send their kids to school with ours. If you're going to get fined, they'll have to look us in the eye. There would be no more scary certified letters from distant bureaucrats in Seattle.

In the meantime, I'm inviting the Regional Administrator of the EPA to come and stand with me on Gravina Island, across from Ketchikan, where 13 feet of rain falls each year. As the rain from a driving rainstorm fills his wingtips and rivulets of water cascade down the hill into the Tongass Narrows, I'll ask him to point out where the wetlands end and the uplands begin. I'll also ask him to describe the irreplaceable environmental value of the muskeg that the EPA wants us to keep undisturbed. If I'm not satisfied with his answers I'll advise him to start looking at real estate in Alaska, and suggest he hold a garage sale in preparation for a move out of Seattle. Meanwhile, be afraid. Be very afraid.

NUCLEAR TROJAN HORSE

Mr. MURKOWSKI. Mr. President, physicians use a specially engineered radioactive molecule as sort of a nuclear Trojan horse in the battle against pancreatic cancer. The molecule is absorbed by the cancer cells and only by the cancer cells. Once inside, the radiation breaks up the DNA and kills the tumor cell—another amazing tool in the war on cancer.

The physicians, technicians and even clean-up crews must carefully dispose of the medium that stored the radioactive molecule and other items that may have come in contact with the radioactive materials. There are strict procedures for disposing of such wastes by hospitals, universities, power plants and research facilities.

But, in a way, that waste itself is a Trojan horse, sitting innocently in garages or closets in sites all over the country, waiting to be opened up and released on the public by an act of terrorism or of nature like the recent floods the East sustained, or the earthquakes and wildfires more common to the West coast. Most dangerous would be fire which would put the radioactive materials into smoke that could be breathed by anyone near the fire.

Why is this a problem? Because there are only three facilities in the entire country that safely can accept such low-level radioactive waste, LLRW: that is material contaminated as a result of medical and scientific research, nuclear power production, biotechnology and other industrial processes. In 1996, about 7,000 cubic meters of LLRW was produced in the nation.

A study released by the General Accounting Office at the end of September 1999, holds out little hope for the construction of any new low-level radioactive waste disposal sites as envisioned under the Low-Level Radioactive Waste Policy Act, signed by President Jimmy Carter in 1980. That legislation resulted from states lobbying through the National Governors' Association (NGA) to control and regulate LLRW disposal. An NGA task force, that included Governor Bill Clinton of Arkansas and was chaired by Governor Bruce Babbitt of Arizona, recommended the states form special compacts to develop shared disposal facilities.

The GAO study, which I requested, states, ''By the end of 1998, states, acting alone or in compacts, had collectively spent almost $600 million attempting to develop new disposal facilities. However, none of these efforts have been successful. Only California successfully licensed a facility, but the federal government did not transfer to the state federal land on which the proposed site is located.''

Secretary of the Interior Bruce Babbitt stopped the California facility at Ward Valley from ever becoming reality. National environmental groups and Hollywood activists made Ward Valley a rallying cry, claiming waste would seep through the desert to the water table and into the Colorado River. They claimed to believe this despite two complete environmental impact statements that found no significant environmental impacts associated with a disposal facility at Ward Valley in the Mojave Desert. Secretary Babbitt asked the National Academy of Science to convene an expert panel to determine whether the Colorado River was threatened, and said he would abide by their conclusions. In May 1995, the Academy scientists concluded that the Colorado River was not at risk. Yet, the property was never transferred.

But the importance of this issue extends well beyond the borders of the State of California or the borders of its fellow compact members, Arizona, and North and South Dakota, which thought they had a deal with the federal government. The losers are all Americans who believe the President and the executive branch should uphold federal law, not ignore it and obstruct it for the sake of campaign contributions.

The GAO states that several reasons are behind the rest of the states giving up on siting new waste disposal facilities. Public and political opposition is cited as the strongest prohibiting factor. Another reason is that, for the time being, states have access to a disposal facility at Barnwell in South Carolina, Richland in Washington State and Envirocare in Utah. A very positive reason cited is the reduction in the volume of low-level waste that is being generated, with waste management and treatment practices including compaction and incineration.

However, the report cautions, ''Within 10 years, waste generators in the 41 states that do not have access to the Richland disposal facility may once again be without access to disposal capacity for much of their low-level radioactive wastes.'' Barnwell could decide to close or curtail access as early as 2000, and, at best, will only be open until 2010. The Utah facility disposes of wastes that are only slightly contaminated with radioactivity and thus is not available for all storage.

In ten years states will be searching for storage as well as disposal. That storage will be near every university, pharmaceutical company, hospital, research facility or nuclear power plant. It may be down the street from you or within your city limits. And we have the Clinton administration to thank for bringing the materials into our communities like a quiet Trojan horse instead of working with states to establish a secure waste facility. Let's hope nothing ever opens the belly of the beast accidentally.

TAKEOVER OF THE FISHERIES IN ALASKA

Mr. MURKOWSKI. Mr. President, the Secretary of the Interior today, under the authority of current law, has taken over the management of fisheries in my State of Alaska. Our State legislature has been trying to resolve this problem, along with the Governor and our delegation, for some time. Unfortunately, we were unable to resolve it within the timeframe, so the Feds have officially taken over beginning today.

I have directed a letter to the Secretary of Interior putting him on notice that, as chairman of the committee of oversight, chairman of the Energy Committee, I will be conducting a series of oversight hearings on the implementation of his regulations to ensure there is a cooperative effort and involvement of a public process with the State of Alaska, Department of Fish and Game, and the people of Alaska, as he promulgates his regulations, to ensure we are not taken advantage of by an overzealous effort by the Department of Interior to mandate procedures only in the State of Alaska.

We are the only State in the Union where the Federal Government has taken over the management of fish and game. Many Alaskans are wondering just what statehood is all about if, indeed, we are not given the authority to manage our fish and game.

I will save that for another day. I yield the floor.

JUDICIAL NOMINATIONS

Mr. LEAHY. Mr. President, I said Tuesday of last week that the series of votes the Senate took that day, in which we were unable to consider and vote on the nominations of Judge Richard Paez and Marsha Berzon, was unprecedented. I expressed my concern that the Senate not go so far off the tracks of our precedents that we end up creating a problem, not just for this administration, but for any future administration.

Today, we at least break out of the impasse of last week, and move forward toward voting on all the judicial nominations before the Senate. Just so we understand where we are, I said last week that Democrats were prepared to vote on all of the judicial nominations pending on the Senate Executive Calendar. Today we provided additional evidence of our resolve to do so. We did that by agreeing to a debate and a confirmation vote on the nomination of Brian Theadore Stewart to the United States District Court for the District of Utah, as well as other nominees pending before the Senate.

Of course, the Senate has confirmed Victor Marrero and James Lorenz. I congratulate, incidentally, Senator SCHUMER and Senator FEINSTEIN and Senator BOXER, for the efforts they have made on behalf of those nominees.

I thank the Democratic leader for all his efforts in resolving this impasse, in securing a vote on the nomination of Ray Fisher, and, in particular, a vote on the nomination of Justice Ronnie White. Justice Ronnie White is eventually, finally—I emphasize finally—going to get an up-or-down vote next Tuesday. Also, Ray Fisher and Mr. Stewart will be voted on next Tuesday.

But our work is not complete. I look forward to working with the majority leader to fulfill the Senate's duty to vote on the nominations of Judge Richard Paez and of Marsha Berzon. These are nominations that have been pending for a very long time.

This debate is about fairness and the issue that remains is the issue of fairness. For too long, nominees—judicial nominees such as Judge Paez, Ms. Berzon and Justice Ronnie White of Missouri, and executive branch nominees like Bill Lann Lee, have been opposed in anonymity, through secret holds and delaying tactics—not by straight up-or-down votes where Senators can vote for them or vote against them.

They have been forced to run some kind of strange in-the-dark gauntlet of Senate confirmations. Those strong enough to work through that secret gauntlet and get reported to the floor are then being dealt the final death blow through a refusal of the Republican leadership to call them up for a vote. They should be called up for a fair vote. They may be defeated—the Republicans are in the majority; there are 55 Republican Senators; they could vote them down. But let them have a fair vote, up or down. Let all Senators have to stand up and vote aye or nay, and be responsible to their constituency to explain why they voted that way. Unfortunately, nominations are being killed through neglect and silence, not defeated by a majority vote.

So I ask, again, for the Senate to fulfill its responsibility to vote on all the judicial nominations on the calendar; vote for them or vote against them. We can vote them up or we can vote them down, but after 44 months or 27 months or 20 months, let us vote.

Judge Richard Paez has an extraordinary record. He was praised by Republicans and Democrats before our committee. He was nominated January 25—not January 25 of this year, 1999; not January 25 of 1998; not January 25 of 1997; but January 25 of 1996. He has been pending 44 months. Vote for him or vote against him, but do not put him in this kind of nomination limbo, which becomes a nomination hell.

Justice Ronnie White, an extraordinary jurist from Missouri, an outstanding African American jurist, he was nominated on June 26—not June 26 of 1999, not June 26 of 1998, but June 26 of 1997. After more than two years, this nomination remains pending. Vote up, vote down, but do not take such an insulting and arrogant and demeaning attitude on behalf of the Senate of not allowing this good jurist to come to a vote.

Marsha Berzon, again, nominated January 27, but not of this year, of last year. Her nomination has been pending for almost two years. Allow her to come to a vote.

I contrast this, even though we have a Democratic President and nominations are usually the prerogative of whoever the President is, of that party, with a nomination made on behalf of a Republican Senator who happens to be a dear friend of mine. That man was nominated on July 27 this year, barely two months ago. That nomination, the nomination of Brian Theadore Stewart, will be voted on next week. Good for him, I say.

He has been considered promptly and will be brought up for an up or down vote. There are some on this side of the aisle who oppose him and will vote against him. But every single Democrat, whether they are going to vote against him or for him, should allow him to be voted on and they will. That nomination has been pending 2 months.

Let us have the same fairness on the other side of the aisle for Marsha Berzon, after 20 months, Justice Ronnie White after 27 months, and Judge Richard Paez after 44 months, especially—and some people may wish I would not say this on the floor, but especially after the nonpartisan report which came out last week that confirmed what I have said on this floor many a time—especially for nominees who are women and minorities. I have observed before that if you are a minority or if you are a woman, this Senate, as presently constituted, will take far, far longer to vote on your confirmation than if you are a white male. That is a fact. That is fact, something that started becoming evident a few years ago and has now been confirmed in a nonpartisan report.

Let me repeat that. If you are a minority, if you are a woman, you will take longer to be confirmed than if you are a white male, by this Senate as presently constituted. And that is wrong. I advise Senators, I have checked on Judge Richard Paez, Justice Ronnie White, and Ms. Marsha Berzon, and nobody objects on the Democratic side of the aisle to them coming to a vote. We are prepared to vote at any time, any moment, any day. There are no holds on this side of the aisle.

I said last week I do not begrudge Ted Stewart a Senate vote. I do not. He is entitled to a vote. He went through the confirmation process. The Senate Judiciary Committee voted him out. It was not a unanimous vote, but he was voted out of the committee, and he is entitled to a vote. If Senators do not want to vote for him, vote against him. If Senators want to vote for him, vote for him. I intend to vote for him. I intend to give the benefit of the doubt both to the President and to the chairman of the Senate Judiciary Committee who recommended him.

But I also ask the same sense of fairness be shown to everybody else on the calendar. The Senate was able to consider and vote on the nomination of Robert Bork to the U.S. Supreme Court, as controversial as that was, in 12 weeks. The Senate was able to consider and vote on the nomination of Justice Clarence Thomas in 14 weeks. We ought to be voting on the nomination of Judge Richard Paez, which has been pending almost 4 years, and that of Marsha Berzon, which has been pending almost 2 years. Let us have a sense of fairness. Let us bring them up and let us remove this notoriety the Senate has received, the notoriety established and emphatically proven, that if you are a woman or a minority, you take longer to get confirmed, if you ever get confirmed at all. That is wrong. We should be colorblind; we should be gender blind. Most importantly, we should be fair.

I should note, in fairness to the distinguished chairman of the Judiciary Committee, in committee he did vote for Judge Paez, Justice White, and Ms. Berzon and, of course, Ted Stewart, as did I. Now I work with both he and the majority leader to bring them to a final vote by the Senate.

I also want to work with those Senators who are opposed to bringing Judge Paez or Marsha Berzon to a vote. I read in the papers where we have done away with secret holds in the Senate, but apparently not for everybody. Apparently, there are still secret holds.

In February, the majority leader and Democratic leader sent a letter to all Senators talking about secret holds. They said then: ''members wishing to place a hold on any . . . executive calendar business shall notify the committee of jurisdiction of their concerns.'' I serve as the ranking member on the committee of jurisdiction for these nominations. I have not been told the name of any Senator at all who is holding them up. Yet they do not go forward.

The letter from the two leaders goes on to state: ''Further, written notification should be provided to the respective Leader stating their intention regarding the * * * nomination.'' Senator

DASCHLE has received no such notification. In spite of what was supposed to be a Senate policy to do away with anonymous holds, we remain in the situation where I do not even know who is objecting to proceeding to a vote on the Paez and Berzon nominations, let alone why they are objecting. I have no ability to reason with them or address whatever their concerns are because I do not know their concerns. It is wrong and unfair to the nominees.

I do not deny each Senator his or her prerogative as a Member of this Senate. After 25 years here, I think I have demonstrated—and I certainly know in my heart—I have great respect for this institution and for its traditions, for all the men and women with whom I have served, the hundreds of men and women with whom I have served over the years in both parties. But this use of secret holds for extended periods to doom a nomination from ever being considered by the Senate is wrong, unfair, and beneath us.

Who is it who is afraid to vote on these nominations? Who is it who is hiding their opposition and obstructing these nominees? Can it be they are such a minority, they know that if it comes to a fair vote, these good men and women will be confirmed?

So rather than to allow a fair vote, they will keep it from coming to a vote. I would bet you that the same people who are holding these nominations back from a vote will go home on the Fourth of July and other holidays and give great speeches about the democracy of this country and how important democracy is and why we have to allow people to vote and express the will of the people—except in the Senate and, apparently, except if you are a minority or a woman.

If we can vote on the Stewart nomination within 4 weeks in session, we can vote on the Paez nomination within 4 years and the Berzon nomination within 2 years. Let us vote up or down.

Once more I say, look where we are: There is Stewart, pending 2 months; Marsha Berzon, pending 20 months; Justice Ronnie White of Missouri, pending 27 months; Judge Richard Paez, pending 44 months. I look at those green lines of this chart showing the time that each of these nominations has been pending and I wish they could each be the short sliver that represents the Stewart nomination. With a name like PATRICK LEAHY, I want to see green on St. Patrick's Day; I do not want to see the long green lines on this chart that represent delay and obstruction of votes on women and minority nominees.

Judge Richard Paez is an outstanding jurist, a source of great pride and inspiration to Hispanics in California and around the country. He served as a local judge before being confirmed to the Federal bench several years ago. He is currently a federal district court judge. He has twice been reported to the Senate by the Judiciary Committee, twice reported out for confirmation. He spent a total of 9 months over the last 2 years on the Senate Executive Calendar awaiting the opportunity for a final confirmation vote to the court of appeals. His nomination was first received 44 months ago, in January of 1996.

Justice Ronnie White, an outstanding member of the Missouri Supreme Court, has extensive experience in law and government. In fact, he is the first African American to serve on the Missouri Supreme Court. He has been twice reported favorably to the Senate by the Judiciary Committee. He spent a total of 7 months on the floor calendar waiting the opportunity for a final confirmation vote. His nomination was first received by the Senate in June 1997—27 months ago. I am glad that finally, after all this time, the Democratic leader was able to announce a date for a vote on this longstanding nomination of this outstanding jurist.

As the St. Louis Post-Dispatch noted in an editorial last week:

> Seven of the 10 judicial nominees who have been waiting the longest for confirmation are minorities or women. This is hardly a shock to those of us who have watched [Justice] White, an African-American, be ushered to the back of the bus.

The words of the St. Louis Post-Dispatch.

Marsha Berzon has been one of the most qualified nominees I have seen in my 25 years. Her legal skills are outstanding. Her practice and productivity have been extraordinary. Lawyers against whom she has litigated regard her as highly qualified for the bench. Her opponents in litigation are praising her and asking for her to be confirmed.

She was long ago nominated for a judgeship within a circuit that saw this Senate hold up the nominations of other qualified women for months and years—people like Margaret Morrow, who was held up for so long; Ann Aiken, who was held up for so long; Margaret McKeown, who was held up for so long; Susan Oki Mollway, who was held up for so long. Marsha Berzon, too, has now been held up for 20 months.

The Atlanta Constitution, from Atlanta, GA, noted last Thursday:

> Two U.S. appellate court nominees, Richard Paez and Marsha Berzon, both of California, have been on hold for four years and 20 months respectively. When Democrats tried Tuesday to get their colleagues to vote on the pair at long last, the Republicans scuttled the maneuver. The Paez case seems especially egregious. . . . This partisan stalling, this refusal to vote up or down on nominees, is unconscionable. It is not fair. It is not right. It is no way to run the federal judiciary. Chief Justice William Rehnquist is hardly a fan of [President] Clinton. Yet even he has been moved to decry Senate delaying tactics and the burdens that unfilled vacancies impose on the federal courts. Tuesday's deadlock bodes ill for judicial confirmations through the rest of [President] Clinton's term. This ideological obstructionism is so fierce that it strains our justice system and sets a terrible partisan example for years to come.

That is from the Atlanta Constitution. I share that concern. I have been on the floor of this Senate when we have had Republican Presidents with Republican nominations, saying that they deserve to be brought forward for a vote one way or the other, including a couple instances of nominees I intended to vote against. I still said they deserved a vote. And they got their vote.

In fact, I probably voted for 98 to 99 percent of President Ford's, President Reagan's, and President Bush's nominees—three Presidents with whom I have served.

What we are currently experiencing is unconscionable and unprecedented, these kinds of delays. I think we hurt the Senate when we do this. We will have Republican Presidents; we will have Democratic Presidents. We will have Republican-controlled Senates; and we will have Democratic-controlled Senates. I have served here twice with the Democrats in control; twice with the Republicans in control. The precedents we establish are important if we are to go into the next century as the kind of body the Senate should be.

We should be the conscience of the Nation. On some occasions we have been. But we tarnish the conscience of this great Nation if we establish the precedence of partisanship and rancor that go against all precedents and set the Senate on a course of meanness and smallness. That is what we are doing with these nominations. We should establish, for future Senates, that we are above this kind of partisanship.

Nobody in this body owns a seat in the Senate. Every single person serving today will be gone someday. Every one of them will be replaced by others. As I said, in the relatively short time I have been here, hundreds of Senators have gone through this body. But every one of us are guided by what previous Senates have done.

Do not let us end this century and this millennium leaving, as guidance for the next century and the next millennium and the next Senate, partisanship that tears at the very fabric, not only of the Senate but of the independence of the Federal judiciary itself. So many judges, judges who are considered conservative, judges who are considered liberal, judges who have had a Republican background or a Democratic background, judges who have been appointed by Republican Presidents, judges who have been appointed by Democratic Presidents, have been united in saying: Stop this. Do not go on with this. Because you are tearing at the very core of our independent judiciary, the most independent judiciary on Earth, a judiciary whose very independence allows us to maintain a balanced country, a country that is the most powerful on Earth, but a country that is also the most free and the most respected democracy. And a main factor guaranteeing that freedom and that democracy is our independent judiciary.

So, against this backdrop, I, again, ask the Senate to be fair to these judicial nominees and all nominees. For the last few years the Senate has allowed one or two or three secret holds to stop judicial nominations, and that is not fair.

Let me tell you what the Chief Justice of the U.S. Supreme Court wrote, a man who is widely considered a conservative Republican, also a man who, as we saw when he presided over the Senate earlier this year, is a man of fairness, of integrity and of great learning. He wrote in January of last year:

Some current nominees have been waiting a considerable time for a Senate Judiciary Committee vote or a final floor vote. . . . 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.

I could not agree more with Chief Justice Rehnquist. We should follow his advice. Let the Republican leadership schedule up-or-down votes on the nominations of Judge Paez and Marsha Berzon so that the Senate can finally act on them. Let us be fair to all.

The response to the Senate action last week was condemnation of the Republican leadership's refusal to proceed to vote on the nominations of Judge Paez, Justice White, and Ms. Berzon. A Washington Post editorial characterized the conduct of the Republican majority as ''simply baffling'' and noted:

[T]he Constitution does not make the Senate's role in the confirmation process optional, and the Senate ends up abdicating responsibility when the majority leader denies nominees a timely vote. All the nominees awaiting floor votes, Mr. Stewart included, should receive them immediately.

The editorial speaks to the responsibility of the Senate, and it is right. On our side of the aisle, we have lived up to the responsibility. Again, I tell all Senators, no matter how an individual Democratic Senator may vote on any one of the pending nominees, no Democratic Senator has a hold on any judicial nominee. We are all prepared to vote.

It is October 1, and the Senate has acted on only 19 of the 68 judicial nominations the President has sent us this year. We have only 4 weeks in which the Senate is scheduled to be in session for the rest of the year. By this time last year, the committee had held 10 confirmation hearings for judicial nominees and 43 judges had been confirmed. By comparison, this year there have been only 4 hearings and only 19 judges have been confirmed. We are at less than half the productivity of last year and miles behind the pace of 1994, when by this time we had held 21 hearings and the Senate had confirmed 73 judges.

The Florida Sun-Sentinel said last Monday:

The ''Big Stall'' in the U.S. Senate continues, as Senators work slower and slower each year in confirming badly needed federal judges. . . . This worsening process is inexcusable, bordering on malfeasance in office, especially given the urgent need to fill vacancies in a badly undermanned federal bench. . . . The stalling, in many cases, is nothing more than a partisan political dirty trick.

For the last several years, I have been urging the Judiciary Committee and the Senate to proceed to consider and confirm judicial nominees more promptly, without the months of delay that now accompany so many nominations. Moreover, in the last couple weeks, as I said earlier, independent studies have verified the basis for many of my concerns.

According to the report recently released by the Task Force on Judicial Selection of Citizens for Independent Courts, the time it has taken for the Senate to consider nominees has grown significantly, from an average of 83 days in 1993 and 1994 during the 103rd Congress, to over 200 days for the years 1997 and 1998 during the last Congress, the 105th. In fact, if we look at the average number of days from confirmation to nomination on an annual basis, we would see that the Senate has broken records for delay in each of the last 3 succeeding years, 1996, 1997, and 1998. In fact, in 1998, the average time for confirmation was over 230 days.

That independent report also verifies that the time to confirm women as nominees is now significantly longer than to confirm men as nominees. That is a difference that defies any logical explanation except one, and that one explanation does not shed credit on this great institution. They recommend that ''the responsible officials address this matter to assure that candidates for judgeships are not treated differently based on their gender''—because they know that today they are.

I recall too well the obstacle course that such outstanding women nominees as Margaret Morrow, Ann Aiken, Margaret McKeown, and Susan Oki Mollway were forced to run. Now it is Marsha Berzon who is being delayed and obstructed, another outstanding woman judicial nominee held up, and held up anonymously because everybody knows that if she had a fair up-or-down vote, she would be confirmed.

I am angered by this, quite frankly, Mr. President. I think how I would react if this was my daughter being held up like this, or the daughter of someone I knew.

The report of Citizens for Independent Courts recommends the Senate should eliminate the practice of allowing individual Members to place holds on a nominee. We ought to consider that.

This summer, Prof. Sheldon Goldman and Elliot Slotnick published their most recent analysis of the confirmation process in President Clinton's second term in Judicature magazine. They note the ''unprecedented delay at both the committee and floor stages of Senate consideration of Clinton judicial nominees'' and conclude:

It is impossible to escape the conclusion that the Republican leadership in the Senate is engaged in a protracted effort to delay decisionmaking on judicial appointments whether or not the appointee was, ultimately, confirmable.

In fact, I can think of a number of these people, having been held up month after month after month, who finally got a vote and ended up being confirmed overwhelmingly. Margaret Morrow is an example of that. She was held up for so long that it became a national disgrace that a woman so qualified, backed by both Republicans and Democrats in California, was held up apparently because she was a woman. And when finally the shame of it would not allow her to be held up any longer, she came to a vote on the floor and was confirmed overwhelmingly.

In spite of efforts last year in the aftermath of strong criticism from the Chief Justice of the United States, the vacancies facing the Federal judiciary remain at 63, with 17 on the horizon. The vacancies gap is not being closed. We have more Federal judicial vacancies extend longer and affecting more people. There will be more in the coming months. Judicial vacancies now stand at approximately 8 percent of the Federal judiciary. If you went to the number of judges recommended by the judicial conference, the vacancy rate would be over 15 percent and total over 135.

Nominees deserve to be treated with dignity and dispatch, not delayed for 2 and 3 years. We are talking about people going to the Federal judiciary, a third independent branch of Government. They are entitled to dignity and respect. They are not entitled automatically for us to vote aye, but they are entitled to a vote, aye or nay.

How do we go to other countries and say: You need an independent judiciary; you have to have a judiciary that people can trust; you have to treat it with respect; when we are not doing that in the Senate?

They deserve at least that. No nominee gets an automatic ''aye'' vote, but every nominee ought to be heard and at least voted on one way or the other.

One of our greatest protections as Americans is an independent judiciary, one the American people can respect and whose decisions they can respect. We have built in all kinds of counterweights: the district court, the courts of appeal, the Supreme Court. We have this to make sure that there is this independence and balance. Yet we seem to be putting a break on it. The Senate's actions undermine our independent judiciary by the way we mistreat judicial nominations and perpetuate unnecessary vacancies.

We are seeing outstanding nominees nitpicked and delayed to the point that good men and women are being deterred from seeking to serve as Federal judges. Some excellent lawyers are being asked to serve as Federal judges and they say: No, I do not want to go through that. Why should I?

In private practice, it is announced they are going to be nominated to be a

Federal judge. All their partners will come in and say: This is wonderful, congratulations. We are going to have a great party for you Friday. And when are you going to move out of that corner office, because we want to move in? We realize you cannot take on any new clients. We would be a little bit better off if you were out of the office now so that we do not have any conflicts of interest.

Then, for 2 or 3 years, they sit there, no income, no practice, neither fish nor foul. In a Senate that is constantly voting to say we are in favor of family values—as though anybody is against them—maybe we ought to also consider the families of nominees, who might want to plan, and who need to know where that nomination is headed without unnecessary delay.

I have been here with five Presidents—I respected and know them all—President Ford, President Reagan, President Carter, President Bush, and President Clinton. I have been on the Judiciary Committee during that time. I know for a fact that no President, Republican or Democrat, has ever consulted more closely with Senators of the party opposite from his on judicial nominees. No other President has consulted as much with members of the other party as President Clinton has, and that has greatly expanded the time it takes to make these nominations. But he has done that.

Having done that, the Senate at least should go about the business of voting on confirmation for the scores of judicial nominations that have been delayed for too long without justification.

This summer, in his remarks to the American Bar Association, the President again urged us to action. He said:

We simply cannot afford to allow political considerations to keep our courts vacant and to keep justice waiting.

We must redouble our efforts to work with the President to end the longstanding vacancies that plague the Federal courts and disadvantage all Americans. That is our constitutional responsibility.

I continue to urge the Republican leadership to attend to these nominations without obstruction and proceed to vote on them with dispatch. I urge that they schedule a vote on Judge Paez and Marsha Berzon without further delay. Again, I note for the record that no Democratic Senator objects to them going forward for a vote—none. We are prepared to go forward with a vote on the shortest of notice at any time. So the continuing delays on both Judge Paez and Marsha Berzon, are on the Republican side.

I do appreciate what the distinguished Republican leader and the distinguished Democratic leader worked out today. And I appreciate the efforts of the distinguished senior Senator from Utah. It is my hope that the example the four of us have set today will move the Senate into a new productive chapter of our efforts to consider judicial nominations.

We took the action of initiating the calling up of a judicial nominee last week to demonstrate where we were. We have urged the taking up of a judicial nominee today whom some Democratic Senators oppose in order to demonstrate our commitment to fairness for all.

There is never a justification to deny any of these judicial nominees a fair up-or-down vote. There is no excuse for the failure to have a vote on Judge Paez and Marsha Berzon.

I ask unanimous consent that copies of the recent editorials from the Florida Sun-Sentinel, the Atlanta Constitution, the St. Louis Post-Dispatch, the Denver Post, and the Washington Post be printed in the RECORD.

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

[From the Sun-Sentinel, South Florida, Sept. 20, 1999]

PACE OF JUDICIAL CONFIRMATIONS LAGS

The ''Big Stall'' in the U.S. Senate continues, as senators work slower and slower each year in confirming badly needed federal judges.

More than eight months into 1999, the Senate has only confirmed 14 of President Clinton's judicial nominees. By this time in 1998, 39 judges had been confirmed. In 1997, it was 58 judges.

This worsening process is inexcusable, bordering on malfeasance in office, especially given the urgent need to fill vacancies on a badly undermanned federal bench. Even after three new judges were confirmed Sept. 8, 11 nominations are still pending before the Judiciary Committee and 35 before the full Senate. The president has not yet nominated candidates to fill 24 other vacancies.

The vacant seats, 70 of 846, represent 8.3 percent of all federal judges.

The stalling, in many cases, is nothing more than a partisan political dirty trick. Judiciary Committee Chairman Orrin Hatch, R–Utah, has inexcusably delayed several confirmation hearings and refused to hold others. Conservatives like Hatch hate the idea of Clinton continuing to put his stamp on the federal judiciary with more lifetime appointments.

One of the newest people winning confirmation is Adalberto Jose Jordan of Miami, who will join the bench on the U.S. District Court for the Southern District of Florida.

This is the first time in many years that the court will be operating at full strength. At one time, it had four empty spots, with some vacancies going unfilled four years.

Jordan's nomination process moved much faster than most. The Senate got his nomination on March 15, held a confirmation hearing July 13 and confirmed him Sept. 8. That's still on the slow side; three months should be more than enough. Miami Judge Stanley Marcus won confirmation to the 11th U.S. Circuit Court of Appeals in only 33 days.

Senate stalling on confirmations came under deserved attack from Sen. Patrick Leahy of Vermont, the senior Democrat on the Judiciary Committee.

''Nominees deserve to be treated with dignity and dispatch, not delayed for two or three years,'' Leahy said. ''We are seeing outstanding nominees nitpicked and delayed to the point that good women and men are being deterred from seeking to serve as federal judges.''

Leahy called it a scandal and a shame that one nomination has been stalled 3 years and 8 months, despite two Judiciary votes to confirm. Many vacancies have been unfilled 18 months or more.

Senators should heed the request of U.S. Supreme Court Justice William Rehnquist, who urged them to expedite confirmation hearings and votes. A good bill by Florida Sens. Bob Graham and Connie Mack requires a Judiciary Committee vote within three months, then allows any senator to bring the matter to the Senate floor. The full Senate would have to vote one month after Judiciary action.

''We are not doing our job,'' Leahy told his colleagues. ''We are not being responsible. We are really being dishonest and condescending and arrogant toward the judiciary. It deserves better and the American people deserve better.''

Empty judicial benches and the Senate's Big Stall cause severe problems.

They worsen an already high judicial caseload, burning out overworked current judges.

They put off many civil lawsuits for years, delaying and thus denying justice to litigants.

They force a hurry-up in criminal cases that can lead to reversible error on appeal.

They force some talented nominees to drop out, or not even apply.

They cripple urgent efforts to get tough on crime.

And they weaken an important branch of government.

[From the Atlanta Constitution, Sept. 23, 1999]

GOP WON'T WARM JURISTS' BENCHES

President Clinton struck a bad bargain two months ago. He caved in to an insistent Sen. Orrin Hatch (R-Utah) and nominated a Hatch buddy with no judicial experience to be a U.S. judge in Salt Lake City.

Clearly, Clinton hoped Hatch, chair of the Senate Judiciary Committee, and other Republicans would appreciate the gesture and reciprocate in kind—let's say, by finally freeing some of the multitude of Clinton judicial nominees stranded in the upper chamber.

Surprise, surprise. Clinton's peace offering has sparked no such magnanimity. His partisan foes want to have their cake and eat the president's lunch, too.

The issue came to a head Tuesday when Republicans attempted to confirm Hatch's chum and right-wing soulmate, Ted Stewart. Democrats blocked the procedure, contending justifiably that Stewart had been pushed to the front of the line for Senate consideration when other Clinton appointees have waited in vain for a confirmation vote—some for years.

That's right, years. Two U.S. appellate court nominees, Richard Paez and Marsha Berzon, both of California, have been on hold for four years and 20 months respectively. When Democrats tried Tuesday to get their colleagues to vote on the pair at long last, the Republicans scuttled the maneuver.

The Paez case seems especially egregious. He has been kept in limbo this long, Democrats contend, because his GOP foes would rather not cast a recorded vote against a Hispanic jurist.

This partisan stalling, this refusal to vote up or down on nominees, is unconscionable. It is not fair. It is not right. It is no way to run the federal judiciary.

Chief Justice William Rehnquist is hardly a fan of Clinton. Yet even he has been moved to decry Senate delaying tactics and the burdens that unfilled vacancies impose on the federal courts.

Tuesday's deadlock bodes ill for judicial confirmations through the rest of Clinton's term. This ideological obstructionism is so

fierce that it strains our justice system and sets a terrible partisan example for years to come.

[From the St. Louis Post-Dispatch, Inc., Sept. 24, 1999]

CONFIRM RONNIE WHITE

Missouri Supreme Court Judge Ronnie White, in limbo more than 800 days awaiting his confirmation hearing, saw his long road to the federal bench take its most bizarre turn yet this week. Senate Republicans resorted to a highly unusual cloture vote to try to force Democrats to vote on the nomination of Ted Stewart, a friend of Republican Sen. Orrin Hatch who was nominated, at Mr. Hatch's personal request, just two months ago. The motion failed by five votes.

The irony of Democrats stalling their President's nominee was plain, as they have been pleading for years for votes on candidates. In a political deal gone wrong, President Bill Clinton nominated Mr. Stewart—an environmentalist's nightmare—in the apparent belief this would jump-start the long-stalled confirmation process. The world record holder in this wait-a-thon is Richard A. Paez (more than four years), followed by Marsha L. Berzon (three years) and Mr. White (more than two years). Instead of bringing these nominations to the floor, the maneuver resulted in Mr. Stewart being moved to the head of the line. Democrats refused to consider him, and are digging in their heels until they are assured their top three limbo inmates will be freed.

Cloture is a dramatic, desperate maneuver that has been used only a handful of times. Even the hotly contested nominations of Robert H. Bork and Clarence Thomas did not require such hostile arm-twisting. It is unthinkable that Republicans would resort to this over people like Mr. Paez.

But Democrats now fear Republicans would stall the process until after the 2000 elections rather than vote on Mr. Paez. Democrats say Republicans don't like Mr. Paez, but don't want to be cast as voting against a Hispanic. Gosh, who would ever get that impression? Seven of the 10 judicial nominees who have been waiting the longest for confirmation are minorities or women. This is hardly a shock to those of us who have watched Mr. White, an African-American, be ushered to the back of the bus.

The Limbo Three are political prisoners. They are unquestionably qualified. If anything, Mr. Stewart—chief of staff to Utah Gov. Mike Leavitt—is the one who looks thin on courtroom credentials. Even if it delays the process further, Democrats should not give in to this ridiculous double-dealing and wave Mr. Stewart through until they are assured Republicans will allow the process to go forward.

Believe it or not, we're getting tired of saying this: Confirm Ronnie White.

[From the Denver Post Corp., September 26, 1999]

ERASE JUDICIAL BACKLOG

Confirmation of federal judges has become slower than molasses and more contentious than a thicket of barbed wire, turning judicial nominees into pawns in a political process that has become a national disgrace.

Colorado's vacancy of U.S. District Court is frozen since President Clinton named Patricia Coan at the recommendation of Rep. Diana DeGette and other state Democrats, but Sen. Wayne Allard of Colorado refused to back Coan and sent Clinton a list of his five nominees instead.

Even uglier was last week's battle in the Senate Judiciary Committee, where Chairman Orrin Hatch, R-Utah, tried to push his nominee, Ted Stewart, through a Senate vote after leaving Democrats' nominees twisting in the wind for years.

Would-be California appeals judges Richard Paez and Marsha Berzon have waited four and nearly two years, respectively, for a Senate vote. Ronnie White, the first African-American state Supreme Court Justice in Missouri, has been on hold for more than a year.

But Hatch, who won Clinton's appointment of Stewart by freezing action on the others, then tried to slip his man through without a vote on those who have waited so long. Democrats retaliated by filibustering Stewart's nomination, and all progress had come to a complete halt as of this writing.

While Hatch's conduct was unconscionable, there is plenty of blame to go around here. Clinton has taken an average of 315 days—the most of any president ever—to choose nominees to fill judgeships. By comparison, President Carter averaged 240 days.

The Senate also is taking far longer than ever, from 38 days, in 19777–78 to 201 in 1997–98.

Ideally, senators name a candidate, whom the president can accept or reject. If accepted, the nominee's name goes to the Senate Judiciary Committee and, if approved, then to the full Senate. The Senate should be able to vote within two months after the president's nomination. These days, it takes years.

Even U.S. Supreme Court Chief Justice William Rehnquist has criticized the Senate for moving too slowly.

Almost one in 10 positions weren't filled at the end of 1997. Today, 63 of the 843 federal judgeships are open—23 in appellate courts, 38 in district courts and one in international trade courts.

'Vacancies cannot remain at such high levels of indefinitely without eroding the quality of justice that traditionally has been associated with the federal judiciary,' Rehnquist said. 'Fortunately for the judiciary, a dependable corps of senior judges has contributed significantly to easing the impact of unfilled judgeships.'

That isn't fair to overworked senior judges or to those whose cases gather dust on backlogs. Both are common in Colorado. And it is an injustice to the nominees whose careers are frozen as they await appointment or rejection. The president and senators should make the selection of judges a high priority and stop staging delays as strategic moves. The federal judiciary is at stake.

[From the Washington Post, Thurs., September 23, 1999]

A VOTE FOR ALL THE JUDGES

The nomination of Ted Stewart to a federal district judgeship in Utah has been a strange affair from the beginning. Tuesday it turned into a circus.

Mr. Stewart, a favorite of Judiciary Committee Chairman Orrin Hatch, was nominated by President Clinton after Sen. Hatch essentially froze consideration of the nominees to force his appointment. When the White House finally gave in, hoping to free some long-waiting appeals court judges, Mr. Hatch moved Mr. Stewart through committee within days—even though other nominees have waited years to get confirmed.

Now Mr. Stewart is awaiting a floor vote, as are several nominees who should have had one long ago. Yet on the Senate floor last week, Majority Leader Trent Lott announced that he planned to move Mr. Stewart to a vote without also holding votes for Richard Paez or Marshal Berzon, two of the most abused administration nominees. Mr. Stewart, if Mr. Lott had his way, would be confirmed a few weeks after his nomination, while nominees who have waited around endlessly will continue to wait.

Democrats understandably balked at this, so on Tuesday they took the extraordinary step of filibustering a judicial nomination from the Clinton White House—not in order to prevent his confirmation but rather to ensure that other nominees get votes. Afterward, Democrats sought to force consideration of Judge Paez and Ms. Berzon, but Republicans stopped this in two more party-line votes. The result is that nobody is getting considered, though all of the nominees on the floor likely have the votes for confirmation.

The filibuster of a judicial nomination is a very bad precedent, one we suspect Democrats will come to regret, but it's hard to see what choice they had. The conduct of the Republican majority here is simply baffling—and the rhetoric equally so. Mr. Hatch pleaded with the Senate Tuesday evening to ''stop playing politics with this nomination and allow a vote expeditiously''—as though he had not himself played games to get Mr. Stewart nominated in the first place. Trent Lott last week expressed dismay that a minority of only 41 senators would be able to block a nomination. But as Sen. Patrick Leahy pointed out in response, there is a deep irony in fretting about the ability of a minority of 41 senators to stop a nomination when Judge Paez has been held up for more than three years by a tiny group of senators who do not even have to give their names to keep his nomination from coming to a vote.

Mr. Lott's other comments were worse still. He made it clear that confirming judges is something he would rather not do at all. ''There are not a lot of people saying: Give us more federal judges,'' the majority leader said on the floor last week. ''I am trying to help move this thing along, but getting more federal judges is not what I came here to do.'' The honesty of this comment, at least, is refreshing. But the Constitution does not make the Senate's role in the confirmation process optional, and the Senate ends up abdicating responsibility when the majority leader denies nominees a timely vote. All the nominees awaiting floor votes, Mr. Stewart included, should receive them immediately.

Mr. LEAHY. Mr. President, again, I make this heartfelt plea. I have made the same plea in private to the Republican leader, the Democratic leader, and others. I love the Senate for what it can and should do. I know that, like everybody else my time here is only as long as the voters and my health allow. I also know that someday I will be gone and somebody else from Vermont will fill this seat.

I look at the Senate as the conscience of this great Nation. It is a body moving by precedence, moving sometimes by what some would say is an overformalized ritual, but moving in a way that the country can respect and in which the best of the country can be reflected, a body that is built on precedence.

A famous Thomas Jefferson story spoke of the Senate as the saucer that allows cooling of passions, the Senate also allows us to step above partisan politics because of our 6-year terms. We have not done that with the judiciary. We have a duty to protect the Senate, but also, because of our unique role in the confirmation process, we have a duty to protect the integrity and independence of the Federal judiciary. We are failing both in our duties

as Senators and we are failing in our duty to the Federal court.

Let us all take a deep breath and think about that and go back to doing what we should—not for this President or any past incident, but for all Presidents, present and future, and for all Senates, present and future, and for the American people, and for the greatest Nation on Earth, present and future.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative 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.

FIFTIETH ANNIVERSARY OF THE PEOPLE'S REPUBLIC OF CHINA

Mr. HUTCHINSON. Mr. President, the Communist party is celebrating the fiftieth anniversary of the People's Republic of China on October 1. Unfortunately, many Chinese people have little reason to celebrate. Indeed, this is not a celebration of the Chinese people but an orchestrated celebration of the Communist party—a party of purges.

From the formative decade at Yenan, where the party was headquartered, and Mao Tse-tung soundly crushed challenges to his power; to the killing of hundreds of landlords in the 1950s; to the anti-rightist purging of half a million people following the Hundred Flowers period and during the Great Leap Forward; to the Cultural Revolution, during which millions were murdered or died in confinement, to the massacre at Tiananmen Square just ten years ago—the Communist party has sustained its existence not by the consent of the people, but through the violent elimination of dissent.

Even today, we see the party of purges in action on a daily basis. The Communist party is deeply engaged in a piercing campaign to silence the voices of faith and freedom—to purge from society, anyone they see as a threat to their power. The Chinese government continues to imprison members of the Chinese Democracy Party. In August, the government sentenced Liu Xianbin to thirteen years in prison on charges of subversion. His real crime was his desire for democracy. Another Democracy Party member, Mao Qingxiang, was formally arrested in September after being held in detention since June. He will likely languish in prison for ten years because of his desire to be free. I could go on, but some human rights groups estimate that there could be as many as 10,000 political prisoners suffering in Chinese prisons. The party is determined to purge from society, those people it finds unsavory.

And the Chinese government will not tolerate people worshiping outside its official churches. So when it began cracking down on the Falun Gong meditation group, which it considers a cult, the government used this inexcusable action to perpetrate another—an intensified assault on Christians. In August, the government arrested thirty-one Christian house church members in Henan province. Henan province must be a wellspring of faith because over 230 Christians have been arrested there since October. Now I am concerned that eight of these House church leaders may face execution if they are labeled and treated as leaders of a cult. Let me say clearly and unequivocally that the eyes of the international community are watching. I hope that these peaceful people will be released.

In the months leading up to this fiftieth anniversary celebration, everything and everyone has been swept aside to cast a glamorous light on the Communist party. But the reality is quite ugly. Hundreds of street children, homeless, and mentally and physically disabled people have been rounded up and forced into Custody and Repatriation centers across the country. They are beaten, they are given poor food in unsanitary conditions, and they must pay rent.

In fact, only 500,000 people will be allowed to participate in the celebration in Beijing. Non-Beijing residents cannot enter the city and migrant workers have been sent home. They will not be able to see the Communist Party in all its glory, as it displays the DF–31 intercontinental ballistic missile and other arms, nor will they see the tanks rolling past Tiananmen Square. And Tibetans in Lhasa, who certainly do not want to celebrate, are being forced to participate under threat of losing their pay or their pensions.

This gilded celebration will not obscure the corrosion beneath. We must recognize the nature of this regime. We must never turn a blind eye or a deaf ear to cries of those suffering in China. We must be realistic when we deal with the Chinese government.

So when Time Warner chairman Gerald Levin courts President Jiang Zemin even when Time Magazine's China issue is banned, when our top executives are silent on human rights, when we put profit over principle, we are shielding our eyes from the stark reality of persecution in China. As Ronald Reagan said, ''. . . we demean the valor of every person who struggles for human dignity and freedom. And we also demean all those who have given that last full measure of devotion.''

Mr. President, it is my sincere hope and desire that in the next fifty years, the Chinese people will truly have something to celebrate. I hope that they will no longer be suppressed by a regime that extracts dissent like weeds from a garden, but that they will be able to enjoy the fruits of democracy.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Thursday, September 30, 1999, the federal debt stood at $5,656,270,901,615.43 (Five trillion, six hundred fifty-six billion, two hundred seventy million, nine hundred one thousand, six hundred fifteen dollars and forty-three cents).

Five years ago, September 30, 1994, the federal debt stood at $4,692,750,000,000 (Four trillion, six hundred ninety-two billion, seven hundred fifty million).

Twenty-five years ago, September 30, 1974, the federal debt stood at $481,743,000,000 (Four hundred eighty-one billion, seven hundred forty-three million) which reflects a debt increase of more than $5 trillion—$5,174,527,901,615.43 (Five trillion, one hundred seventy-four billion, five hundred twenty-seven million, nine hundred one thousand, six hundred fifteen dollars and forty-three cents) during the past 25 years.

REAUTHORIZING THE NATIONAL FISH AND WILDLIFE FOUNDATION

Ms. COLLINS. Mr. President, I rise today in strong support of S. 1653, which would reauthorize the National Fish and Wildlife Foundation. As an original cosponsor of this important legislation, I would like to applaud the excellent work of Senator CHAFEE and the Foundation to conserve the fish, wildlife, and plant resources of the United States.

The Foundation was created by Congress in 1984 to promote improved conservation and sustainable use of our country's natural resources. Since then, it has awarded over 2,400 grants, using $101 million in federal funds, which it matched with $189 million in nonfederal funds, putting a total of over $290 million on the ground to promote environmental education, protect habitats, prevent species from becoming endangered, restore wetlands, improve riparian areas, and conserve native plants. The hallmark of this outstanding organization is forgoing partnerships between the public and private sectors—involving the government, private citizens, and corporations—to address the root causes of environmental problems. This reauthorization will allow the Foundation to continue its valuable work throughout the country.

Besides being an important link between groups with differing interests in natural resources, the Foundation is an extremely effective tool for stretching scarce federal dollars. The Foundation was created by the National Fish and Wildlife Foundation Establishment Act, which stipulates that the Foundation must match any federal money appropriated to it on a one-to-one basis. The Foundation does the Act one better. It has an internal policy of matching federal funds at least two-to-one with money from individuals, corporations, state and local governments,

foundations, and nongovernmental organizations. Furthermore, all of the federal money appropriated to the Foundation supports on-the-ground conservation—its operating funds come strictly from private donations. The Foundation does not use federal funds for lobbying; nor does it support projects that entail political advocacy or litigation.

In my home state of Maine, the Foundation has invested over $3.4 million in federal funds in 109 projects, generating an additional $6.9 million in matching funds from private, corporate, and other state sources. Most notably, the Foundation has funded projects in Maine to help fishermen cope with the collapse of traditional groundfish fisheries, build a program to preserve Maine's native Atlantic salmon, and protect habitat for breeding Neotropical migratory birds.

Mr. President, I strongly support this bill to reauthorize the National Fish and Wildlife Foundation. Year after year, the Foundation consistently performs valuable conservation work, not only in my state, but throughout the country. Its ability to triple the power of federal funding for conservation is unique, making it one of the most effective means we have for preserving our natural resources. I urge my colleagues to join me in supporting expeditious passage of this important measure.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

At 10:39 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has agreed to the report of the committee of the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill, H.R. 2084, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2000, and for other purposes.

ENROLLED BILL SIGNED

At 11:40 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 2981. An act to extend energy conservation programs under the Energy Policy and Conservation Act through March 31, 2000.

The enrolled bill was signed subsequently by the President pro tempore (Mr. THURMOND).

At 1:57 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill, H.R. 1906, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2000, and for other purposes.

The messages also announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 2910. An act to amend title 49, United States Code, to authorize appropriations for the National Transportation Safety Board for fiscal years 2000, 2001, 2002, and for other purposes.

H.R. 2436. An act to amend title 18, United States Code, and the Uniform Code of Military Justice to protect unborn children from assault and murder, and for other purposes.

MEASURES REFERRED

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

H.R. 2910. An act to amend title 49, United States Code, to authorize appropriations for the National Transportation Safety Board for fiscal years 2000, 2001, and 2002, and for other purposes; to the Committee on Commerce, Science, and Transportation.

H.R. 2436. An act to amend title 18, United States Code, and the Uniform Code of Military Justice to protect unborn children from assault and murder, and for other purposes; to the Committee on the Judiciary.

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–5469. A communication from the Commissioner, Bureau of Reclamation, Department of the Interior, transmitting a draft of proposed legislation relative to new feasibility investigations for three water resource development projects within the Pacific Northwest; to the Committee on Energy and Natural Resources.

EC–5470. A communication from the Principal Deputy Assistant Secretary for Congressional Affairs, Department of Veterans Affairs, transmitting a draft of proposed legislation relative to major facility projects and major facility lease programs for fiscal year 2000; to the Committee on Veteran's Affairs.

EC–5471. A communication from the Senior Deputy Assistant Administrator, Bureau for Legislative and Public Affairs, U.S. Agency for International Development, transmitting, pursuant to law, the annual report on activities under the Denton Program for the period July 1, 1998 to June 30, 1999; to the Committee on Foreign Relations.

EC–5472. A communication from the Chief, Regulations Branch, Customs Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Flights To and From Cuba'' (RIN1515–AC51), received September 30, 1999; to the Committee on Finance.

EC–5473. A communication from the Chairman, U.S. International Trade Commission, transmitting, pursuant to law, the annual report on the Caribbean Basin Economic Recovery Act (CBERA)—Impact on the United States, and the Andean Trade Preference Act (ATPA)—Impact on the United States; to the Committee on Finance.

EC–5474. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Mutual Assurance, Inc. v. Commissioner'', received September 7, 1999; to the Committee on Finance.

EC–5475. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report relative to the allotment of emergency funds to the State of North Carolina; to the Committee on Health, Education, Labor, and Pensions.

EC–5476. A communication from the Legislative and Regulatory Activities Division, Administrator of National Banks, Comptroller of the Currency, transmitting, pursuant to law, the report of a rule entitled ''Interim Rule Titled: Guidelines Establishing Year 2000 Standards for Safety and Soundness for National Bank Transfer Agents and Broker-Dealers'' (RIN1557–AB73), received September 29, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC–5477. A communication from the Deputy Secretary, Division of Corporate Finance, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled ''International Disclosure Standards'' (RIN3235-AH62), received September 29, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC–5478. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Imazapic-Ammonium; Pesticide Tolerances for Emergency Exemptions'' (FRL #6382-3), received September 30, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5479. A communication from the Acting Assistant Secretary, Land and Minerals, Bureau of Land Management, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Application Procedures'' (RIN1004-AC83), received September 29, 1999; to the Committee on Energy and Natural Resources.

EC–5480. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of State Implementation Plan: Alaska'' (FRL #6450-8), received September 29, 1999; to the Committee on Environment and Public Works.

EC–5481. A communication from the Director, Office of Regulatory Management and

Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision, El Dorado County Air Pollution Control District'' (FRL #6446-2), received September 29, 1999; to the Committee on Environment and Public Works.

EC–5482. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''National Emission Standards for Hazardous Air Pollutants; National Emission Standards for Radon Emissions from Phosphogypsum Stacks'' (FRL #6443-7), received September 28, 1999; to the Committee on Environment and Public Works.

EC–5483. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Washington: Final Authorization for State Hazardous Waste Management Program Revision'' (FRL #6449-8), received September 28, 1999; to the Committee on Environment and Public Works.

EC–5484. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Water Quality Standards; Establishment of Numeric Criteria foe Priority Toxic Pollutants; States' Compliance-Revision of Polychlorinated Biphenyls (PCBs) (FRL #6450–5), received September 28, 1999; to the Committee on Environment and Public Works.

EC–5485. A communication from the Associate Bureau Chief, Wireless Telecommunications Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of the Amateur Service Rules to Provide for Greater Use of Spread Spectrum Technologies, Report and Order'' (FCC 99–234; WT Docket No. 97–12), received September 29, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5486. A communication from the Chief, Office of Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety/Security Zone Regulations; Mile 94.0 to Mile 96.0, Lower Mississippi River, Above Head of Passes (COTP New Orleans, LA 99–022)'' (RIN2115–AA97) (1999–0064), received September 30, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5487. A communication from the Chief, Office of Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety/Security Zone Regulations; Wedding on the Lady Windridge Fireworks, New York Harbor, Upper Bay (CGD 01–99–163)'' (RIN2115–AA97) (1999–0063), received September 30, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5488. A communication from the Chief, Office of Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Regatta Regulations: SLR: Winston Offshore Cup, San Juan, PR (CGD 07–99–056)'' (RIN2115–AE46) (1999–0039), received September 30, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5489. A communication from the Chief, Office of Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Regatta Regulations: SLR: Tall Stacks 1999 Ohio River Mile 467.8–475.0, Cincinnati, OH (CGD 08–99–052)'' (RIN2115–AE46) (1999–0038), received September 30, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5490. A communication from the Chief, Office of Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Technical Amendments; Organizational Changes; Miscellaneous Editorial Changes and Conforming Amendments (USCG 1999–6216)'' (RIN2115–ZZ02) (1999–0002), received September 30, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5491. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''High Density Airports; Allocation of Slots'' (RIN2120–AG50), received September 30, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5492. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Noise Transition Regulations; Approach of Final Compliance Date'' (RIN2120–ZZ20), received September 30, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5493. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Revision of Class E Airspace; Center, TX; Direct Final Rule; Confirmation of Effective Date; Docket No. 99–ASW–14 (9–23/9–30)'' (RIN2120–AA66) (1999–0318), received September 30, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5494. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class E Airspace; Pikeville, NY; Docket No. 99–ASO–13 (8–24/9–30)'' (RIN2120–AA66) (1999–0316), received September 30, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5495. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Procedures; Miscellaneous Amendments (12), Amdt. No. 1950 (9–23/9–30)'' (RIN2120–AA65) (1999–0046), received September 30, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5496. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Procedures; Miscellaneous Amendments (72), Amdt. No. 1951 (9–23/9–30)'' (RIN2120–AA65) (1999–0047), received September 30, 1999; to the Committee on Commerce, Science, and Transportation.

PETITIONS AND MEMORIALS

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

POM–357. A joint resolution adopted by the Legislature of the State of California relative to Filipino veterans; to the Committee on Veterans' Affairs.

ASSEMBLY JOINT RESOLUTION NO. 15

Whereas, the Philippine Islands, as a result of the Spanish-American War, were a possession of the United States between 1898 and 1946; and

Whereas, in 1934, the Philippine Independence Act (P.L. 73–127) set a 10-year timetable for the eventual independence of the Philippines and in the interim established a government of the Commonwealth of the Philippines with certain powers over its own internal affairs; and

Whereas, the granting of full independence ultimately was delayed for two years until 1946 because of the Japanese occupation of the islands from 1942 to 1945; and

Whereas, between 1934 and the final independence of the Philippine Islands in 1946, the United States retained certain sovereign powers over the Philippines, including the right, upon order of the President of the United States, to call into the service of the United States Armed Forces all military forces organized by the Commonwealth government; and

Whereas, President Franklin D. Roosevelt, by Executive order of July 26, 1941, brought the Philippine Commonwealth Army into the service of the United States Armed Forces of the Far East under the command of Lieutenant General Douglas MacArthur; and

Whereas, under the Executive Order of July 26, 1941, Filipinos were entitled to full veterans benefits; and

Whereas, approximately 200,000 Filipino soldiers, driven by a sense of honor and dignity, battled under the United States Command after 1941 to preserve our liberty; and

Whereas, there are four groups of Filipino nationals who are entitled to all or some of the benefits to which United States veterans are entitled. These are:

(1) Filipinos who served in the regular components of the United States Armed Forces.

(2) Regular Philippine Scouts, called ''Old Scouts,'' who enlisted in Filipino-manned units of the United States Army prior to October 6, 1945. Prior to World War II, these troops assisted in the maintenance of domestic order in the Philippines and served as a combat-ready force to defend the islands against foreign invasion, and during the war, they participated in the defense and retaking of the islands from Japanese occupation.

(3) Special Philippine Scouts, called ''New Scouts,'' who enlisted in the United States Armed Forces between October 6, 1945, and June 30, 1947, primarily to perform occupation duty in the Pacific following World War II.

(4) Members of the Philippine Commonwealth Army who on July 26, 1941, were called into the service of the United States Armed Forces. This group includes organized guerrilla resistance units that were recognized by the United States Army; and

Whereas, The first two groups, Filipinos who served in the regular components of the United States Armed Forces and Old Scouts, are considered United States veterans and are generally entitled to the full range of United States veterans benefits; and

Whereas, The other two groups, New Scouts and members of the Philippine Commonwealth Army, are eligible for certain veterans benefits, some of which are lower than full veterans benefits; and

Whereas, United States veterans medical benefits for the four groups of Filipino veterans vary depending upon whether the person resides in the United States or the Philippines; and

Whereas, The eligibility of Old Scouts for benefits based on military service in the

United States Armed Forces has long been established; and

Whereas, the federal Department of Veterans Affairs operates a comprehensive program of veterans benefits in the present government of the Republic of the Philippines, including the operation of a federal Department of Veterans Affairs office in Manila; and

Whereas, The federal Department of Veterans Affairs does not operate a program of this type in any other country; and

Whereas, The program in the Philippines evolved because the Philippine Islands were a United States possession during the period 1898–1946, and many Filipinos have served in the United States Armed Forces, and because the preindependence Philippine Commonwealth Army was called into the service of the United States Armed Forces during World War II (1941–1945); and

Whereas, Our nation has failed to meet the promises made to those Filipino soldiers who fought as American soldiers during World War II; and

Whereas, The Congress passed legislation in 1946 limiting and precluding Filipino veterans that fought in the service of the United States during World War II from receiving most veterans benefits that were available to them before 1946; and

Whereas, Many Filipino veterans have been unfairly treated by the classification of their service as not being service rendered in the United States Armed Forces for purposes of benefits from the federal Department of Veterans Affairs; and

Whereas, All other nationals who served in the United States Armed Forces have been recognized and granted full rights and benefits, but the Filipinos, as American nationals at the time of service, were and still are denied recognition and singled out for exclusion, and this treatment is unfair and discriminatory; and

Whereas, On October 20, 1996, President Clinton issued a proclamation honoring the nearly 100,000 Filipino veterans of World War II, soldiers of the Philippine Commonwealth Army, who fought as a component of the United States Armed Forces alongside allied forces for four long years to defend and reclaim the Philippine Islands, and thousands more who joined the United States Armed Forces after the war; now, therefore, be it

Resolved by the Assembly and the Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States during the First Session of the 106th Congress to take action necessary to honor our country's moral obligation to provide these Filipino veterans with the military benefits that they deserve, including, but not limited to, holding related hearings, and acting favorably on legislation pertaining to granting full veterans benefits to Filipino veterans of the United States Armed Forces; and be it further

Resolved, That the Clerk of the Assembly transmit a copy of this resolution to the President and the Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

POM–358. A joint resolution adopted by the Legislature of the State of California relative to child sexual abuse; to the Committee on Health, Education, Labor, and Pensions.

ASSEMBLY JOINT RESOLUTION NO. 21

Whereas, Children are a precious gift and responsibility; and

Whereas, The spiritual, physical, and mental well-being of children is our sacred duty; and

Whereas, No segment of our society is more critical to the future of human survival and society than our children; and

Whereas, Children who have been sexually abused often experience health problems, eating disorders, learning difficulties, behavioral problems, fearfulness, social withdrawal, anxiety, depression, and suicidal thoughts; and

Whereas, Psychologists, as researchers, educators, service providers, and policy advocates, have played important roles in advancing knowledge regarding the consequences, effective treatment, and prevention of child sexual abuse; and

Whereas, It is the obligation of all public policymakers not only to support but also to defend the health and rights of parents, families, and children; and

Whereas, Information endangering to children is being made public and, in some instances, may be given unwarranted or unintended credibility through release under professional titles or through professional organizations; and

Whereas, Elected officials have a duty to inform and counter actions they consider damaging to children, parents, families, and society; and

Whereas, California has made sexual molestation of a child a felony and has declared parents who sexually molest their children to be unfit; and

Whereas, Virtually all studies in this area, including those published by the American Psychological Association, condemn child sexual abuse as criminal and harmful to children; and

Whereas, The American Psychological Association repudiates and disassociates itself from any organization or publication that advocates sexual interaction between children and adults; and

Whereas, The American Psychological Association in July 1998, published a review of 59 studies of college aged students that indicates that some sexual relationships between adults and children may be less harmful than believed, and that some of the college students viewed their experience as positive at the time they occurred or positive when reflecting back on them; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature respectfully urges the President and Congress to reject and condemn, in the strongest honorable written and vocal terms possible, any suggestions that sexual relations between children and adults, except for those that may be legal in the various states under statutes pertaining to marriage, are anything but abusive, destructive, exploitive, reprehensible, and punishable by law; and be it further

Resolved, That the Legislature condemns and denounces all suggestions in the recently published study by the American Psychological Association that indicates sexual relationships between adults and ''willing'' children are less harmful than believed and might even be positive; and be it further

Resolved, That the Legislature encourages competent investigations to continue to research the effects of child sexual abuse using the best methodology so that the public and public policymakers may act upon accurate information; and be if further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, the majority leader of the Senate, the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

POM–359. A joint resolution adopted by the Legislature of the State of California relative to Medicare; to the Committee on Finance.

ASSEMBLY JOINT RESOLUTION NO. 18

Whereas, Prescription drugs are an important component of modern medical treatment; and

Whereas, Many elderly patients cannot afford necessary prescription drugs because of their limited and fixed incomes; and

Whereas, The Medicare program, provided for pursuant to Title XVIII of the federal Social Security Act (42 U.S.C. Sec. 1395 et seq.), generally does not provide coverage for the cost of prescription drugs; and

Whereas, Many medical insurance plans, including senior health maintenance organization plans, medical insurance plans for public and private employees, and medicaid, provide coverage for the cost of prescription drugs; now, therefore be it

Resolved by the Assembly and the Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and Congress of the United States to enact legislation expanding Medicare benefits to include the cost of prescription drugs; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, the Speaker of the House of Representatives, and to each Senator and Representative in the California delegation in the Congress of the United States.

POM–360. A joint resolution adopted by the Legislature of the State of California relative to the alternative minimum tax; to the Committee on Finance.

ASSEMBLY JOINT RESOLUTION NO. 7

Whereas, The federal Alternative Minimum Tax (AMT) is intended to assure that wealthy income taxpayers do not avoid taxation by using various credits, deductions, and other tax preferences; and

Whereas, The AMT requires an increasing number of taxpayers to calculate their taxes twice, under two different sets of rules, and pay whichever tax is higher; and

Whereas, The AMT affected 134,000 taxpayers in 1988, it now affects nearly one million and will affect five million by 2006; and

Whereas, More than 20 percent of those now paying AMT have adjusted gross incomes of less than one hundred thousand dollars ($100,000), and nearly 2 percent have adjusted gross incomes of between thirty thousand dollars ($30,000) and forty thousand dollars ($40,000); and

Whereas, Families in the lowest income tax bracket of 15 percent who cut their tax bills by taking advantage of the new tuition and child credits could be forced to pay some taxes at the higher AMT minimum rate of 26 percent; and

Whereas, The sharp increase in the number of moderate income earners affected by the AMT is attributable to inflation indexing of personal exemptions, the standard deduction and tax-bracket break points, while AMT exemption amounts and tax brackets are not so indexed; and

Whereas, The AMT's inclusion of lower and lower-adjusted gross incomes is exacerbated by a strong economy; and

Whereas, The AMT disallows many deductions, credits, and other tax preferences that taxpayers could otherwise use, such as state and local taxes; and

Whereas, The AMT distorts economic decisions, especially in relation to capital formation, by raising marginal tax rates; and

Whereas, Compliance costs related to the AMT amount to at least 30 percent of its current revenue; and

Whereas, The inconsistent tax results between regular income tax and the AMT create hidden, onerous tax choices, produce conflicting goals for tax and financial planning,

and vastly increase the complexity of compliance with the income tax law; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That California respectfully urges the Congress of the United States to index the AMT exemption and tax brackets for inflation; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and the Vice President of the United States, the Speaker of the House of Representatives, the Senate Majority Leader, the Senate Minority Leader, the House Majority Leader, the House Minority Leader, the Chair and ranking minority member of the Senate Finance Committee, the Chair and ranking minority member of the House Committee on Ways and Means, and each Senator and Representative from California in the Congress of the United States.

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. DASCHLE (for himself, Mr. MOYNIHAN, Mr. ROCKEFELLER, Mr. KENNEDY, Mr. KERRY, Mr. BAUCUS, Mr. BINGAMAN, Ms. MIKULSKI, Mr. DURBIN, Mr. REID, Mr. KERREY, Mr. TORRICELLI, Mr. CLELAND, Mrs. BOXER, Mr. JOHNSON, Mr. REED, Mrs. MURRAY, Mr. SCHUMER, Mr. BREAUX, Mr. DODD, Mr. LEVIN, Mr. SARBANES, Mr. LEAHY, Mr. WELLSTONE, Mr. BRYAN, Mr. DORGAN, Mr. LAUTENBERG, Mr. BYRD, Mr. HARKIN, Mrs. FEINSTEIN, Mrs. LINCOLN, Mr. ROBB, and Mr. INOUYE):

S. 1678. A bill to amend title XVIII of the Social Security Act to modify the provisions of the Balanced Budget Act of 1997; to the Committee on Finance.

By Mr. BIDEN (for himself, Mr. KERRY, and Ms. MIKULSKI):

S. 1679. A bill to amend the Internal Revenue Code of 1986 to implement enforcement of the Women's Health and Cancer Rights Act of 1998; to the Committee on Finance.

By Mr. ASHCROFT (for himself and Mr. FEINGOLD):

S. 1680. A bill to provide for the improvement of the processing of claims for veterans compensation and pensions, and for other purposes; to the Committee on Veterans Affairs.

By Mr. CRAIG:

S. 1681. A bill to extend the authority of the Thomas Paine National Historical Association to establish a memorial to Thomas Paine in the District of Columbia; to the Committee on Rules and Administration.

By Mr. ROCKEFELLER (for himself and Mr. GORTON):

S. 1682. A bill to amend title 49, United States Code, to authorize management reforms of the Federal Aviation Administration, and for other purposes; to the Committee on Commerce, Science, and Transportation.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. LOTT:

S. Res. 194. A resolution expressing sympathy for the victims of the devastating earthquake that struck Taiwan on September 21, 1999; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTION

By Mr. BIDEN (for himself and Mr. KERRY):

S. 1679. A bill to amend the Internal Revenue Code of 1986 to implement enforcement of the Women's Health and Cancer Rights Act of 1988; to the Committee on Finance.

BREAST RECONSTRUCTION IMPLEMENTATION ACT OF 1999

● Mr. BIDEN. Mr. President, I am pleased to introduce the Breast Reconstruction Implementation Act of 1999. This bill amends the Internal Revenue Code to require that all health plans provide coverage for breast reconstruction surgery after a woman has had a mastectomy for breast cancer.

Breast cancer is a frightening disease for women. It is common: a very high percentage of women who live long enough will eventually develop the disease. It is insidious: it can remain asymptomatic for many years before it is discovered. It is stealthy: it can recur many years after it has been thought to be cured. It is devastating: surgical treatment can be not only physically mutilating but psychologically devastating to a woman's sense of femininity and self-esteem. And it is everywhere: there is hardly anyone in this country who does not have a close friend or loved one who has been through an experience with breast cancer.

Fortunately, there has been tremendous progress in the treatment of breast cancer, and many women can now be cured. However, as these breast cancer survivors attempt to resume their normal lives after their treatment, they can still be impacted by the physical damage that follows mastectomy. Breast reconstruction surgery after mastectomy is thus a key part of restoring the breast cancer patient back to a satisfying and fulfilling life; it is not simply a cosmetic procedure to satisfy one's vanity.

In recognition of the importance of breast reconstruction after mastectomy, last year the Senate passed the Women's Health and Cancer Rights Act as part of the Omnibus Appropriations Bill. This legislation, which was signed into law by the President, amended the Public Health Service Act and the Employee Retirement Income Security Act to require that health plans provide coverage for breast reconstruction after mastectomy. This coverage also includes surgery on the unoperated breast, if necessary, as well as the cost of breast prostheses and repair to physical complications following mastectomy (e.g. lymphedema or arm swelling).

However, if we don't pass further legislation, the enforcement mechanisms available to the Department of Labor to ensure that health plans comply with the breast reconstruction requirement are generally limited to requesting a court to issue an injunction. The Breast Reconstruction Implementation Act will incorporate the breast reconstruction requirement into the Internal Revenue Code in order to enable civil monetary penalties to be imposed on violators of the law. Passage of this bill would continue the precedent established by all previous mandates on health plans (those in the Health Insurance Portability and Accountability Act, the Newborns' and Mothers' Health Protection Act, and the Mental Health Parity Act), which were incorporated into all three statutes: Public Health Service Act, Employee Retirement Income Security Act, and the Internal Revenue Code.

Mr. President, I encourage my colleagues to finish the work that we began last year to ensure that women can be fully restored to health after fighting breast cancer, and I urge them to support the Breast Reconstruction Implementation Act of 1999 that I am introducing today.●

By Mr. ASHCROFT (for himself and Mr. FEINGOLD):

S. 1680. A bill to provide for the improvement of the processing of claims for veterans compensation and pensions, and for other purposes; to the Committee on Veterans Affairs.

VETERANS BENEFITS ADMINISTRATION IMPROVEMENT ACT OF 1999

Mr. ASHCROFT. 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. 1680

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 ''Veterans Benefits Administration Improvement Act of 1999''.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) The Veterans Benefits Administration of the Department of Veterans Affairs is responsible for the timely and accurate processing of claims for veterans compensation and pension.

(2) The accuracy of claims processing within the Veterans Benefits Administration has been a subject of concern to Congress and the Department of Veterans Affairs.

(3) While the Veterans Benefits Administration has reported in the past a 95 percent accuracy rate in processing claims, a new accuracy measurement system known as the Systematic Technical Accuracy Review found that, in 1998, initial review of veterans claims was accurate only 64 percent of the time.

(4) The Veterans Benefits Administration could lose up to 30 percent of its workforce to retirement by 2003, making adequate training for claims adjudicators even more necessary to ensure veterans claims are processed efficiently.

(5) The Veterans Benefits Administration needs to take more aggressive steps to ensure that veterans claims are processed in an accurate and timely fashion to avoid unnecessary delays in providing veterans with compensation and pension benefits.

SEC. 3. IMPROVEMENT OF PROCESSING OF VETERANS BENEFITS CLAIMS.

(a) PLAN REQUIRED.—Not later than 90 days after the date of the enactment of this Act,

the Secretary of Veterans Affairs shall submit to the Committees on Veterans' Affairs of the Senate and the House of Representatives, the Majority Leader of the Senate, and the Speaker of the House of Representatives a comprehensive plan for the improvement of the processing of claims for veterans compensation and pension.

(b) ELEMENTS.—The plan under subsection (a) shall include the following:

(1) Mechanisms for the improvement of training of claims adjudicators and for the enhancement of employee accountability standards in order to ensure that initial reviews of claims are accurate and that unnecessary appeals of benefit decisions and delays in benefit payments are avoided.

(2) Mechanisms for strengthening the ability of the Veterans Benefits Administration of the Department of Veterans Affairs to identify recurring errors in claims adjudications by improving data collection and management relating to—

(A) the human body and the impairments common in disability and pension claims; and

(B) recurring deficiencies in medical evidence and examinations.

(3) Mechanisms for implementing a system for reviewing claims-processing accuracy that meets the Government's internal control standard on separation of duties and the program performance audit standard on organizational independence.

(4) Quantifiable goals for each of the mechanisms developed under paragraphs (1) through (3).

(c) CONSULTATION.—In developing the plan under subsection (a), the Secretary shall consult with and obtain the views of veterans organizations and other interested parties.

(d) IMPLEMENTATION.—The Secretary shall implement the plan under subsection (a) commencing 60 days after the date of the submittal of the plan under that subsection.

(e) MODIFICATION.—(1) The Secretary may modify the plan submitted under subsection (a).

(2) Any modification under paragraph (1) shall not take effect until 30 days after the date on which the Secretary submits to the Committees on Veterans' Affairs of the Senate and the House of Representatives, the Majority Leader of the Senate, and the Speaker of the House of Representatives a notice regarding such modification.

(f) REPORTS.—Not later than January 1, 2000, and every 6 months thereafter, the Secretary shall submit to the Committees on Veterans' Affairs of the Senate and the House of Representatives, the Majority Leader of the Senate, and the Speaker of the House of Representatives a report assessing implementation of the plan under subsection (a) during the preceding 6 months, including an assessment of whether the goals set forth under subsection (b)(4) are being achieved.

By Mr. ROCKEFELLER (for himself and Mr. GORTON):

S. 1682. A bill to amend title 49, United States Code, to authorize management reforms of the Federal Aviation Administration, and for other purposes; to the Committee on Commerce, Science, and Transportation.

AIR TRAFFIC MANAGEMENT IMPROVEMENT ACT OF 1999

Mr. ROCKEFELLER. Mr. President, 2 weeks ago I came to the Senate floor to talk with my colleagues in the Congress about the troubled state of our nation's air traffic control system. After a long summer of dramatically increased congestion in the skies and delays on the ground, I implored my colleagues to join me in putting a new and renewed emphasis on aviation, and to commit ourselves to modernizing, reforming, and, if need be, restructuring our air traffic system in order to meet surging travel demands in the new millennium.

Today I am pleased to join with Senator GORTON in offering my colleagues a first step in that process by introducing the Air Traffic Management Improvement Act of 1999—a modest but meaningful bill that would improve current management and operation of the system, without prejudging the ongoing and important debate about whether and how to more fundamentally restructure the air traffic over the long term.

The Air Traffic Management Improvement Act of 1999 is focused in two key areas—the first being internal FAA management reforms and the second being modernizing of the nuts and bolts of the system itself.

With respect to management reforms, this bill would create a new air traffic control oversight committee, as a subcommittee of the FAA's Management Advisory Committee, and a new Chief Operating Officer (COO) position, with central responsibility for running and modernizing air traffic control services, developing and implementing strategic and operational plans, and putting together a budget for air traffic services. For both the COO and the FAA Administrator, the bill would authorize performance bonuses in order to allow us to attract and retain the highest caliber leadership possible for running this essential national system.

The bill also makes clear that the Administrator should use her full authority to make organizational changes to improve the efficiency of the system, without compromising the FAA's primary safety mission, and asks the Administrator to report on and provide milestones for the agency's new cost allocation system.

With respect to air traffic modernization, the bill calls for a comprehensive review and redesign of our airspace nationwide, based on input from the aviation community, and provides the resources necessary to get the job done in a timely fashion. The bill also includes an emergency authorization of up to $100 million to speed up the purchase and fielding of modernization equipment and technologies that could have made a difference in the gridlock of this past summer but have been held up by inadequate funding.

Finally, the bill would set up an innovative pilot program to facilitate public-private joint ventures for the purchase of air traffic control equipment. It would create a not-for-profit Air Traffic Modernization Association with a three-member executive panel representing the FAA, commercial air carriers, and primary airports. Ten projects for modernization equipment would be selected from among applications made by airlines and airports, or a consortium of interested parties, who are willing to share financial responsibility for FAA-approved modernization equipment—and who can't and don't want to wait for the congressional budget process to catch up with air traffic demands. In effect, the Association would leverage a relatively small amount of FAA seed money to more quickly procure and field ATC modernization equipment through leasing and bond arrangements. The pilot program allows for up to $50 million in FAA funding per project, with a total cap of $500 million. It also allows a sponsoring airport to use a portion of a passenger facility charge to meet their commitment and provides incentives for airport participation.

In closing, I want to say how thankful I am for the good and sound leadership of my friend and colleague Senator GORTON and of FAA Administrator Garvey and the outstanding FAA employees who work with her and whose expertise, ideas, and technical assistance are reflected in this bill. To my mind the problems of the current system are shared problems—we all bear some responsibility for them and we all need to step up to the plate to do something to fix them. The FAA does a very commendable job with an incomprehensibly difficult task—and they have a terrific safety record to show for it. But the current system isn't working as well as it could or should, and we can't wait to do something about it.

My goal in the Air Traffic Management Improvement Act of 1999 is to give the FAA additional tools to get the job done in today's more challenging aviation environment—and to give the Congress and the country some time to consider in a very deliberate and careful way some of the proposals for more far-reaching change.

It is our intention to offer this bill as an amendment to the FAA and AIP reauthorization bill, S. 82, when it comes to the Floor in the near future. I look forward to talking more about the details and great potential of these modest reforms at that time. I hope my colleagues will join me in working to improve our air traffic system for the benefit of the traveling public and of the national economy.

I ask unanimous consent that the text of this bill be printed in the RECORD.

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

S. 1682

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 ''Air Traffic Management Improvement Act of 1999''.

SEC. 2. AMENDMENTS TO TITLE 49, UNITED STATES CODE

Except as otherwise specifically 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 of law, the reference shall be considered to be made to a section or other provision of title 49, United States Code.

SEC. 3. DEFINITIONS

In this Act:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the Federal Aviation Administration.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of the Department of Transportation.

SEC. 4. FINDINGS.

The Congress makes the following findings:

(1) The nation's air transportation system is projected to grow by 3.4 percent per year over the next 12 years.

(2) Passenger enplanements are expected to rise to more than 1 billion by 2009, from the current level of 660 million.

(3) The aviation industry is one of our Nation's critical industries, providing a means of travel to people throughout the world, and a means of moving cargo around the globe.

(4) The ability of all sectors of American society, urban and rural, to access, and to compete effectively in the new and dynamic global economy requires the ability of the aviation industry to serve all the Nation's communities effectively and efficiently.

(5) The Federal government's role is to promote a safe and efficient national air transportation system through the management of the air traffic control system and through effective and sufficient investment in aviation infrastructure, including the Nation's airports.

(6) Numerous studies and reports, including the National Civil Aviation Review Commission, have concluded that the projected expansion of air service may be constrained by gridlock in our Nation's airways, unless substantial management reforms are initiated for the Federal Aviation Administration.

(7) The Federal Aviation Administration is responsible for safely and efficiently managing the National Airspace System 365 days a year, 24 hours a day.

(8) The Federal Aviation Administration's ability to efficiently manage the air traffic system in the United States is restricted by antiquated air traffic control equipment.

(9) The Congress has previously recognized that the Administrator needs relief from the Federal government's cumbersome personnel and procurement laws and regulations to take advantage of emerging technologies and to hire and retain effective managers.

(10) The ability of the Administrator to achieve greater efficiencies in the management of the air traffic control system requires additional management reforms, such as the ability to offer incentive pay for excellence in the employee workforce.

(11) The ability of the Administrator to effectively manage finances is dependent in part on the Federal Aviation Administration's ability to enter into long-term debt and lease financing of facilities and equipment, which in turn are dependent on sustained sound audits and implementation of a cost management program.

(12) The Administrator should use the full authority of the Federal Aviation Administration to make organizational changes to improve the efficiency of the air traffic control system, without compromising the Federal Aviation Administration's primary mission of protecting the safety of the travelling public.

SEC. 5. AIR TRAFFIC CONTROL SYSTEM DEFINED.

Section 40102(a) is amended—

(1) by redesignating paragraphs (5) through (41) as paragraphs (6) through (42), respectively; and

(2) by inserting after paragraph (4) the following:

''(5) 'air traffic control system' means the combination of elements used to safely and efficiently monitor, direct, control, and guide aircraft in the United States and United States-assigned airspace, including—

''(A) allocated electromagnetic spectrum and physical, real, personal, and intellectual property assets making up facilities, equipment, and systems employed to detect, track, and guide aircraft movement;

''(B) laws, regulations, orders, directives, agreements, and licenses;

''(C) published procedures that explain required actions, activities, and techniques used to ensure adequate aircraft separation; and

''(D) trained personnel with specific technical capabilities to satisfy the operational, engineering, management, and planning requirements for air traffic control.''.

SEC. 6. CHIEF OPERATING OFFICER FOR AIR TRAFFIC SERVICES.

(a) Section 106 is amended by adding at the end the following:

'(r) CHIEF OPERATING OFFICER.—

''(1) IN GENERAL.—

''(A) APPOINTMENT.—There shall be a Chief Operating Officer for the air traffic control system to be appointed by the Administrator, after consultation with the Management Advisory Council. The Chief Operating Officer shall report directly to the Administrator and shall be subject to the authority of the Administrator.

''(B) QUALIFICATIONS.—The Chief Operating Officer shall have a demonstrated ability in management and knowledge of or experience in aviation.

''(C) TERM.—The Chief Operating Officer shall be appointed for a term of 5 years.

''(D) REMOVAL.—The Chief Operating Officer shall serve at the pleasure of the Administrator, except that the Administrator shall make every effort to ensure stability and continuity in the leadership of the air traffic control system.

''(E) COMPENSATION.—

''(i) The Chief Operating Officer shall be paid at an annual rate of basic pay not to exceed that of the Administrator, including any applicable locality-based payment. This basic rate of pay shall subject the chief operating officer to the post-employment provisions of section 207 of title 18 as if this position were described in section 207(c)(2)(A)(i) of that title.

''(ii) In addition to the annual rate of basic pay authorized by paragraph (1) of this subsection, the Chief Operating Officer may receive a bonus not to exceed 50 percent of the annual rate of basic pay, based upon the Administrator's evaluation of the Chief Operating Officer's performance in relation to the performance goals set forth in the performance agreement described in subsection (b) of this section. A bonus may not cause the chief Operating Officer's total aggregate compensation in a calendar year to equal or exceed the amount of the President's salary under section 102 of title 3, United States Code.

''(2) ANNUAL PERFORMANCE AGREEMENT.—The Administrator and the Chief Operating Officer shall enter into an annual performance agreement that sets forth measurable organization and individual goals for the Chief Operating Officer in key operational areas. The agreement shall be subject to review and renegotiation on an annual basis.

''(3) ANNUAL PERFORMANCE REPORT.—The Chief Operating Officer shall prepare and submit to the Secretary of Transportation and Congress an annual management report containing such information as may be prescribed by the Secretary.''.

''(4) RESPONSIBILITIES.—The Administrator may delegate to the Chief Operating Officer, or any other authority within the Federal Aviation Administration responsibilities, including, but not limited to the following:

''(A) STRATEGIC PLANS.—To develop a strategic plan of the Federal Aviation Administration for the air traffic control system, including the establishment of—

''(i) a mission and objectives;

''(ii) standards of performance relative to such mission and objectives, including safety, efficiency, and productivity; and

''(iii) annual and long-range strategic plans.

''(iv) methods of the Federal Aviation Administration to accelerate air traffic control modernization and improvements in aviation safety related to air traffic control.

''(B) OPERATIONS.—To review the operational functions of the Federal Aviation Administration, including—

''(i) modernization of the air traffic control system;

''(ii) increasing productivity or implementing cost-saving measures; and

''(iii) training and education.

''(C) BUDGET.—To—

''(i) develop a budget request of the Federal Aviation Administration related to the air traffic control system prepared by the Administration;

''(ii) submit such budget request to the Administrator and the Secretary of Transportation; and

''(iii) ensure that the budget request supports the annual and long-range strategic plans developed under paragraph (4)(A) of this subsection.

''(5) BUDGET SUBMISSION.—The Secretary shall submit the budget request prepared under paragraph (4)(D) of this subsection for any fiscal year to the President who shall submit such request, without revision, to the Committees on Transportation and Infrastructure and Appropriations of the House of Representatives and the Committees on Commerce, Science, and Transportation and Appropriations of the Senate, together with the President's annual budget request for the Federal Aviation Administration for such fiscal year.''.

SEC. 7. FEDERAL AVIATION MANAGEMENT ADVISORY COUNCIL.

''(a) MEMBERSHIP.—Section 106(p)(2)(C) is amended to read as follows:

''(C) 13 members representing aviation interests, appointed by—

''(i) in the case of initial appointments to the Council, the President by and with the advice and consent of the Senate; and

''(ii) in the case of subsequent appointments to the Council, the Secretary of Transportation.''.

''(b) TERMS OF MEMBERS.—Section 106(p)(6)(A)(i) is amended by striking ''by the President''.

''(c) AIR TRAFFIC SERVICES SUBCOMMITTEE.—Section 106(p)(6) is amended by adding at the end thereof the following:

''(E) AIR TRAFFIC SERVICES SUBCOMMITTEE.—The Chairman of the Management Advisory Council shall constitute an Air Traffic Services Subcommittee to provide comments, recommend modifications, and provide dissenting views to the Administrator on the performance of air traffic services, including—

''(i) the performance of the Chief Operating Officer and other senior managers within the air traffic organization of the Federal Aviation Administration;

''(ii) long-range and strategic plans for air traffic services;

''(iii) review the Administrator's selection, evaluation, and compensation of senior executives of the Federal Aviation Administration who have program management responsibility over significant functions of the air traffic control system;

''(iv) review and make recommendations to the Administrator's plans for any major reorganization of the Federal Aviation Administration that would effect the management of the air traffic control system;

''(v) review, and make recommendations the Administrator's cost allocation system and financial management structure and technologies to help ensure efficient and cost-effective air traffic control operation.

''(vi) review the performance and cooperation of managers responsible for major acquisition projects, including the ability of the managers to meet schedule and budget targets; and

''(vii) other significant actions that the Subcommittee considers appropriate and that are consistent with the implementation of this Act.''.

SEC. 8. COMPENSATION OF THE ADMINISTRATOR.

Section 106(b) is amended—

(1) by inserting ''(1)'' before ''The''; and

(2) by adding at the end the following:

''(2) In addition to the annual rate of pay authorized for the Administrator, the Administrator may receive a bonus not to exceed 50 percent of the annual rate of basic pay, based upon the Secretary's evaluation of the Administrator's performance in relation to the performance goals set forth in a performance agreement. A bonus may not cause the Administrator's total aggregate compensation in a calendar year to equal or exceed the amount of the President's salary under section 102 of title 3, United States Code.''.

SEC. 9. NATIONAL AIRSPACE REDESIGN.

(a) FINDINGS RELATING TO THE NATIONAL AIRSPACE.—The Congress makes the following additional findings:

(1) The National airspace, comprising more than 29 million square miles, handles more than 55,000 flights per day.

(2) Almost 2,000,000 passengers per day traverse the United States through 20 major en route centers including more than 700 different sectors.

(3) Redesign and review of the National airspace may produce benefits for the travelling public by increasing the efficiency and capacity of the air traffic control system and reducing delays.

(4) Redesign of the National airspace should be a high priority for the Federal Aviation Administration and the air transportation industry.

(b) REDESIGN REPORT.—The Administrator, with advice from the aviation industry and other interested parties, shall conduct a comprehensive redesign of the national airspace system and shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate and to the Committee on Transportation and Infrastructure of the House on the Administrator's comprehensive national airspace redesign. The report shall include projected milestones for completion of the redesign and shall also include a date for completion. The report must be submitted to the Congress no later than December 31, 2000. There are authorized to be appropriated to the Administrator to carry out this section $12,000,000 for fiscal years 2000, 2001, and 2002.

SEC. 10. FAA COSTS AND ALLOCATIONS SYSTEM MANAGEMENT.

(a) REPORT ON THE COST ALLOCATION SYSTEM.—No later than July 9, 2000, the Administrator shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House on the cost allocation system currently under development by the Federal Aviation Administration. The report shall include a specific date for completion and implementation of the cost allocation system throughout the agency and shall also include the timetable and plan for the implementation of a cost management system.

(b) INDEPENDENT ASSESSMENT.—

(1) IN GENERAL.—The Inspector General of the Department of Transportation shall conduct the assessments described in this subsection. To conduct the assessments, the Inspector General may use the staff and resources of the Inspector General or contract with one or more independent entities.

(2) ASSESSMENT OF ADEQUACY AND ACCURACY OF FEDERAL AVIATION ADMINISTRATION COST DATA AND ATTRIBUTIONS.—

(A) IN GENERAL.—The Inspector General shall conduct an assessment to ensure that the method for calculating the overall costs of the Federal Aviation Administration and attributing such costs to specific users is appropriate, reasonable, and understandable to the users.

(B) COMPONENTS.—In conducting the assessment under this paragraph, the Inspector General shall assess the Federal Aviation Administration's definition of the services to which the Federal Aviation Administration ultimately attributes its costs.

(3) COST EFFECTIVENESS.—

(A) IN GENERAL.—The Inspector General shall assess the progress of the Federal Aviation Administration in cost and performance management, including use of internal and external benchmarking in improving the performance and productivity of the Federal Aviation Administration.

(B) ANNUAL REPORTS.—Not later than December 31, 2000, the Inspector General shall transmit to Congress an updated report containing the results of the assessment conducted under this paragraph.

(C) INFORMATION TO BE INCLUDED IN FEDERAL AVIATION ADMINISTRATION FINANCIAL REPORT.—The Administrator shall include in the annual financial report of the Federal Aviation Administration information on the performance of the Administration sufficient to permit users and others to make an informed evaluation of the progress of the Administration in increasing productivity.

SEC. 11. AIR TRAFFIC MODERNIZATION PILOT PROGRAM

(a) IN GENERAL.—Chapter 445 is amended by adding at the end thereof the following:

''§ 44516. Air traffic modernization joint venture pilot program

''(a) PURPOSE.—It is the purpose of this section to improve aviation safety and enhance mobility of the nation's air transportation system by facilitating the use of joint ventures and innovative financing, on a pilot program basis, between the Federal Aviation Administration and industry, to accelerate investment in critical air traffic control facilities and equipment.

''(B) DEFINITIONS.—As used in this section:

''(1) ASSOCIATION.—The term 'Association' means the Air Traffic Modernization Association established by this section.

''(2) PANEL.—The term 'panel' means the executive panel of the Air Traffic Modernization Association.

''(3) OBLIGOR.—The term 'obligor' means a public airport, an air carrier or foreign air carrier, or a consortium consisting of 2 or more of such entities.

''(4) ELIGIBLE PROJECT.—The term 'eligible project' means a project relating to the nation's air traffic control system that promotes safety, efficiency or mobility, and is included in the Airway Capital Investment Plan required by section 44502, including—

''(A) airport-specific air traffic facilities and equipment, including local area augmentation systems, instrument landings systems, weather and wind shear detection equipment, lighting improvements and control towers;

''(B) automation tools to effect improvements in airport capacity, including passive final approach spacing tools and traffic management advisory equipment; and

''(C) facilities and equipment that enhance airspace control procedures, including consolidation of terminal radar control facilities and equipment, or assist in en route surveillance, including oceanic and off-shore flight tracking.

''(5) SUBTANTIAL COMPLETION.—The term 'substantial completion' means the date upon which a project becomes available for service.

''(c) AIR TRAFFIC MODERNIZATION ASSOCIATION.—

''(1) IN GENERAL.—There may be established in the District of Columbia a private, not for profit corporation, which shall be know as the Air Traffic Modernization Association, for the purpose of providing assistance to obligors through arranging lease and debt financing of eligible projects.

''(2) NON-FEDERAL ENTITY.—The Association shall not be an agency, instrumentality or establishment of the United States Government and shall not be a 'wholly-owned Government controlled corporation' as defined in section 9101 of title 31, United States Code. No action under section 1491 of title 28, United States Code, shall be allowable against the United States based on the actions of the Association.

''(3) EXECUTIVE PANEL.—

''(A) The Association shall be under the direction of an executive panel made up of 3 members, as follows:

''(i) 1 member shall be an employee of the Federal Aviation Administration to be appointed by the Administrator;

''(ii) 1 member shall be a representative of commercial air carriers, to be appointed by the Management Advisory Council; and

''(iii) 1 member shall be a representative of operators of primary airports, to be appointed by the Management Advisory Council

''(B) The panel shall elect from among its members a chairman who shall serve for a term of 1 year and shall adopt such bylaws, policies, and administrative provisions as are necessary to the functioning of the Association.

''(4) POWERS, DUTIES AND LIMITATIONS—Consistent with sound business techniques and provisions of this chapter, the Association is authorized—

''(A) to borrow funds and enter into lease arrangements as lessee with other parties relating to the financing of eligible projects, provided that any public debt issuance shall be rated investment grade by a nationally recognized statistical rating organization;

''(B) to lend funds and enter into lease arrangements as lessor with obligors, but—

''(i) the term of financing offered by the Association shall not exceed the useful life of the eligible project being financed, as estimated by the Administrator; and

''(ii) the aggregate amount of combined debt and lease financing provided under this subsection for air traffic control facilities and equipment—

''(I) may not exceed $500,000,000 per fiscal year for fiscal years 2000, 2001, and 2002;

''(II) shall be used for not more than 10 projects; and

''(III) may not providing funding in excess of $50,000,000 for any single project; and

''(C) to exercise all other powers that are necessary and proper to carry out the purposes of this section.

''(5) PROJECT SELECTION CRITERIA.—In selecting eligible projects from applicants to be funded under this section, the Association shall consider the following criteria:

''(A) The eligible project's contribution to the national air transportation system, as outlined in the Federal Aviation Administration's modernization plan for alleviating congestion, enhancing mobility, and improving safety.

''(B) The credit-worthiness of the revenue stream pledged by the obligor.

''(C) The extent to which assistance by the Association will enable the obligor to accelerate the date of substantial completion of the project.

''(D) The extent of economic benefit to be derived within the aviation industry, including both public and private sectors.

''(d) AUTHORITY TO ENTER INTO JOINT VENTURE.—

''(1) IN GENERAL.—Subject to the conditions set forth in this section, the Administrator of the Federal Aviation Administration is authorized to enter into a joint venture, on a pilot program basis, with Federal and non-Federal entities to establish the Air Traffic Modernization Association described in subsection (c) for the purpose of acquiring, procuring or utilizing of air traffic facilities and equipment in accordance with the Airway Capital Investment Plan.

''(2) COST SHARING.—The Administrator is authorized to make payments to the Association from amounts available under section 4801(a) of this title, provided that the agency's share of an annual payment for a lease or other financing agreement does not exceed the direct or imputed interest portion of each annual payment for an eligible project. The share of the annual payment to be made by an obligor to the lease or other financing agreement shall be in sufficient amount to amortize the asset cost. If the obligor is an airport sponsor, the sponsor may use revenue from a passenger facility fee, provided that such revenue does not exceed 25 cents per enplaned passenger per year.

''(3) PROJECT SPECIFICATIONS.—The Administrator shall have the sole authority to approve the specifications, staffing requirements, and operating and maintenance plan for each eligible project, taking into consideration the recommendations of the Air Traffic Services Subcommittee of the Management Advisory Council.

''(e) INCENTIVES FOR PARTICIPATION.—An airport sponsor that enters into a lease or financial arrangement financed by the Air Traffic Modernization Association may use its share of the annual payment as a credit toward the non-Federal matching share requirement for any funds made available to the sponsor for airport development projects under chapter 471 of this title.

''(f) UNITED STATES NOT OBLIGATED.—The contribution of Federal funds to the Association pursuant to subsection (d) of this section shall not be construed as a commitment, guarantee, or obligation on the part of the United States to any third party, nor shall any third party have any right against the United States by virtue of the contribution. The obligations of the Association do not constitute any commitment, guarantee or obligation of the United States.

''(g) REPORT TO CONGRESS.—Not later than 3 years after establishment of the Association, the Administrator shall provide a comprehensive and detailed report to the Senate Committee on Commerce, Science, and Transportation and the House Committee on Transportation and Infrastructure on the Association's activities including—

''(1) an assessment of the Association's effectiveness in accelerating the modernization of the air traffic control system;

''(2) a full description of the projects financed by the Association and an evaluation of the benefits to the aviation community and general public of such investment; and

''(3) recommendations as to whether this pilot program should be expanded or other strategies should be pursued to improve the safety and efficiency of the nation's air transportation system.

''(h) AUTHORIZATION.—Not more than the following amounts may be appropriated to the Administrator from amounts made available under section 4801(a) of this title for the agency's share of the organizational and administrative costs for the Air Traffic Modernization Association:

''(1) $500,000 for fiscal year 2000;

''(2) $500,000 for fiscal year 2001; and

''(3) 500,000 for fiscal year 2002.

''(i) RELATIONSHIP TO OTHER AUTHORITIES.—Nothing in this section is intended to limit or diminish existing authorities of the Administrator to acquire, establish, improve, operate, and maintain air navigation facilities and equipment.''.

''(b) CONFORMING AMENDMENT.—

''(1) Section 40117(b)(1) is amended by striking ''controls.'' and inserting ''controls, or to finance an eligible project through the Air Traffic Modernization Association in accordance with section 44516 of this title.''.

''(2) The analysis for chapter 445 is amended by adding at the end the following:

''44516. Air traffic modernization pilot program.''.

SEC. 12. EMERGENCY AUTHORIZATION FOR AIR NAVIGATION FACILITIES AND EQUIPMENT.

Section 48101(a) is amended—

''(1) by striking ''a total of the following amounts'' and inserting $100,000,000 for fiscal year 2000 to fund critically needed, and already developed, air traffic control equipment that can be efficiently installed into the National airspace to more safely and efficiently move traffic''; and

''(2) striking ''title:'' and all that follows and inserting ''title.''.

ADDITIONAL COSPONSORS

S. 472

At the request of Mr. GRASSLEY, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 472, a bill to amend title XVIII of the Social Security Act to provide certain medicare beneficiaries with an exemption to the financial limitations imposed on physical, speech-language pathology, and occupational therapy services under part B of the medicare program, and for other purposes.

S. 510

At the request of Mr. CAMPBELL, the name of the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of S. 510, a bill to preserve the sovereignty of the United States over public lands and acquired lands owned by the United States, and to preserve State sovereignty and private property rights in non-Federal lands surrounding those public lands and acquired lands.

S. 631

At the request of Mr. DEWINE, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 631, a bill to amend the Social Security Act to eliminate the time limitation on benefits for immunosuppressive drugs under the medicare program, to provide continued entitlement for such drugs for certain individuals after medicare benefits end, and to extend certain medicare secondary payer requirements.

S. 740

At the request of Mr. CRAIG, the name of the Senator from North Carolina (Mr. HELMS) was added as a cosponsor of S. 740, a bill to amend the Federal Power Act to improve the hydroelectric licensing process by granting the Federal Energy Regulatory Commission statutory authority to better coordinate participation by other agencies and entities, and for other purposes.

S. 980

At the request of Mr. BAUCUS, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 980, a bill to promote access to health care services in rural areas.

S. 1133

At the request of Mrs. MURRAY, her name was added as a cosponsor of S. 1133, a bill to amend the Poultry Products Inspection Act to cover birds of the order Ratitae that are raised for use as human food.

S. 1144

At the request of Mr. VOINOVICH, the name of the Senator from South Carolina (Mr. HOLLINGS) was added as a cosponsor of S. 1144, a bill to provide increased flexibility in use of highway funding, and for other purposes.

S. 1187

At the request of Mr. DORGAN, the names of the Senator from Oregon (Mr. SMITH) and the Senator from Washington (Mrs. MURRAY) were added as cosponsors of S. 1187, a bill to require the Secretary of the Treasury to mint coins in commemoration of the bicentennial of the Lewis and Clark Expedition, and for other purposes.

S. 1242

At the request of Mr. AKAKA, the name of the Senator from New Jersey (Mr. TORRICELLI) was added as a cosponsor of S. 1242, a bill to amend the Immigration and Nationality Act to make permanent the visa waiver program for certain visitors to the United States.

S. 1448

At the request of Mrs. MURRAY, her name was added as a cosponsor of S. 1448, a bill to amend the Food Security Act of 1985 to authorize the annual enrollment of land in the wetlands reserve program, to extend the program through 2005, and for other purposes.

S. 1454

At the request of Mr. ROBB, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of S. 1454, a bill to amend the Internal Revenue Code of 1986 to expand the incentives for the construction and renovation of public schools and to provide tax incentives for corporations to participate in cooperative agreements with public schools in distressed areas.

S. 1473

At the request of Mrs. MURRAY, her name was added as a cosponsor of S. 1473, a bill to amend section 2007 of the Social Security Act to provide grant funding for additional Empowerment Zones, Enterprise Communities, and Strategic Planning Communities, and for other purposes.

S. 1500

At the request of Mr. HATCH, the names of the Senator from Alabama

(Mr. SHELBY), the Senator from New York (Mr. SCHUMER), and the Senator from Alabama (Mr. SESSIONS) were added as cosponsors of S. 1500, a bill to amend title XVIII of the Social Security Act to provide for an additional payment for services provided to certain high-cost individuals under the prospective payment system for skilled nursing facility services, and for other purposes.

S. 1547

At the request of Mr. BURNS, the name of the Senator from Minnesota (Mr. WELLSTONE) was added as a cosponsor of S. 1547, a bill to amend the Communications Act of 1934 to require the Federal Communications Commission to preserve low-power television stations that provide community broadcasting, and for other purposes.

S. 1574

At the request of Mr. CONRAD, the names of the Senator from North Dakota (Mr. DORGAN) and the Senator from Maryland (Ms. MIKULSKI) were added as cosponsors of S. 1574, a bill to amend title XVIII of the Social Security Act to improve the interim payment system for home health services, and for other purposes.

S. 1609

At the request of Mrs. HUTCHISON, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 1609, a bill to amend title XVIII of the Social Security Act to revise the update factor used in making payments to PPS hospitals under the medicare program.

S. 1617

At the request of Mr. DEWINE, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 1617, a bill to promote preservation and public awareness of the history of the Underground Railroad by providing financial assistance, to the Freedom Center in Cincinnati, Ohio.

S. 1642

At the request of Mr. COCHRAN, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 1642, a bill to amend part F of title X of the Elementary and Secondary Education Act of 1965 to improve and refocus civic education, and for other purposes.

S. 1652

At the request of Mr. CHAFEE, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. 1652, a bill to designate the Old Executive Office Building located at 17th Street and Pennsylvania Avenue, NW, in Washington, District of Columbia, as the Dwight D. Eisenhower Executive Office Building.

S. 1673

At the request of Mr. DEWINE, the name of the Senator from Michigan (Mr. ABRAHAM) was added as a cosponsor of S. 1673, a bill to amend titles 10 and 18, United States Code, to protect unborn victims of violence.

SENATE RESOLUTION 179

At the request of Mr. BIDEN, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of Senate Resolution 179, a resolution designating October 15, 1999, as ''National Mammography Day.''

SENATE RESOLUTION 188

At the request of Mr. EDWARDS, the names of the Senator from Delaware (Mr. BIDEN) and the Senator from Georgia (Mr. CLELAND) were added as cosponsors of Senate Resolution 188, a resolution expressing the sense of the Senate that additional assistance should be provided to the victims of Hurricane Floyd.

AMENDMENT NO. 1824

At the request of Ms. COLLINS, the names of the Senator from Michigan (Mr. ABRAHAM), the Senator from Ohio (Mr. DEWINE), the Senator from Arkansas (Mr. HUTCHINSON), and the Senator from Mississippi (Mr. COCHRAN) were added as cosponsors of amendment No. 1824 proposed to S. 1650, an original bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2000, and for other purposes.

SENATE RESOLUTION 194—EXPRESSING SYMPATHY FOR THE VICTIMS OF THE DEVASTATING EARTHQUAKE THAT STRUCK TAIWAN ON SEPTEMBER 21, 1999

Mr. LOTT submitted the following resolution; which was considered and agreed to:

S. RES. 194

Whereas on the morning of September 21, 1999, a devastating and deadly earthquake shook the counties of Nantou and Taichung, Taiwan, killing more than 2,000 people, injuring more than 7,800, and leaving more than 100,000 homeless;

Whereas the earthquake of September 21, 1999, has left thousands of buildings in ruin, caused widespread fires, and destroyed highways and other infrastructure;

Whereas the strength, courage, and determination of the people of Taiwan has been displayed since the earthquake;

Whereas the people of the United States and Taiwan share strong friendship and mutual interests and respect;

Whereas the United States has offered whatever technical assistance might be needed and has dispatched the Urban Search and Rescue Team of Fairfax County, Virginia, the Fire Rescue Team of Miami-Dade, Florida, and others; and

Whereas offers of assistance have come from the Governments of Japan, Singapore, Turkey, and others: Now, therefore, be it

Resolved, That the Senate—

(1) expresses its deepest sympathies to the people of Nantou and Taichung and all of Taiwan for the tragic losses suffered as a result of the earthquake of September 21, 1999;

(2) expresses its support for the people of Taiwan as they continue their efforts to rebuild their cities and their lives;

(3) expresses support for disaster assistance being provided by the United States Agency for International Development and other relief agencies; and

(4) recognizes and encourages the important assistance that also could be provided by foreign countries to alleviate the suffering of the people of Taiwan.

AMENDMENTS SUBMITTED

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2000

NICKLES (AND OTHERS) AMENDMENT NO. 1889

Mr. NICKLES (for himself, Mr. GREGG, Mr. GRAMM, and Mr. ASHCROFT) proposed an amendment to the bill (S. 1650) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2000, and for other purposes; as follows:

Strike all after the first word, and insert the following:

PROTECTING SOCIAL SECURITY SURPLUSES.

(a) FINDINGS.—Congress finds that—

(1) Congress and the President should balance the budget excluding the surpluses generated by the social security trust funds; and

(2) social security surpluses should only be used for social security reform or to reduce the debt held by the public and should not be spent on other programs.

(b) SENSE OF THE SENATE.—It is the Sense of the Senate that Congress should ensure that the fiscal year 2000 appropriations measures do not result in an on-budget deficit (excluding the surpluses generated by the Social Security trust funds) by adopting an across-the-board reduction in all discretionary appropriations sufficient to eliminate such deficit if necessary.

RESOLUTION REGARDING ASSISTANCE FOR VICTIMS OF HURRICANE FLOYD

EDWARDS (AND HELMS) AMENDMENT NO. 1890

Mr. LOTT (for Mr. EDWARDS (for himself and Mr. HELMS)) proposed an amendment to the resolution (S. Res. 188) expressing the sense of the Senate that additional assistance should be provided to the victims of Hurricane Floyd; as follows:

On page 4, line 14, after ''Maryland,'' insert ''Delaware,''.

NOTICE OF HEARING

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. CRAIG. Mr. President, I would like to announce for the public that a hearing has been scheduled before the Subcommittee on Forests and Public Land Management of the Senate Committee on Energy and Natural Resources.

The hearing will take place on Thursday, October 14, 1999 at 2:30 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. 610, a bill to direct the Secretary of the Interior to convey certain land under the jurisdiction of the Bureau of Land Management in Washakie County and Big

Horn County, Wyoming, to the Westside Irrigation District, Wyoming, and for other purposes; S. 1218, a bill to direct the Secretary of the Interior to issue to the Landusky School District, without consideration, a patent for the surface and mineral estates of certain lots, and for other purposes; S. 1331, a bill to give Lincoln County, Nevada, the right to purchase at fair market value certain public land in the county; S. 408, a bill to direct the Secretary of the Interior to convey a former Bureau of Land Management administrative site to the City of Carson City, Nevada, for use as a senior center; S. 1629, a bill to provide for the exchange of certain land in the State of Oregon; S. 1599, a bill to authorize the Secretary of Agriculture to sell or exchange all or part of certain administrative sites and other land in the Black Hills National Forest and to use funds derived from the sale or exchange to acquire replacement sites and to acquire or construct administrative improvements in connection with Black Hills National Forest.

Those who wish to submit written statements should write to the Committee on Energy and Natural Resources, U.S. Senate, Washington, D.C. 20510. For further information, please call Mike Menge at (202) 224–6170.

ADDITIONAL STATEMENTS

POLISH AMERICAN HERITAGE MONTH

• Mr. REED. Mr. President, I rise today to recognize the city of Pawtucket, Rhode Island's celebration of October as Polish American Heritage Month.

Famous leaders, musicians and scientists of Polish descent have made numerous contributions to society. Pope John II, of Wadowice, Poland was the first non-Italian Pope chosen by the Roman Catholic Church in more than 400 years. Fryderyk Chopin of Zelazowa Wola, Poland is remembered for his unique approach to the piano and is considered one of the greatest composers of all time. Marie Curie, of Warsaw, Poland was awarded a Nobel Prize for physics in 1903 and in 1911, a second Nobel Prize for chemistry. Madame Curie is still the only woman in history to be awarded two Nobel Prizes.

The Polish heritage is so alive today because Polish Americans play an active role in their cities, towns and communities. Millions of Polish immigrants have settled in cities like Pawtucket all across America. The Polish people brought their traditions, faith and pride to communities across the country and established schools, churches and organizations to help celebrate their heritage in America. With over 47,000 people of Polish descent in Rhode Island alone, one cannot talk about the history of Rhode Island or the history of America without recognizing the contributions of people of Polish descent.

Therefore, I urge my colleagues to join with the Polish community of Pawtucket in celebrating the city's Polish American Heritage Month.•

HONORING THE 75TH BIRTHDAY OF PRESIDENT CARTER

• Mr. LIEBERMAN. Mr. President, I rise to recognize a milestone in the extraordinary life of one of America's most distinguished statesmen, former President Jimmy Carter, who celebrates his 75th birthday today.

Twenty-three years ago, in the turbulent aftermath of Watergate, Americans yearned for a leader of honesty and integrity who would steward the country into an uncertain future. We found that man in James Earl Carter, Jr., a submariner and farmer-turned-Georgia-Governor who we elected our 39th President.

President Carter served very honorably and ably during his term in office, earning distinction for diplomatic successes such as overseeing in the signing of the Panama Canal Treaty and the Camp David Accords. And in his 19 years since leaving office, President Carter has demonstrated himself to be one of the world's great humanitarians.

In 1982, he founded the Carter Center—a nonprofit, nonpartisan center dedicated to promoting democracy, human rights, and conflict-resolution throughout the world. The center's work has been remarkable. In the past two decades—whether fighting to eradicate Guinea worm disease, thwarting conflict in Haiti, or helping to free political prisoners across the globe—President Carter has carved out a deserved reputation as one of the most active, humane, and accomplished ex-Presidents in American history.

President Carter talked candidly about his Presidential legacy and his gratifying years after office in a profile recently written by White House correspondent Trude B. Feldman to commemorate his 75th birthday. To pay tribute to one of America's eminent leaders, I ask that Ms. Feldman's article be printed in the RECORD.

The article follows:

[From Los Angeles Times Syndicate International]

PRESIDENT CARTER AT 75

(By Trude B. Feldman)

ATLANTA, GA.—Former U.S. President Jimmy Carter turns 75 on October 1st and says he is in good shape and determined not to let aging get the better of him.

In an interview to mark the milestone, he adds: ''My health is fine. I've had a full and gratifying life, but now is the best time of all.''

Does the energetic Carter feel 75 years of age?

''Not really,'' he tells me. ''I feel young. I'm still doing the same things I did twenty years age. I haven't given up active sports, although I cut back on some. I run fewer miles a day and play less tennis. In softball, my pitch is as accurate as ever, but I have little power in my drives, and base running is slower. Still, I don't feel tired and worn out. I continue to explore new opportunities, so I don' feel I'm growing old. But I do know what the calendar says.''

Twenty years ago when Carter turned 55, October 1st, by striking coincidence, fell on Yom Kippur, the holiest day in Judaism. Reflecting on that unusual concurrence in 1979, then President Carter told me: ''Reassessment of the past and plans for the future are important on one's birthday. So all the more important when a birthday falls on the same day as Yom Kippur—a supreme moral and spiritual moment, a time to take stock of one's personal life as well as to evaluate one's role in society . . . We all need a new spirit, a new heart . . . and we can do better by reviewing our past . . . to discover where we went wrong.''

America's 39th president, Jimmy Carter lost his re-election bid in 1980 to Ronald Reagan, and was ''devastated, disappointed and frustrated'' at not being able to complete his goals.

Two years later, with his disappointment diverted by the writing of his memoir, Carter reverted to his passion for the power of positive thinking, and established, with his wife Rosalynn, The Carter Center, within which he could pursue some of the programs and interests that ''were interrupted when I was forced into involuntary retirement.''

The Carter Center, located on 30 acres of a now landscaped hill in Atlanta, from which General William Tecumseh Sherman watched the fledgling city burn in 1864, consists of The Carter Presidential Library and Museum and The Carter Center in four linked circular pods. It is governed by an independent Board of Trustees and yet is a part of Emory University. It brings people and resources together to resolve conflict, promote peace, democracy, and human rights, as well as to fight disease, hunger, poverty, and oppression worldwide.

It was at The Carter Center that President William J. Clinton last month presented, separately to Rosalynn and Jimmy Carter, the Presidential Medal of Freedom, America's highest civilian honor. ''They have done more good things for more people in more places than any other couple,'' Clinton stated. ''The work they do through this extraordinary Center to improve our world is unparalleled in our Nation's history . . . Their journey is one of love and faith, and this Center has been their ministry.''

Clinton also remarked that to call Jimmy Carter the greatest former president in history, as many have, doesn't do justice either to him or his work. ''For, in a real sense, this Carter Center . . . is a continuation of the Carter presidency,'' he said. ''The work he did in his four years (1977–81) in the White House not only broke important new ground, it is still playing a large role in shaping today's world.''

In accepting the Medal, Carter told the assembled guests—family and friends—that President Clinton's words made him ''almost speechless with emotion,'' and he described the event as ''one of the most beautiful of my life.''

Carter went on to say that he and Rosalynn find much satisfaction in The Carter Center, and that it has given them, in effect, a new life, a life of pleasure, challenge, adventure, and unpredictability. ''We have formed close relationships with people in small villages in Africa, and those hungry for freedom and democracy in Indonesia, Haiti, Paraguay, and other countries,'' he stated. ''We try to bring them the blessings of America in an unofficial, but personal way.''

He added that he and Rosalynn visited some 115 foreign countries and learned about the people—their despair, hopelessness and lack of self respect. ''We also learned that

close relations are necessary between governments throughout the world and civilian organizations—non-governmental ones like The Carter Center.''

During his birthday interview, I asked Carter if his 75 years were his to live over (again), what would he have done differently?

''As for my life in the White House, the one thing I would have handled differently is the hostage crisis,'' he says. ''From a human aspect, it was the most infuriating experience of my presidency. And had I been successful in rescuing the 52 American hostages in Iran, I believe I would have been re-elected president.

''I don't feel grieved that I lost the second term, but what I would have done differently during that ordeal is to send one more helicopter to the desert, one which would have likely resulted in a successful rescue operation.''

In Nov. 1979, after the Islamic Revolution in Iran, and one year before Carter's defeat for re-election, radical students seized the U.S. embassy in Tehran and took some 66 Americans as hostages. Although some were subsequently released, 52 were held captive for 444 days—till the end of Carter's presidency.

On April 24, 1980, he ordered a covert snatch operation to pluck them out of the embassy. During the operation, two aircraft collided in a desert staging area, killing eight servicemen. In Nov. 1980, the militants relinquished the hostages to the Iranian government. With Algeria acting as an intermediary, a deal was finally struck as Carter's presidency was ending. The hostages were released at noon—U.S. time—on Jan. 20, 1981, just as Carter turned over the U.S. government to its 40th president, Ronald Reagan.

When the freed hostages arrived in Wiesbaden, Germany, Carter was there to greet them; and today, he still remembers each of their names, knows their whereabouts and remains in touch with most of them. And they still show their appreciation to him, emotionally, for the political toll that his ''wisdom and patience'' meant for their ultimate safe release.

''I often think about that ordeal,'' Carter says. ''From the outset I felt responsible for their well being. And I remain convinced that the wisest course for a strong nation, when confronted with a similar challenge, should be one of caution and restraint.''

As to what he would have done differently in his personal life, Carter says his marriage to Rosalynn has been the best thing that happened to him. ''So, even though she didn't accept my first proposal, I would not have married any differently,'' he adds. ''Rosalynn is the only woman I ever loved. We married 53 years ago and are still bound together with increasing bonds as we grow older and need each other more. When we're apart for even a day, I have the same hollow feeling of loneliness as when I was at sea (in the Navy) early in our marriage. Now, in our golden years, our primary purpose is not just to stay alive, but to savor each opportunity for fulfillment.''

Carter admits that, yes, they still argue, but are mature enough not to dwell on disputes, and after a cooling off period, they either ignore their differences or reason with each other.

They are close to their three sons, Jack, 52; James Earl 3d (Chip), 49; and Jeffrey, 47; and daughter, Amy. Their ten grandchildren are ''an indescribable blessing . . .''—the most recent one born July 29 to Amy and her husband.

Carter muses: ''You remember Amy. She was like a separate family for us because she was born when our youngest son was 15 years old. I think that made her special in the minds of people around the world who knew her as a nine year old child in the White House. Now they see her as a 31 year old mother and realize they, too, are now 22 years older. So Amy is a kind of measuring stick for about how much we all have aged.''

Also remembered for having brought a child's book to read at a State Dinner, Amy Carter told me that celebrating her dad's 75th birthday means a lot to her because she looks up to him as ''very special'' and one who has always been there for her.

''Dad has always made me feel like I was his priority,'' she says. ''When we lived in the White House, there wasn't a door I couldn't open or a meeting I couldn't interrupt, if it was important that I talk with him.

''He is also wonderful at telling people that he cares about them. That trait is what I hope I have inherited from him.''

She adds: ''I'm also grateful that when I was young, he shared with me his love of books because reading has been such a pleasure, and I intend to pass that on to my son. I have fond memories of sitting on my dad's lap while he would help me sound out words in the newspapers.

''There are other nice memories, but one of the least well-known things about my dad is one of the greatest—he has a hilarious and unflinchingly sarcastic sense of humor . . . often directed at himself. Days later, I will suddenly remember something he said, and I laugh out loud. He is still a lot of fun.''

Amy's grandmother, Allie Smith, who will celebrate her 94th birthday on Christmas, has known Jimmy Carter since he was born. (The Carters lived next door to the Smiths until the Carters moved to a farm when Rosalynn Smith was one year old.) ''I've watched Jimmy as a boy and as a man, and especially when he began courting Rosalynn,'' Mrs. Smith told me. ''He was a handsome midshipman, and I was pleased when they married.

''At first, he was pretty dominant, but over the years, he and Rosalynn developed into equal partners. Now they share almost everything. Watching them grow older together has been a blessing to me. Jimmy is a fine son in law, just like one of my own sons. He has always worked hard and has been a success in whatever he did.''

What is it that drives Jimmy Carter to care about other human beings to the extent that he now does?

''What I do now is what I've done most of my life—to take my talents, abilities, and opportunities and make the most of them,'' he responds. ''It is exciting, challenging, and adventurous. I try new things, go to different countries, make new friends and take on various projects for The Carter Center. I don't consider my activities a sacrifice because they are all personally satisfying.''

Asked if the satisfactions are that good, he says, ''Yes, they really are. I am not exaggerating. And what also drives me to stay busy is that I know the time will come—because of health reasons or because of deterioration, physically and mentally—when I will have to somewhat back off. For now, I'm still as aggressive, active, and innovative as I was years ago, and this is the kind of life I enjoy.''

Rosalynn Carter, who joins her husband in most of his activities and travels, and shares his work at The Carter Center, says that several things drive him. ''As a boy, Jimmy worked on the family farm with his father, who was a taskmaster,'' she recalls. ''Later, in the Navy, he worked for Admiral (Hyman) Rickover, who had a major influence on him. The Admiral was a driving force, demanded long hours and perfection, and wouldn't waste a moment.

''With that background and the Navy discipline, Jimmy always tried to make his life count for something. He has been given extraordinary opportunities, and he wants to use them . . . As a governor and president, he saw the enormity of the world's problems, and has been driven by his faith and his belief that he needs to help less fortunate people.''

Terrence B. Adamson, Senior Vice President for Law, Business & Governmental Affairs of the National Geographic Society, met Carter in 1968 when Terry was a high school senior and Carter was a State Senator in the Georgia General Assembly.

Now a close confidant, Adamson says that Carter's love of humanity and of God is what drives him. ''His basic Judaic Christian underpinning is at his core,'' he adds. ''Awards and accolades and wealth aren't important to him. He has grown comfortable with The Carter Center as his legacy—as a viable ongoing institution pursuing advances in health and democracy.''

Asked what has motivated Carter in his post presidency, Adamson's response is that Carter is no different now in his core beliefs and values from when he was president. ''Of course, he has matured and grown wiser,'' he says. ''But in 1976, he was a sudden entrant on the national scene, not well-known. Over the past 18 years, he has validated, by his conduct, the values he espoused during his presidency. At the time, they were too frequently seen by a cynical public soured by the Watergate scandals as just the mouthings of another politician.''

Perhaps Jimmy Carter, an idealist and a realist, was President of the United States before his time. In his final Oval Office interview in Jan. 1981, President Carter told me that he agreed with President Kennedy that no matter what you expect before you become president, there is nothing that prepares you for the difficulties, complexities, or satisfactions of the job.

''Sitting and working in this office is awesome, but I never felt overcome by it,'' he then said. ''I tried to minimize the trappings so that people would be comfortable and not intimidated. I always wanted frank assessments of what was going on around me so I would be aware of the attitude people had towards me and my administration. I liked this job of being President. I didn't find it toilsome. I discovered that when problems were the most severe, that is when my advisers were most often split 50–50 with their advice. And the solution was left to me, as President.''

Regarding the qualities a president should have, Carter says: ''A willingness to work hard, a sense of the importance of the office historically and a sense of the common good and general welfare, above and beyond specific interests and pressures.''

He adds that a president's responsibilities are constant because something is always happening in some part of the world with which he must concern himself. ''In an emotional, intellectual, and, in some ways, a physical sense, the job is very taxing,'' he relates. ''But so are other important, worthwhile positions which involve much pressure, effort, and conscientiousness.''

What specifically had Carter learned from his presidency?

''One thing I learned is that an incumbent president discovers that there are no answers which make everyone happy,'' he replies. ''And sometimes there are no answers that make anyone happy.''

Carter went on to say that, had he merely wanted to get rich, he would have remained in the peanut warehouse business or pursued other business opportunities.

''But I've never cared about financial gain. I've always cared about the people in our

country and the world,'' he says. ''I wanted to make a difference in people's lives and wanted to change—for the better—the world situation.''

When asked how he wants history to regard his presidency, Carter puts it this way: ''As one who did my best to act in the long-term interest of America, and one who did so with an understanding of—but without too great a consideration of—whatever adverse political consequences might flow from it . . .

''You know, the presidency has enriched my life in that I am a better man for having served. And in all humility, I hope that America will consider itself a better place because of my service as president.''

In Carter's view, what were the misconceptions of him?

''First, when I was a presidential candidate, I think many people underestimated my tenacity and determination,'' he reflects. ''There were some formidable candidates, including (former Senators) Hubert Humphrey, Henry Jackson, Mo (Morris K.) Udall, Edmund Muskie, Frank Church, and Birch Bayh. They too, underestimated how hard I would work and my desire to win. That was one misassessment of me.

''As President, some people got the impression that I was weak because I didn't send armed forces into battle and didn't bomb or fire missiles at anyone. When there was a serious problem, I tried to work it out through negotiation and mediation, and peaceful, patient policies. I spent much time working on the Panama Canal Treaties, the Mid East Peace process, normalizing relations with China, and helping Rhodesia become an independent nation in southern Africa.

''So, because I was working for peace, emphasizing human rights and not launching missile attacks, the perception was promoted by some that I was weak and not a strong, macho president.''

However, former President Gerald R. Ford, who in 1976 lost the Presidency to Jimmy Carter, told me that President Carter had earned high marks in foreign diplomacy in his White House years. ''Today, he should be highly complimented for his continuing leadership in foreign policy under the auspices of The Carter Center,'' Mr. Ford adds. ''America has had an excellent diplomat in Jimmy Carter on a global basis.''

And President Clinton recently stated that Carter's noteworthy foreign policy accomplishments include the Panama Canal treaties, the Camp David Accords, the Treaty of Peace between Egypt and Israel, the Salt II treaty with the Soviet Union, and the establishment of U.S. diplomatic relations with the People's Republic of China.

''. . . And I was proud to have Carter's support when we worked together to bring democracy back to Haiti and to preserve stability on the Korean Peninsula,'' Clinton observed. ''I'm grateful for the detailed incisive reports he sent me from his trips to troubled nations all across the globe, always urging understanding of their problems and their points of view, always outlining practical steps to progress.''

Further citing Carter's influence, Clinton said, ''Any elected leader in Latin America today will tell you that the stand Jimmy Carter took for democracy and human rights in Latin America put America on the right side of history in our hemisphere. He was the first president to put America's commitment to human rights squarely at the heart of our foreign policy. Today, more than half of the world's people live in freedom, not least because he had the faith to lend American support to brave dissidents like Andrei Sakharov, Vaclav Havel, and Nelson Mandela. And there were thousands of less well known political prisoners languishing in jails in the 1970's who were sustained by a smuggled news clipping of Carter championing their cause.''

Rosalynn Carter concurs with her husband about the misconceptions of him, namely that working for peace and human rights gave the impression of weakness. ''War is popular,'' she notes, ''but peace takes time, often with an appearance of inaction.''

Another misconception, she adds, is that he was not an affective president, ''But I think so much attention was paid to problems that were not of his making, that people were unaware of how much was accomplished,'' she says citing, for instance, the oil crisis that caused the inflation that he inherited and that only began to improve as he left the presidency.

''Yet,'' Mrs. Carter concludes, ''despite the misconceptions, history will treat him well . . . as one of America's best presidents.''

Jimmy Carter's clout continues to span some of today's headlines. In the controversy surrounding President Clinton's conditional commutation of the sentence of the Puerto Rican activists, White House aides defend his decision by singling out Carter's support of the President's clemency.

Carter considers the pardon a correct decision, but is surprised at the attention focused on his support. He says that he did not personally contact President Clinton on the matter, but that 2 years ago he wrote letters about it to Attorney General Janet Reno.

He points out that some of the interest in Clinton's pardon of the Puerto Ricans has been heightened by the fact that his pardon power ''has rarely been exercised'' during his Presidency.

For some 6 years, Carter has pursued—directly with President Clinton—a presidential pardon for Patty Hearst, the newspaper heiress. As President, Carter commuted her sentence for bank robbery to the approximately 2 years she had served. But he has long believed that Hearst, who was kidnapped and brutalized by radicals in 1974 as a college student, should receive a presidential pardon because of the ''model'' life she has led for the 20 years since her prison release.

Of special concern to Carter today is the chaos and violence in East Timor. He had traveled to Indonesia twice this year, as recently as in July, to lead an international delegation to observe the national election after 38 years of military dictatorship in the world's most populous country—striving to be the third most populous democracy.

He says that The Carter Center was also involved, at Indonesia president B.J. Habibi's invitation, in monitoring the August election on independence in East Timor. And his recent personal involvement has contributed to the United Nations peacekeeping mission to East Timor.

Even while a resident in the White House, Carter was not impressed with the trappings of pomp and circumstance that surrounded the presidency. He brought informality to the Executive Mansion. He would often carry his own luggage to and from helicopters. Also, when he saw how members of the media were ''contained'' behind ropes while covering his events, he would often walk over and remove the iron chain or untie the ropes.

Yet, Carter's National Security Adviser, Dr. Zbigniew Brzezinski, now Counselor at The Center for Strategic & International Studies (CSIS), says that the mass media were extremely unfair regarding President Carter's tenure . . . his performance as former President should generate a reassessment of his presidency.''

Thomas P. (''Tip'') O'Neill, former Speaker of the House of Representatives, once said that when it comes to understanding the issues of the day, Jimmy Carter is the ''smartest pubic official I knew—the range and extent of his knowledge are astounding. He can speak with authority on almost any topic.''

Carter, who has been knighted in Mali and made an honorary tribal chief in Nigeria and Ghana, singles out international human rights as his greatest foreign policy achievement.

''Before I was president, the only president who had emphasized human rights to any degree was Harry Truman,'' Carter notes. ''Now, much attention is paid to global human rights . . . so I hope my legacy as President will include protection of human rights.''

Secretary of State Madelein Albright, who worked in the Carter White House as a staff member of the National Security Council, told me that President Carter created an outstanding foreign policy record. ''He put human rights at center state, and the principle has stood the test of time,'' she says. ''Those who worked for him reflect those achievements with great pride. And not only does he have the respect of Americans, but of citizens throughout the world.''

Today, Jimmy Carter says he is convinced that he made a difference—in the U.S. and abroad—a difference that is reflected in the work of The Carter Center, now in 35 different nations and Africa. ''In most of the 35 countries, the people see America as a country that may well be on a different planet—a rich, strong, arrogant, and self-satisfying country,'' he says. ''I represent The Carter Center at villages in backward nations in Africa and let the people know that the U.S. really cares about them; that they don't need to suffer from a particular disease, or that they can increase their production of coal, rice and wheat, or that they can find peace . . . for the first time.''

What difference has Carter made in Latin America, where his popularity is among the highest in the world?

''The primary difference is the result of my commitment to human rights,'' he responds. ''If you note the history of most of the Latin American countries, including Guatemala, El Salvador, Nicaraqua, Panama, Columbia, Ecuador, Argentina, Chile, Brazil, and Paraquay, each had military dictatorships. When I became President, we impressed on the political leaders and private citizens the significance of basic human rights, democracy and freedom. Now, almost everyone of these countries is a democracy. America's commitments, public and private, are to promote human rights and demand them—not only for Americans but also for others.''

Argentina's Ambassador to the U.S. Diego Ramiro Dueler, has often publicly credited Carter for having saved his life, as well as the lives of many current leaders of Argentina.

''During my presidency, thousands of people in Argentina were imprisoned, disappeared while in jail, or were executed,'' Carter says, ''and no one yet knows what happened to them.''

He adds that his administration put pressure on the military dictators in Argentina, Chile, and others in Latin America that ultimately forced them to honor human rights and led to the development of democracy in the Americas.

''Frequently,'' Carter humbly notes, ''someone, now in business or government in Latin America, will approach me to say that he owes his life to my emphasis on human rights—and that's quite moving and gratifying.''

Robert M. Gates, former Director of the CIA under President George Bush, points out in his book, ''From the Shadows'' (Simon & Schuster, 1996) that Jimmy Carter's contribution to the collapse of the Soviet Union

and the end of the Cold War had been under appreciated. ''Carter was the first President during the Cold War to challenge publicly and consistently the legitimacy of Soviet rule at home,'' Gates writes. ''His (Carter's) human rights policy, building on the important and then largely unrecognized role of the Helsinki Final Act, by the testimony of countless Soviet and East European dissidents and future democratic leaders, challenged the moral authority of the Soviet government and gave American sanction and support of those resisting that government. . .''

Five years ago at The Carter Center, Richard H. Solomon, President of the U.S. Institute of Peace, presented Jimmy Carter its first Spark M. Matsunaga Medal of Peace.

The Institute recognized his ''efforts to advance the cause of human rights by making it a cornerstone of U.S. foreign policy'' and his ''leadership, determination, and personal diplomatic skills in concluding the Camp David Accords.''

On a par with his human rights accomplishments, Carter believes that another of his achievements was initiated at Camp David, the presidential retreat in Maryland's Catoctin Mountains, which he made a household name.

There, for 13 days and nights in Sept. 1978, Carter provided the mechanism by which Israel's Prime Minister Menachem Begin and Egypt's President Anwar Sadat came together . . . ''to realize their own commitments and hopes.''

The intense summit—originally suggested by Rosalynn Carter—resulted in two agreements: establishing a framework for peace in the Mideast; and a framework for the conclusion of a peace treaty between Egypt and Israel. Premier Begin and President Sadat were subsequently awarded the Nobel Peace Prize for their joint achievement.

Harold Saunders, then Assistant Secretary of State for Near Eastern and South Asian Affairs, says that the agreement at Camp David and the Peace Treaty ''could not have been achieved without President Carter's tenacity, his personal command of the issues and the relationships he developed with the two leaders and key members of their teams.''

On the second anniversary (1980) of the Camp David Accords, Carter told me that when the history books are written, one thing he hopes to see is that he, an American President—representing the United States—''contributed successfully to the security of Israel on a permanent basis and to the peace in the Mideast between Israel and all her neighbors.''

Now, as Jimmy Carter reaches his 75th, birthday, I asked him about his vision for the next century.

''My vision for America is that, as the only unchallenged superpower in the world, it will become a true champion of the moral values that have made ours a great nation—involving peace, freedom, democracy, human rights, environmental quality, and the alleviation of human suffering,'' he tells me. ''We should be known by everyone as dedicated to the peaceful resolution of disputes, both involving ourselves and others. If two antagonists are willing, especially among the poorer and more ignored nations, we should be ready and eager to provide assistance, in mediation or negotiation, and our government should reach out to non-governmental organizations to help.''

Carter notes, for instance, what the Norwegian government did with an academic group of social scientists to achieve the Oslo peace agreement between the Israelis and Palestinians.

''America should be just as eager to promote freedom and democracy among people now afflicted with totalitarian and abusive regimes,'' he adds. ''This issue should be on the table when our leaders have discussions with others.''

He adds that as a non-governmental organization, and with no authority at all, The Carter Center has many such requests each year, and is able to respond only to a few of the most compelling.

Carter went on to say that the U.S. should always ''raise high the banner of human rights,'' and be as consistent as possible in the application of this policy.

''No other nation can take an effective lead in carrying out commitments made at the international environmental meeting (held in Rio de Janeiro) in eradicating land mines, in eliminating nuclear arsenals, in protecting the rights of children, or in establishing an effective international Criminal Court.''

He concludes: ''The most important single issue to be addressed in the next century is the widening gap between rich people and poor people, both within nations and between the richest and poorest countries. Few Americans know that all other industrialized nations are more generous than we in giving development assistance to the most needy people in the world. In fact, whenever a Norwegian gives a dollar, one of our citizens gives a nickel. To be generous to others would not be a financial sacrifice for us, but a great investment that would pay rich dividends.''

Born James Earl Carter, Jr. of English heritage on October 1st, 1924 in Wise Hospital, in Plains, Ga., Jimmy Carter was the first president to be born in a hospital.

There was no running water or electricity in his home during his early childhood. At age 5, he was selling boiled peanuts to neighbors and friends.

His father, a stern disciplinarian, often spanked him for wrong doings, like taking a penny from his church's collection plate, and for shooting his sister with a BB gun.

Nicknamed ''Hot Shot,'' and then ''Hot,'' Jimmy Carter's behavior in elementary school was excellent. He was eager to learn almost anything, but his interests then were history and literature.

At age 12, when a teacher told him about a book named WAR AND PEACE, he thought it was about cowboys and Indians. With his mother's urging, he became a book enthusiast, and has long been a speed reader.

While in the Navy in 1951, Carter began to work for Hyman G. Rickover, who was leading America's nuclear submarine fleet. Carter had responsibility for building the nuclear power plant that would go into the second atomic submarine, the U.S.S. Sea Wolf. ''Admiral Rickover had a tremendous effect on my life,'' Carter says. ''He led the program that developed the world's first use of atomic power for peaceful uses, the production of electricity, and the propulsion of ships.''

When Rickover was past 80 and still in charge of the Navy's nuclear power program, President Carter awarded him the Presidential Medal of Freedom. And recently the Navy recognized Carter, a graduate of the Naval Academy, by naming a Seawolf-class submarine for him.

Jimmy Carter cites three turning points in his long, dynamic and fruitful life: (1) In 1953, when he resigned from the Navy because of his father's death and returned home to run the family peanut warehouse business. (2) In 1962, when he first ran for public office—the State Senate in Georgia. And (3), in 1981, when he left the White House after one term as President of the United States.

Looking back, does he still have regrets about losing his re-election bid?

''Well, yes, I do,'' he tells me. ''Anyone who is once elected President of the U.S. certainly prefers to have a second term. At first, there is the disappointment about the unfinished promise of your goals. When my four years ended, I was disheartened. I had not expected to be defeated and I had no plans, at a relatively young age, of how to utilize my time and be productive.''

Rosalynn Carter describes his defeat as a startling regret, adding: ''Although I now know that Jimmy is pleased that he had the opportunity to establish The Carter Center—because through it, much has been accomplished—he also believes that if he had been re-elected president, the Center, which has exceeded all of our expectations, probably never would have come into being.''

Reflecting on the changes—over the years—in his philosophy, Carter says, ''I think I've become more tolerant of opposing views, and I have learned to accommodate the opinions of people who disagree with me. One reason is that I'm not now in a competitive world. I can live side by side with those who think and act differently from me. I'm not competing with anyone for money, political office, or publicity.''

Carter, a lay preacher, adds: ''I'm also more broadminded about things not so narrowly defined in my religious philosophy. As you know, my basic religious faith has never changed. It has been fairly constant. As a Christian, I remain devout, and I read and teach the Bible. I feel an inner peace, an inner sense of commitment and calm that comes from my religious beliefs.''

In 1976, then Chicago's Mayor Richard Daley remarked: ''Jimmy Carter talks about true values. He also has a religious tone in what he says . . . and maybe we should have a little more religion in our communities. . . .''

The Rev. Billy Graham—who remembers that Jimmy Carter predicted that he would be President before he even became a candidate—describes Carter as ''a man of faith and sterling integrity . . . who was one of our most diligent presidents—persistent and painstaking in his attention to his responsibilities.''

In his book, JUST AS I AM (Harper Collins, 1997), Rev. Graham also writes that he respects Jimmy Carter's intelligence and his genuine and unashamed Christian commitment. ''After the disillusionment of Watergate, Americans were attracted by Carter's summons to a moral revival,'' Rev. Graham states . . . ''And other political leaders would do well to learn from his moral and spiritual ideals.''

Rosalynn Carter says that her husband has mellowed and is now more relaxed than she has ever seen him. ''Yet,'' she adds, ''I notice that he has become more concerned about the various problems in the world—more so than even before he was elected governor of Georgia (1970).''

One issue that Carter continues to be genuinely concerned about is the moral and spiritual crisis that has gripped America since before he was in the White House.

''In today's world, the main difference is that what was then referred to as 'political malaise' is much worse,'' he says. ''As I stated twenty years ago in a speech on the crisis of confidence, that is even more relevant and pertinent today. Together, we need to commit ourselves to a rebirth of the American spirit. There is still a crisis of confidence, a crisis that strikes at the heart and soul and spirit of our national will. We see this crisis in the growing doubt about the meaning of our lives and in the loss of unity of purpose for our nation. The erosion of our confidence in the future is threatening to destroy the social and political fabric of America.''

How has the presidency evolved since Carter left the White House?

''There are major changes,'' he emphasizes. ''The presidency was once respected as a

place of honor. I think our political community has deteriorated tremendously since Gerald Ford and I served as presidents, and we often talk about our concerns and those changes. Rather than politics as usual, strong leadership and honest answers are needed.''

He says that, for instance, as President, he had gotten along with the Republicans in the House and Senate; that he had often gotten the support of many Republicans on major legislation, sometimes even better than with the Democrats. ''Now, the two parties are bitterly divided, with little cooperation between them,'' he adds. ''Also, nowadays, the success of many political campaigns is predicated on how well you can damage the reputation of your opponent. That turns off the average citizen, and leads to a partisan and personally destructive situation.

He also points out that Congress continues to be pulled in all directions by well financed and powerful special interests. ''But we cannot change the course until we face the truth,'' he says. ''Restoring faith and confidence to America is now still our most important task . . . and now it is a solid, significant challenge.''

In recent years, Carter has given a lot of thought to the virtues of aging, especially as it relates to Social Security. He notes that in 1935, when Social Security legislation was passed, its purpose was to give older people a subsistence income.

''Today,'' he says, ''because of improvements in health and health care, many senior citizens are still in a position to contribute to society. We elderly should be allowed to work as long as we wish—or are able to.''

However, Carter voices concerns about the future of Social Security. ''The oldest baby boomer will start to receive Social Security in the year 2010,'' he notes. ''By the time my newest grandson, now two months old, is a middle aged wage earner, one in four Americans will be over 65.''

Emphasizing that our Social Security system is in trouble and that something will have to change, he recalls that when Social Security was established there were about 40 wage earners supporting each retiree with tax contributions. ''By 2010, only two persons will be paying for the retirement and medical expenses of one senior citizen,'' he says.

''We should be more vigilant and forceful in protecting those who are in need of financial assistance. Today, there are numerous senior citizens who cannot afford health care and many older citizens with little money, or whose savings are expended before their lives end.''

Carter says he tries to practice what he preaches. In his book, ''The Virtues of Aging'' (Times Books, 1998), he notes that the virtues of aging include the blessings that come as one grows older and what we have to offer that might be beneficial to others.

''Each of us is old when we think we are,'' he writes. ''When we accept an attitude of dormancy, dependence on others, a substantial limitation on our physical and mental activity, and restrictions on the number of people with whom we interact. . . . As I know from experience, this is not tied closely to how many years we live.''

He cites, as one example, his mother—a compassionate woman who always tried to help others. She joined the Peace Corps at age 68 in 1996 and served for two years in the village of Vikhroli, near Bombay, India. In Feb. 1977, Lillian Carter as First Mother revisited that village when she represented the U.S. at the funeral of India's President Ali Ahmed Fakhruddin. And during hundreds of speeches about her experiences in the Peace Corps, she encouraged others not to allow old age to put a limit on their lives.

''You know,'' Carter says, ''There is a huge difference between getting older and growing old.'' When my father died, my mother was 55 years old, past retirement age for most registered nurses. Yet she continued to age for 30 more years, but she never grew old. Until she died of cancer at age 85, she was full of life and determined to make each day a new adventure.

''Mother had the most influence over me, and was an inspiration for me. Except for Rosalynn, she affected my life more than any other person.''

If there is any secret to Carter's looking and feeling younger than his years, he reveals that perhaps it is because Rosalynn is a stickler for nutrition and an expert on ''exactly what we should or should not eat . . . and how much and when. . . .

''Then, I'm always exercising,'' he adds, ''and luck could also be a factor.''

For exercise and recreation, Carter keeps fit and trim by hiking, bicycling, cross-country skiing and bowling. He also jogs, fly fishes, does woodworking, cabinet making and plays tennis. Behind his home he built—by himself—a tennis court. (It was the topic of conversation with network commentators when he attended the recent Women's Finals of tennis' U.S. Open in New York).

He also says that, so far, he and Rosalynn have been blessed with good health—''perhaps because of our various activities—living a diverse life, with different elements to it—that kind of life is less likely to be afflicted with illness.''

He adds: ''Today, we combine taking care of our farm with other activities. One nice aspect about having been president is that we have an unlimited menu because different people invite us to join in their projects, and now we are free to do what gives us pleasure.

''We have climbed mountains in Nepal, to the tops of Kilimajaro and Mt. Fuji. We visited game preserves in Tanzania and have become bird watchers.''

And as a hunter, Carter says he still tries to harvest two wild turkeys each year for his family's thanksgiving and Christmas meals.

Jimmy Carter, the most visible member of Habitat for Humanity, also says that every year he goes to a different site to help build at least one house for a poor family. For one week, he works with the family and other volunteers. They start with a concrete slab and by week's end, they complete the job as a finished landscaped house. ''Habitat and I get a lot of publicity for each other even though I only work one week a year,'' he explains. ''But the satisfaction is great.''

Last year, he chose the Philippines, where he and two former and a current president of the Philippines joined together to build one house for a large family. In the same week, 293 other houses were built in the Philippines by some 10,000 volunteers.

Asked if he considers himself a role model for other senior citizens, Carter says he believes that we all can learn from one another. ''With few exceptions,'' he says, ''anyone can find an exciting and fulfilling life after reaching retirement age. I think senior citizens who have setbacks or a surprising retirement—as I had—ought to analyze what they have and decide how to live a meaningful life. Sometimes, an unanticipated life, one you thought would be a disappointment, can turn out to be even better than the one you wanted to cling to.

Carter sums up: ''As we get older, senior citizens need to avoid mental dormancy and keep our minds occupied. Mental and physical activities strengthen us and give us a foundation for successful aging. Even though my health is now good and I'm still active in sports, I am often reminded that I face inevitable changes in health as I grow older.''

All in all, does aging bother Jimmy Carter?

''Aging doesn't bother me—yet,'' he replies with a wry smile, ''but I'm already preparing for a reduced capacity. I expect to cut the time I devote to overseas work—from peace negotiations; to monitoring elections; to eradicating disease, to eliminating suffering . . . and then I can spend more time at home in Georgia.

''There is a leadership succession plan for The Carter Center, but any transition is a high priority of mine.''

For some 17 years, Carter has been a ''distinguished professor'' at Emory University, where he spends one week each month during the academic year. He lectures on numerous topics, including theology, medicine, journalism, creative writing, business, political science, history, and anthropology.

He also meets with undergraduate and graduate students, adding a different kind of rigor to doctoral examinations. At times, he deals with current history—history that he himself helped to make.●

REINSDORF STEPS UP TO THE PLATE FOR EDUCATION

● Mr. DURBIN. Mr. President, I rise today to call the attention of my colleagues to a column by Raymond Coffey which appeared in the Chicago Sun-Times on September 30, 1999. Mr. Coffey describes the efforts undertaken by Chicago White Sox owner Jerry Reinsdorf to improve literacy among children in Chicago's public schools.

Mr. Reinsdorf is assisting Chicago School Board President Gery Chico and Chicago Public Schools CEO Paul Vallas in the implementation and financing of Direct Instruction, a program that uses phonics to teach reading in the schools. This summer, Mr. Reinsdorf also designated White Sox manager Jerry Manuel and rookie sensation Chris Singleton to sign autographs for all fans donating books to Target Literacy, a joint initiative by Target stores and Sox Training Centers that is seeking to donate a million children's books to needy kids. Mr. Reinsdorf has also worked with Mr. Vallas to provide free tickets to public school students who have distinguished themselves through their academic achievements.

Mr. President, it is important to recognize individuals in our community who go beyond the call of duty to improve the lives of people who are less fortunate than them. Chicago can be proud of the winning efforts undertaken by Mr. Reinsdorf throughout the city. I ask that my colleagues join me in honoring Mr. Reinsdorf's charitable efforts by having Ray Coffey's column from the Chicago Sun-Times printed in the CONGRESSIONAL RECORD.

The article follows:

[From the Chicago Sun-Times, Sept. 30, 1999]

OUT TO PROVE KIDS CAN LEARN

(By Raymond Coffey)

As his ''The Kids Can Play'' White Sox close out the baseball season this weekend, Jerry Reinsdorf himself gets my vote as one of the most valuable players Chicago kids have going for them.

Though they played before mostly empty seats at Comiskey Park and drew little serious attention or respect, the rebuilding Sox did win more games than the hapless last-

place Cubs who, thanks to the Sammy Sosa phenomenon, set an all-time attendance record.

More significant than won-lost and tickets-sold records in my score book is what Reinsdorf, who never toots his own horn, is doing for kids.

Perhaps most valuable is the working relationship he has established with Chicago School Board President Gery Chico and CEO Paul Vallas in supporting and helping finance literacy programs in the schools. Reinsdorf has, as Sox director of community relations Christine Makowski put it, ''a genuine heartfelt belief'' that literacy is a survival skill without which inner-city kids cannot succeed in making their future.

He has worked with Vallas on pushing a program called Direct Instruction—basically a way to teach reading in the schools via phonics. He volunteered to serve as Principal for a Day at Doolittle Middle School near Comiskey Park and regularly has dispatched Sox players to the school to talk with students about the value of education.

When Vallas wants to recognize and reward students for scholastic achievement, Reinsdorf regularly arranges free tickets for him to bring sizable groups of kids of a ballgame.

Chico and Vallas are in ''constant communication'' with Reinsdorf, Makowski says. ''They can call him anytime'' and get help on the schools.

This summer Reinsdorf assigned Sox manager Jerry Manuel and rookie star Chris Singleton to sign autographs for all fans donating books to Target Literacy, a joint initiative by the Target stores and the Sox Training Centers for youngsters to donate a million children's books to needy kids.

Reinsdorf takes a lot of media heat for the way he operates the Sox and his Chicago Bulls. And there is, obviously, some self-interest in what he does for kids in connection with his sports franchises and through the separate Sox and Bulls Charities.

This season, the Sox gave away 35,000 free tickets, worth about $600,000, to such inner-city social welfare organizations as Boys and Girls Clubs, Mercy Home for Wayward Kids, Hull House and Maryville Academy. The tickets weren't selling anyway, but they went to kids unlikely to be able to buy them and also otherwise unlikely to get to see a big league game.

Reinsdorf also has donated 3,000 autographed Sox items to charity raffles and auctions. Members of the current ''Kids'' roster have made 60 appearances before community groups.

Through White Sox Charities, Reinsdorf also has distributed more than $3 million to nonprofit organizations, including $1 million to the Chicago Park District to refurbish and maintain 800 baseball diamonds. White Sox Charities also funds the Inner City Little League baseball season. And it has raised hundreds of thousands of dollars for cancer research and treatment at Children's Memorial and Northwestern Memorial hospitals.

Some 3,000 kids were offered baseball instruction this summer at 160 weeklong camps in the Chicago area and neighboring states. At Comiskey Park itself, before the Sox take the field, kids can get free coaching in batting and pitching cages inside Gate 3.

As Makowski acknowledges, Reinsdorf and the Sox franchise hope the focus on kids will generate a new generation of baseball fans. ''We'd like to give them their first major league experience,'' she said. ''We want them to have fun.'' If they go home ''a Sox fan, so much the better.''

Even better, they might sometime soon see that indeed ''The Kids Can Play.''●

REVISED REPORT OF EXPENDITURES OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS

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 APR. 1, TO JUNE 30, 1999

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 Joseph Biden:									
United States	Dollar				2,742.53				2,742.53
Senator Sam Brownback:									
Kenya	Dollar		1,470.00						1,470.00
United States	Dollar				6,961.15				6,961.15
Senator Christopher Dodd:									
Belgium	Dollar		100.00						100.00
United States	Dollar				5,975.97				5,975.97
United States	Dollar				3,029.00				3,029.00
Senator Chuck Hagel:									
United States	Dollar				4,971.37				4,971.37
Senator John Kerry:									
Thailand	Dollar		240.00						240.00
Cambodia	Dollar		121.00						121.00
Vietnam	Dollar		556.00						556.00
United Kingdom	Dollar		280.00						280.00
United States	Dollar				11,006.92				11,006.92
Frank Jannuzi:									
Taiwan	Dollar		955.50						955.50
United States	Dollar				3,277.55				3,277.55
Michael Miller:									
South Africa	Dollar		1,003.10						1,003.10
United States	Dollar				5,600.99				5,600.99
Janice O'Connell:									
Belgium	Dollar		150.00						150.00
France	Dollar		332.00						332.00
United States	Dollar				5,397.79				5,397.79
Nancy Stetson:									
Thailand	Dollar		240.00						240.00
Cambodia	Dollar		130.00						130.00
Vietnam	Dollar		393.00						393.00
United Kingdom	Dollar		281.00						281.00
United States	Dollar				6,959.40				6,959.40
Michael Westphal:									
South Africa	Dollar		914.78						914.78
United States	Dollar				5,600.99				5,600.99
Total			7,166.38		61,523.66				68,690.04

JESSE HELMS,
Chairman, Committee on Foreign Relations, July 27, 1999.

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 GOVERNMENTAL AFFAIRS FOR TRAVEL FROM APR. 1 TO JUNE 30, 1999

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 Fred Thompson:									
United States	Dollar				7,310.13				7,310.13
Italy	Lira		646.00						646.00
Germany	Deutschmark		420.00						420.00
Curtis Silvers:									
United States	Dollar				5,402.13				5,402.13
Italy	Lira		544.00						544.00

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 GOVERNMENTAL AFFAIRS FOR TRAVEL FROM APR. 1 TO JUNE 30, 1999—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
Germany	Deutschmark		420.00						420.00
Christopher Ford:									
United States	Dollar				5,402.13				5,402.13
Italy	Lira		544.00						544.00
Germany	Deutschmark		420.00						420.00
Senator Susan Collins:									
United States	Dollar				812.81				812.81
Northern Ireland	Pound	50.62	81.00						81.00
Ireland	Pound	172.17	229.00						229.00
England	Pound	171.31	273.00						273.00
Senator Thad Cochran:									
Scotland	Pound		273.00						273.00
Belgium	Franc		269.00						269.00
Dennis Ward:									
Scotland	Pound		362.00						362.00
Belgium	Franc		269.00						269.00
Dennis McDowell:									
Scotland	Pound		362.00						362.00
Belgium	Franc		269.00						269.00
Michael Loesch:									
Scotland	Pound		362.00						362.00
Belgium	Franc		269.00						269.00
Mitchel Kugler:									
United States	Dollar				4,882.76				4,882.76
United Kingdom	Pound		2,540.00		197.00				2,737.00
Total			8,552.00		24,006.96				32,558.96

FRED THOMPSON,
Chairman, Committee on Governmental Affairs, June 30, 1999.

NATIONAL STAMP COLLECTING MONTH

Mr. LOTT. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. Res. 182, and that the Senate then proceed to its immediate consideration.

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

The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 182) designating October 1999 as ''National Stamp Collecting Month.''

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

Mr. LOTT. Mr. President, I ask unanimous consent that the resolution and the preamble be agreed to en bloc, the motion to reconsider be laid upon the table, and that any statements relating thereto be printed in the RECORD.

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

The resolution (S. Res. 182) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 182

Whereas over 150 years ago, United States commemorative stamps began honoring the people, places, and events that have shaped our Nation's history;

Whereas in 1999, more than 22,000,000 Americans, including children, collect and learn about our Nation through stamps, making stamp collecting one of the most popular hobbies in our Nation and the world;

Whereas as we stand on the threshold of the 21st century, it is important that we pause to reflect on our Nation's history;

Whereas stamps honor statesmen and soldiers who fought for freedom and democracy, recognize our Nation's scientific and technological achievements, pay tribute to our Nation's artistic legacy, and celebrate the strength of our Nation's diversity;

Whereas starting October 1, 1999, ''National Stamp Collecting Month'' will transform more than 100,000 schools, libraries, and post offices into learning centers where our Nation's young people can honor the past and celebrate the future through stamps;

Whereas the founders and participants of ''National Stamp Collecting Month'' include millions of adult and youth collectors, thousands of teachers and schools, the American Philatelic Society, and the United States Postal Service;

Whereas the people, places, and events shaping America today will be United States commemorative stamps tomorrow;

Whereas ''National Stamp Collecting Month'' will help empower our Nation's children and future generations to study and learn from our Nation's history; and

Whereas as our Nation's children learn the lessons of the past, the children will be better prepared to guide our Nation in the future: Now, therefore, be it

Resolved, That the Senate designates October 1999 as ''National Stamp Collecting Month''.

BLACK CANYON OF THE GUNNISON NATIONAL PARK AND GUNNISON GORGE NATIONAL CONSERVATION AREA ACT OF 1999

Mr. LOTT. Mr. President, I ask the Chair lay before the Senate a message from the House of Representatives on the bill (S. 323) to redesignate the Black Canyon of the Gunnison National Monument as a national park and establish the Gunnison Gorge National Conservation Area, and for other purposes.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the bill from the Senate (S. 323) entitled ''An Act to redesignate the Black Canyon of the Gunnison National Monument as a national park and establish the Gunnison Gorge National Conservation Area, and for other purposes'', do pass with the following amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Black Canyon of the Gunnison National Park and Gunnison Gorge National Conservation Area Act of 1999''.

SEC. 2. FINDINGS.

Congress finds that—

(1) Black Canyon of the Gunnison National Monument was established for the preservation of its spectacular gorges and additional features of scenic, scientific, and educational interest;

(2) the Black Canyon of the Gunnison and adjacent upland include a variety of unique ecological, geological, scenic, historical, and wildlife components enhanced by the serenity and rural western setting of the area;

(3) the Black Canyon of the Gunnison and adjacent land provide extensive opportunities for educational and recreational activities, and are publicly used for hiking, camping, and fishing, and for wilderness value, including solitude;

(4) adjacent public land downstream of the Black Canyon of the Gunnison National Monument has wilderness value and offers unique geological, paleontological, scientific, educational, and recreational resources;

(5) public land adjacent to the Black Canyon of the Gunnison National Monument contributes to the protection of the wildlife, viewshed, and scenic qualities of the Black Canyon;

(6) some private land adjacent to the Black Canyon of the Gunnison National Monument has exceptional natural and scenic value that would be threatened by future development pressures;

(7) the benefits of designating public and private land surrounding the national monument as a national park include greater long-term protection of the resources and expanded visitor use opportunities; and

(8) land in and adjacent to the Black Canyon of the Gunnison Gorge is—

(A) recognized for offering exceptional multiple use opportunities;

(B) recognized for offering natural, cultural, scenic, wilderness, and recreational resources; and

(C) worthy of additional protection as a national conservation area, and with respect to the Gunnison Gorge itself, as a component of the national wilderness system.

SEC. 3. DEFINITIONS.

In this Act:

(1) CONSERVATION AREA.—The term ''Conservation Area'' means the Gunnison Gorge National Conservation Area, consisting of approximately 57,725 acres surrounding the Gunnison Gorge as depicted on the Map.

(2) MAP.—The term ''Map'' means the map entitled ''Black Canyon of the Gunnison National Park and Gunnison Gorge NCA—1/22/99''. The map shall be on file and available for public inspection in the offices of the Department of the Interior.

(3) PARK.—The term ''Park'' means the Black Canyon of the Gunnison National Park established under section 4 and depicted on the Map.

(4) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

SEC. 4. ESTABLISHMENT OF BLACK CANYON OF THE GUNNISON NATIONAL PARK.

(a) ESTABLISHMENT.—There is hereby established the Black Canyon of the Gunnison National Park in the State of Colorado as generally depicted on the map identified in section 3. The Black Canyon of the Gunnison National Monument is hereby abolished as such, the lands and interests therein are incorporated within and made part of the new Black Canyon of the Gunnison National Park, and any funds available for purposes of the monument shall be available for purposes of the park.

(b) ADMINISTRATION.—Upon enactment of this title, the Secretary shall transfer the lands under the jurisdiction of the Bureau of Land Management which are identified on the map for inclusion in the park to the administrative jurisdiction of the National Park Service. The Secretary shall administer the park in accordance with this Act and laws generally applicable to units of the National Park System, including the Act entitled ''An Act to establish a National Park Service, and for other purposes'', approved August 25, 1916 (16 U.S.C. 1, 2–4), and the Act entitled ''An Act to provide for the preservation of historic American sites, buildings, objects, and antiquities of national significance, and for other purposes, approved August 21, 1935 (16 U.S.C. 461 et seq.).

(c) MAPS AND LEGAL DESCRIPTION.—As soon as practicable after the date of the enactment of this Act, the Secretary shall file maps and a legal description of the park with the Committee on Energy and Natural Resources of the United States Senate and the Committee on Resources of the United States House of Representatives. Such maps and legal description shall have the same force and effect as if included in this Act, except that the Secretary may correct clerical and typographical errors in such legals description and maps. The maps and legal description shall be on file and available for public inspection in the appropriate offices of the National Park Service.

(d) WITHDRAWAL.—Subject to valid existing rights, all Federal lands within the park are hereby withdrawn from all forms of entry, appropriation, or disposal under the public land laws; from location, entry, and patent under the mining laws; and from disposition under all laws relating to mineral and geothermal leasing, and all amendments thereto.

(e) GRAZING.—(1)(A) Consistent with the requirements of this subsection, including the limitation in paragraph (3), the Secretary shall allow the grazing of livestock within the park to continue where authorized under permits or leases in existence as of the date of the enactment of this Act. Grazing shall be at no more than the current level, and subject to applicable laws and National Park Service regulations.

(B) Nothing in this subsection shall be construed as extending grazing privileges for any party or their assignee in any area of the park where, prior to the date of the enactment of this Act, such use was scheduled to expire according to the terms of a settlement by the U.S. Claims Court affecting property incorporated into the boundary of the Black Canyon of the Gunnison National Monument.

(C) Nothing in this subsection shall prohibit the Secretary from accepting the voluntary termination of leases or permits for grazing within the park.

(2) Within areas of the park designated as wilderness, the grazing of livestock, where authorized under permits in existence as of the date of the enactment of this Act, shall be permitted to continue subject to such reasonable regulations, policies, and practices as the Secretary deems necessary, consistent with this Act, the Wilderness Act, and other applicable laws and National Park Service regulations.

(3) With respect to the grazing permits and leases referenced in this subsection, the Secretary shall allow grazing to continue, subject to periodic renewal—

(A) with respect to a permit or lease issued to an individual, for the lifetime of the individual who was the holder of the permit or lease on the date of the enactment of this Act; and

(B) with respect to a permit or lease issued to a partnership, corporation, or other legal entity, for a period which shall terminate on the same date that the last permit or lease held under subparagraph (A) terminates, unless the partnership, corporation, or legal entity dissolves or terminates before such time, in which case the permit or lease shall terminate with the partnership, corporation, or legal entity.

SEC. 5. ACQUISITION OF PROPERTY AND MINOR BOUNDARY ADJUSTMENTS.

(a) ADDITIONAL ACQUISITIONS.—

(1) IN GENERAL.—The Secretary may acquire land or interests in land depicted on the Map as proposed additions.

(2) METHOD OF ACQUISITION.—

(A) IN GENERAL.—Land or interests in land may be acquired by—

(i) donation;

(ii) transfer;

(iii) purchase with donated or appropriated funds; or

(iv) exchange.

(B) CONSENT.—No land or interest in land may be acquired without the consent of the owner of the land.

(b) BOUNDARY REVISION.—After acquiring land for the Park, the Secretary shall—

(1) revise the boundary of the Park to include newly-acquired land within the boundary; and

(2) administer newly-acquired land subject to applicable laws (including regulations).

(c) BOUNDARY SURVEY.—As soon as practicable and subject to the availability of funds the Secretary shall complete an official boundary survey of the Park.

(d) HUNTING ON PRIVATELY OWNED LANDS.—

(1) IN GENERAL.—The Secretary may permit hunting on privately owned land added to the Park under this Act, subject to limitations, conditions, or regulations that may be prescribed by the Secretary.

(2) TERMINATION OF AUTHORITY.—On the date that the Secretary acquires fee ownership of any privately owned land added to the Park under this Act, the authority under paragraph (1) shall terminate with respect to the privately owned land acquired.

SEC. 6. EXPANSION OF THE BLACK CANYON OF THE GUNNISON WILDERNESS.

(a) EXPANSION OF BLACK CANYON OF THE GUNNISON WILDERNESS.—The Black Canyon of the Gunnison Wilderness, as established by subsection (b) of the first section of Public Law 94–567 (90 Stat. 2692), is expanded to include the parcel of land depicted on the Map as ''Tract A'' and consisting of approximately 4,419 acres.

(b) ADMINISTRATION.—The Black Canyon of the Gunnison Wilderness shall be administered as a component of the Park.

SEC. 7. ESTABLISHMENT OF THE GUNNISON GORGE NATIONAL CONSERVATION AREA.

(a) IN GENERAL.—There is established the Gunnison Gorge National Conservation Area, consisting of approximately 57,725 acres as generally depicted on the Map.

(b) MANAGEMENT OF CONSERVATION AREA.—The Secretary, acting through the Director of the Bureau of Land Management, shall manage the Conservation Area to protect the resources of the Conservation Area in accordance with—

(1) this Act;

(2) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.); and

(3) other applicable provisions of law.

(c) WITHDRAWAL.—Subject to valid existing rights, all Federal lands within the Conservation Area are hereby withdrawn from all forms of entry, appropriation or disposal under the public land laws; from location, entry, and patent under the mining laws; and from disposition under all laws relating to mineral and geothermal leasing, and all amendments thereto.

(d) HUNTING, TRAPPING AND FISHING.—

(1) IN GENERAL.—The Secretary shall permit hunting, trapping, and fishing within the Conservation Area in accordance with applicable laws (including regulations) of the United States and the State of Colorado.

(2) EXCEPTION.—The Secretary, after consultation with the Colorado Division of Wildlife, may issue regulations designating zones where and establishing periods when no hunting or trapping shall be permitted for reasons concerning—

(A) public safety;

(B) administration; or

(C) public use and enjoyment.

(e) USE OF MOTORIZED VEHICLES.—In addition to the use of motorized vehicles on established roadways, the use of motorized vehicles in the Conservation Area shall be allowed to the extent the use is compatible with off-highway vehicle designations as described in the management plan in effect on the date of the enactment of this Act.

(f) CONSERVATION AREA MANAGEMENT PLAN.—

(1) IN GENERAL.—Not later than 4 years after the date of the enactment of this Act, the Secretary shall—

(A) develop a comprehensive plan for the long-range protection and management of the Conservation Area; and

(B) transmit the plan to—

(i) the Committee on Energy and Natural Resources of the Senate; and

(ii) the Committee on Resources of the House of Representatives.

(2) CONTENTS OF PLAN.—The plan—

(A) shall describe the appropriate uses and management of the Conservation Area in accordance with this Act;

(B) may incorporate appropriate decisions contained in any management or activity plan for the area completed prior to the date of the enactment of this Act;

(C) may incorporate appropriate wildlife habitat management plans or other plans prepared for the land within or adjacent to the Conservation Area prior to the date of the enactment of this Act;

(D) shall be prepared in close consultation with appropriate Federal, State, county, and local agencies; and

(E) may use information developed prior to the date of the enactment of this Act in studies of the land within or adjacent to the Conservation Area.

(g) BOUNDARY REVISIONS.—The Secretary may make revisions to the boundary of the Conservation Area following acquisition of land necessary to accomplish the purposes for which the Conservation Area was designated.

SEC. 8. DESIGNATION OF WILDERNESS WITHIN THE CONSERVATION AREA.

(a) GUNNISON GORGE WILDERNESS.—

(1) IN GENERAL.—Within the Conservation Area, there is designated as wilderness, and as a component of the National Wilderness Preservation System, the Gunnison Gorge Wilderness, consisting of approximately 17,700 acres, as generally depicted on the Map.

(2) ADMINISTRATION.—

(A) WILDERNESS STUDY AREA EXEMPTION.—The approximately 300-acre portion of the wilderness study area depicted on the Map for release from section 603 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782) shall not be subject to section 603(c) of that Act.

(B) INCORPORATION INTO NATIONAL CONSERVATION AREA.—The portion of the wilderness study area described in subparagraph (A) shall be incorporated into the Conservation Area.

(b) ADMINISTRATION.—Subject to valid rights in existence on the date of the enactment of this Act, the wilderness areas designated under this Act shall be administered by the Secretary in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.) except that any reference in such provisions to the effective date of the Wilderness Act shall be deemed to be a reference to the effective date of this Act and any reference to the Secretary of Agriculture shall be deemed to be a reference to the Secretary of the Interior.

(c) STATE RESPONSIBILITY.—As provided in section 4(d)(7) of the Wilderness Act (16 U.S.C. 1133(d)(7)), nothing in this Act or in the Wilderness Act shall affect the jurisdiction or responsibilities of the State of Colorado with respect to wildlife and fish on the public land located in that State.

(d) MAPS AND LEGAL DESCRIPTIONS.—As soon as practicable after the date of the enactment of this section, the Secretary of the Interior shall file a map and a legal description of the Gunnison Gorge Wilderness with the Committee on Energy and Natural Resources of the United States Senate and the Committee on Resources of the United States House of Representatives. This map and description shall have the same force and effect as if included in this Act. The Secretary of the Interior may correct clerical and typographical errors in the map and legal description. The map and legal description shall be on file and available in the office of the Director of the BLM.

SEC. 9. WITHDRAWAL.

Subject to valid existing rights, the Federal lands identified on the Map as ''BLM Withdrawal (Tract B)'' (comprising approximately 1,154 acres) are hereby withdrawn from all forms of entry, appropriation or disposal under the public land laws; from location, entry, and patent under the mining laws; and from disposition under all laws relating to mineral and geothermal leasing, and all amendments thereto.

SEC. 10. WATER RIGHTS.

(a) EFFECT ON WATER RIGHTS.—Nothing in this Act shall—

(1) constitute an express or implied reservation of water for any purpose; or

(2) affect any water rights in existence prior to the date of the enactment of this Act, including any water rights held by the United States.

(b) ADDITIONAL WATER RIGHTS.—Any new water right that the Secretary determines is necessary for the purposes of this Act shall be established in accordance with the procedural and substantive requirements of the laws of the State of Colorado.

SEC. 11. STUDY OF LANDS WITHIN AND ADJACENT TO CURECANTI NATIONAL RECREATION AREA.

(a) IN GENERAL.—Not later than 3 years after the date of the enactment of this Act, the Secretary, acting through the Director of the National Park Service, shall conduct a study concerning land protection and open space within and adjacent to the area administered as the Curecanti National Recreation Area.

(b) PURPOSE OF STUDY.—The study required to be completed under subsection (a) shall—

(1) assess the natural, cultural, recreational and scenic resource value and character of the land within and surrounding the Curecanti National Recreation Area (including open vistas, wildlife habitat, and other public benefits);

(2) identify practicable alternatives that protect the resource value and character of the land within and surrounding the Curecanti National Recreation Area;

(3) recommend a variety of economically feasible and viable tools to achieve the purposes described in paragraphs (1) and (2); and

(4) estimate the costs of implementing the approaches recommended by the study.

(c) SUBMISSION OF REPORT.—Not later than 3 years from the date of the enactment of this Act, the Secretary shall submit a report to Congress that—

(1) contains the findings of the study required by subsection (a);

(2) makes recommendations to Congress with respect to the findings of the study required by subsection (a); and

(3) makes recommendations to Congress regarding action that may be taken with respect to the land described in the report.

(d) ACQUISITION OF ADDITIONAL LAND AND INTERESTS IN LAND.—

(1) IN GENERAL.—Prior to the completion of the study required by subsection (a), the Secretary may acquire certain private land or interests in land as depicted on the Map entitled ''Proposed Additions to the Curecanti National Recreation Area,'' dated 01/25/99, totaling approximately 1,065 acres and entitled ''Hall and Fitti properties''.

(2) METHOD OF ACQUISITION.—

(A) IN GENERAL.—Land or an interest in land under paragraph (1) may be acquired by—

(i) donation;

(ii) purchase with donated or appropriated funds; or

(iii) exchange.

(B) CONSENT.—No land or interest in land may be acquired without the consent of the owner of the land.

(C) BOUNDARY REVISIONS FOLLOWING ACQUISITION.—Following the acquisition of land under paragraph (1), the Secretary shall—

(i) revise the boundary of the Curecanti National Recreation Area to include newly-acquired land; and

(ii) administer newly-acquired land according to applicable laws (including regulations).

SEC. 12. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act.

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate agree to the amendment of the House.

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

SYMPATHY FOR VICTIMS OF EARTHQUAKE THAT STRUCK TAIWAN

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 194 submitted earlier by Senator LOTT.

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

The legislative clerk read as follows:

A resolution (S. Res. 194) expressing sympathy for the victims of the devastating earthquake that struck Taiwan on September 21, 1999.

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

Mr. LOTT. Mr. President, I am pleased to rise today to offer this Senate resolution, expressing sympathy by the Congress for the victims of the devastating earthquake in Taiwan on September 21. A similar resolution was introduced in the House and passed yesterday as House Resolution 297.

I personally want to express my sadness and deepest sympathy for the many victims of the devastating earthquake that struck Taiwan so unexpectedly last week, causing much destruction and many deaths. I ask that the Senate convey to the people of Taiwan our most sincere sympathies about the tragic losses that they have suffered, in both lives and property. With this resolution we call upon the Clinton administration and other members of the international community to do everything possible to assist Taiwan in its time of need so that it may recover rapidly from its terrible losses due to this act of nature.

Accordingly, Mr. President, I urge all of my colleagues in the Senate to join with me in expressing our sympathy and support to the people of Taiwan during this tragic and devastating time.

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

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

The resolution (S. Res. 194) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 194

Whereas on the morning of September 21, 1999, a devastating and deadly earthquake shook the counties of Nantou and Taichung, Taiwan, killing more than 2,000 people, injuring more than 7,800, and leaving more than 100,000 homeless;

Whereas the earthquake of September 21, 1999, has left thousands of buildings in ruin, caused widespread fires, and destroyed highways and other infrastructure;

Whereas the strength, courage, and determination of the people of Taiwan has been displayed since the earthquake;

Whereas the people of the United States and Taiwan share strong friendship and mutual interests and respect;

Whereas the United States has offered whatever technical assistance might be needed and has dispatched the Urban Search and Rescue Team of Fairfax County, Virginia, the Fire Rescue Team of Miami-Dade, Florida, and others; and

Whereas offers of assistance have come from the Governments of Japan, Singapore, Turkey, and others: Now, therefore, be it

Resolved, That the Senate—

(1) expresses its deepest sympathies to the people of Nantou and Taichung and all of Taiwan for the tragic losses suffered as a result of the earth-quake of September 21, 1999;

(2) expresses its support for the people of Taiwan as they continue their efforts to rebuild their cities and their lives;

(3) expresses support for disaster assistance being provided by the United States Agency for International Development and other relief agencies; and

(4) recognizes and encourages the important assistance that also could be provided by foreign countries to alleviate the suffering of the people of Taiwan.

ASSISTANCE TO VICTIMS OF HURRICANE FLOYD

Mr. LOTT. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be discharged from further consideration of

S. Res. 188, and that the Senate proceed to its immediate consideration.

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

The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 188) expressing the sense of the Senate that additional assistance should be provided to the victims of Hurricane Floyd.

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

AMENDMENT NO. 1890

Mr. LOTT. Mr. President, Senator EDWARDS and Senator HELMS have an amendment at the desk to the resolution.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Mississippi [Mr. LOTT], for Mr. EDWARDS, and Mr. HELMS, proposes an amendment numbered 1890.

On page 4, line 14, after ''Maryland,'' insert ''Delaware,''.

Mr. LOTT. Mr. President, let me say that I live in an area of Mississippi that has also had to deal with hurricanes. Three of them have hit my hometown over the last 15 years. We have had to deal with droughts, ice storms, floods, and everything but the plague and locusts. I know how difficult it is for people who are faced with disasters such as the one with which North Carolina is now dealing. I know how tough it is for the people who are trying to dig out from under mud, with dead carcasses, and all that goes with disasters.

All of us extend our sympathy to the people of North Carolina and want to reassure them that the Federal Government will do its part, as we always do when people are hit by natural disaster.

Mr. President, I ask unanimous consent that the amendment be agreed to, and the motion to reconsider be laid upon the table. I further ask unanimous consent that the resolution, as amended, and the preamble be agreed to en bloc, the motion to reconsider be laid upon the table, and that any statements relating thereto be printed in the RECORD.

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

The amendment (No. 1890) was agreed to.

The preamble was agreed to.

The resolution (S. Res. 188), as amended, was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 188

Whereas from September 14 through 16, 1999, Hurricane Floyd menaced most of the southeastern seaboard of the United States, provoking the largest peacetime evacuation of eastern Florida, the Georgia coast, the South Carolina coast, and the North Carolina coast;

Whereas the evacuation caused severe disruptions to the businesses and lives of the people of Florida, Georgia, South Carolina, and North Carolina;

Whereas in the early morning hours of September 16, 1999, Hurricane Floyd made landfall at Cape Fear, North Carolina, dumping up to 18 inches of rain on sections of North Carolina only days after the heavy rainfall from Hurricane Dennis and producing the worst recorded flooding in North Carolina history;

Whereas after making landfall, Hurricane Floyd continued to move up the eastern seaboard causing flooding, tornadoes, and massive damage in Delaware, Virginia, Maryland, Pennsylvania, New Jersey, North Carolina, New York, and Connecticut;

Whereas portions of Delaware, New Jersey, New York, North Carolina, Pennsylvania, South Carolina, and Virginia have been declared to be Federal disaster areas under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.);

Whereas Hurricane Floyd is responsible for the known deaths of 65 people;

Whereas 45 people are confirmed dead in North Carolina, with many people still missing;

Whereas 4 people were killed in New Jersey, 2 people in New York, 6 people in Pennsylvania, 4 people in Virginia, 2 people in Delaware, 1 person in Connecticut, and 1 person in Vermont;

Whereas as the flood waters recede, the death toll is expected to increase;

Whereas the rainfall resulting from Hurricane Floyd has caused widespread flooding in North Carolina along the Tar River, the Neuse River, and the Cape Fear River, among other rivers, in Connecticut along the Still River, and in Virginia along the Nottoway River and the Blackwater River;

Whereas some of the rivers are expected to remain at flood stage for more than a week;

Whereas the floods are the worst seen in North Carolina in 80 years;

Whereas the flood level on the Tar River exceeds all previous records by 9 feet;

Whereas flood waters engulfed cities such as Tarboro, North Carolina, Franklin, Virginia, Bound Brook, New Jersey, and Danbury, Connecticut;

Whereas tens of thousands of people have fled to shelters scattered throughout North Carolina, South Carolina, New York, New Jersey, and Virginia;

Whereas thousands of people remain isolated, surrounded by water, in their homes in North Carolina and Virginia;

Whereas approximately 50,000 homes have been affected by the hurricane, and many of those homes will ultimately be condemned as uninhabitable;

Whereas water supplies in New Jersey, New York, North Carolina, South Carolina, and Virginia have been severely disrupted, and, in many cases, wells and private water systems have been irreparably contaminated;

Whereas hundreds of thousands of homes and businesses have lost electric power, telephone, and gas service as a result of Hurricane Floyd;

Whereas there have been road washouts in virtually every State struck by Hurricane Floyd, including 900 road washouts in North Carolina alone;

Whereas many farmers have suffered almost total crop losses; and

Whereas small and large businesses throughout the region have been gravely affected: Now, therefore, be it

Resolved,

SECTION 1. NEED FOR ASSISTANCE FOR VICTIMS OF HURRICANE FLOYD.

It is the sense of the Senate that—

(1) the victims of Hurricane Floyd deserve the sympathies of the people of the United States;

(2) the President, the Director of the Federal Emergency Management Agency, the Secretary of Agriculture, the Secretary of Transportation, the Secretary of Commerce, and the Director of the Small Business Administration are to be commended on their efforts to assist the victims of Hurricane Floyd;

(3) the Governors of Connecticut, Florida, Georgia, Maryland, Delaware, New Jersey, New York, North Carolina, Pennsylvania, South Carolina, and Virginia are to be commended for their leadership and coordination of relief efforts in their States;

(4) the National Guard, the Army, the Marine Corps, the Navy, and the Coast Guard have provided heroic assistance to the people of the afflicted areas and are to be commended for their bravery;

(5) the Red Cross, the Salvation Army, and other private relief organizations have provided shelter, food, and comfort to the victims of Hurricane Floyd and are to be commended for their generosity and invaluable aid; and

(6) additional assistance needs to be provided to the victims of Hurricane Floyd.

SEC. 2. FORMS OF ASSISTANCE FOR HURRICANE FLOYD VICTIMS.

To alleviate the conditions faced by the victims of Hurricane Floyd, it is the sense of the Senate that the President should—

(1) work with Congress to provide necessary funds for—

(A) disaster relief administered by the Federal Emergency Management Agency;

(B) disaster relief administered by the Department of Agriculture;

(C) disaster relief administered by the Department of Commerce;

(D) disaster relief administered by the Department of Transportation;

(E) disaster relief administered by the Small Business Administration; and

(F) any other disaster relief needed to help rebuild damaged homes, provide for clean water, renourish damaged beaches and protective dunes, and restore electric power; and

(2) prepare and submit to Congress a report that analyzes the feasibility and cost of implementing a program to provide disaster assistance to the victims of Hurricane Floyd, including assistance in the form of—

(A) direct economic assistance to agricultural producers, small businesses, and displaced persons;

(B) an expanded loan and debt restructuring program;

(C) cleanup of environmental damage;

(D) small business assistance;

(E) repair or reconstruction of private homes;

(F) repair or reconstruction of highways, roads, and trails;

(G) provision of safe and adequate water supplies; and

(H) restoration of essential utility services such as electric power, telephone, and gas service.

EXECUTIVE CALENDAR

EXECUTIVE SESSION

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nominations on the Executive Calendar: Calendar Nos. 235, 247, 248, 249, 258 through 266, and all nominations on the Secretary's desk in the Coast Guard and the National Oceanic and Atmospheric Administration.

I further ask unanimous consent that the nominations be confirmed, the motions to reconsider be laid upon the table, that any statements relating to the nominations be printed in the

RECORD, that 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 CONSUMER COOPERATIVE BANK

Harry J. Bowie, of Mississippi, to be a Member of the Board of Directors of the National Consumer Cooperative Bank for a term of three years.

CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD

Paul L. Hill, Jr., of West Virginia, to be Chairperson of the Chemical Safety and Hazard Investigation Board for a term of five years.

Paul L. Hill, Jr., of West Virginia, to be Member of the Chemical Safety and Hazard Investigation Board for a term of five years.

NUCLEAR REGULATORY COMMISSION

Richard A. Meserve, of Virginia, to be a Member of the Nuclear Regulatory Commission for a term of five years expiring June 30, 2004.

COAST GUARD

The following named officers for appointment in the United States Coast Guard to the grade indicated under title 14, U.S.C., section 271:

To be rear admiral

Rear Adm. (lh) David S. Belz, 0000
Rear Adm. (lh) James S. Carmichael, 0000
Rear Adm. (lh) Roy J. Casto, 0000
Rear Adm. (lh) James A. Kinghorn, Jr., 0000
Rear Adm. (lh) Erroll M. Brown, 0000

The following named officer for appointment in the United States Coast Guard to the grade indicated under title 14, U.S.C., section 271:

To be rear admiral (lower half)

Capt. Ralph D. Utley, 0000

The following named officer for appointment in the United States Coast Guard Reserve to the grade indicated under Title 10, United States Code, section 12203:

To be rear admiral

Rear Adm. (lh) Carlton D. Moore, 0000

The following named officer for appointment in the United States Coast Guard Reserve to the grade indicated under title 10, U.S.C., section 12203:

To be rear admiral (lower half)

Capt. Mary P. O'Donnell, 0000

The following named officer of the United States Coast Guard to be a member of the Permanent Commissioned Teaching Staff of the Coast Guard Academy in the grade indicated under title 14, U.S.C., section 188:

To be lieutenant commander

Kurt A. Sebastian, 0000

The following named officer for appointment in the United States Coast Guard to the grade indicated under title 14, U.S.C., section 271:

To be rear admiral (lower half)

Capt. Vivien S. Crea, 0000

The following named officer for appointment in the United States Coast Guard to the grade indicated under title 14, U.S.C., section 271:

To be rear admiral (lower half)

Capt. Kenneth T. Venuto, 0000

The following named officer for appointment in the United States Coast Guard to the grade indicated under title 14, U.S.C., section 271:

To be rear admiral (lower half)

Capt. James W. Underwood, 0000

The following named officer for appointment in the United States Coast Guard to the grade indicated under title 14, U.S.C., section 271:

To be rear admiral (lower half)

Capt. James C. Olson, 0000

NOMINATIONS PLACED ON THE SECRETARY'S DESK

IN THE COAST GUARD, NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

Coast Guard nominations beginning Ernest J. Fink, and ending William J. Wagner, which nominations were received by the Senate and appeared in the Congressional Record of September 13, 1999.

National Oceanic and Atmospheric Administration nominations beginning Donald A. Dreves, and ending Kevin V. Werner, which nominations were received by the Senate and appeared in the Congressional Record of September 9, 1999.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

COMPREHENSIVE TEST BAN TREATY

Mr. LOTT. Mr. President, I want the Senate to know we are still working to get an agreement to take up consideration of the Comprehensive Test Ban Treaty. We originally wanted to bring it up next week on October 6. That was objected to by the Democratic leadership. They indicated they thought more time was needed and they needed more time designated for debate. We have now offered to begin on October 8, next Friday, with debate. The debate would go up to 14 hours. We will conclude action on that treaty no later than the close of business on Tuesday, October 12.

We are willing to agree to more time on behalf of the leader's amendments if that is necessary. I believe the Democratic leader has indicated his willingness to go to the treaty debate on the 8th and be on it the 12th and conclude it by the 12th, but we are still working on details.

There were statements made by the President of the United States in 1998, I believe in his State of the Union Address, and again in 1999, that he wanted the Senate to take up the treaty. I have statements from a number of Democratic Members of the Congress calling for this to be done.

We have said to our colleagues on the other side of the aisle we don't think this is a good treaty; we think it puts safety in jeopardy; we think it puts us in a weakened condition internationally; and we think it is dangerous. However, since there have been calls and demands for a vote, we have offered to vote, and we have offered two different dates. We have offered time and more time.

I am a little bit puzzled why the Democrats now are saying: We don't want to vote. I presume they are saying it because it may fail. The Senate will have a debate, and the Senate will vote. If there is not a two-thirds vote, it is over; it is defeated.

It is hard for me to understand. Do they want it or not? Do they want to debate or not? Do they want to vote or not? I think it shows a little bit about what has been going on all along.

I want to assure the Senate, there will be some hearings in the Armed Services Committee with experts in this field. There will be plenty of information on the record. If they want a vote, let's vote; if they don't, let's move on. I don't want to hear more about it for a while.

Having said that, I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative assistant proceeded to call the roll.

Mr. 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.

COMMENDATIONS TO THE PRESIDING OFFICER

Mr. LOTT. Mr. President, I commend the Presiding Officer on what an outstanding job he is doing. We appreciate the fact that on this beautiful Friday afternoon, approaching 3 o'clock, the distinguished Senator from Kentucky is here, on duty, and enjoying every moment of it.

Now, may I proceed to the closing?

Thank you for not responding, Mr. President, to my comments.

ORDERS FOR MONDAY, OCTOBER 4, 1999

Mr. LOTT. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 12 noon on Monday, October 4. I further ask consent that on Monday, immediately following the prayer, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate then begin a period of morning business until 12:30 p.m. with Senators speaking for up to 10 minutes each, and the time equally divided between the two leaders, or their designees.

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

PROGRAM

Mr. LOTT. I remind Senators that on Monday, at 5:30 p.m., the Senate will proceed to the Transportation appropriations conference report, and a vote will occur immediately on adoption of that conference report, so there will be at least one recorded vote at 5:30 on Monday, and it is on the Transportation appropriations conference report. I think a lot of credit, once again,

goes to our Transportation appropriations subcommittee members. Senator SHELBY of Alabama has done a great job with a very important bill.

There may be other votes. There could be a vote on or in relation to relevant amendments on the FAA reauthorization bill, since that bill will be debated early in the day Monday. It could be that an amendment or amendments will be available for consideration at that time. But I wanted Senators to be on notice we do have the one vote for sure.

Also, all Senators should be aware we will convene at 12 noon and we will have a period for morning business until 12:30. We will take up the FAA reform bill the remainder of that day, then, on Monday, until 4:30, when we will go to, I believe it is, the judicial nominations discussion. We will very likely have recorded votes on Tuesday morning, and then we do have an agreement, I believe, to have recorded votes stacked on three nominations at 2:15 on Tuesday.

For the remainder of the week, the Senate will continue debate on the FAA reform bill and complete its action on Tuesday. Then we will return to the Labor-HHS appropriations bill and consider nominations and conference reports that are available. I understand that the Agriculture appropriations conference report will be available on Monday. We could have that vote Monday or Tuesday, if a recorded vote is necessary. We are hoping the Interior appropriations bill will be on the heels of that one, and I believe we are still waiting for the foreign operations conference report. We will interrupt or take as quick action as possible on the conference reports once they are received and we get notification that we intend to have a vote.

I do have one further unanimous consent request. I wanted the distinguished Senator from South Dakota to be here. We have continued to work to see if we can get an agreement to vote on the test ban treaty.

UNANIMOUS CONSENT AGREEMENT—COMPREHENSIVE TEST BAN TREATY

Mr. LOTT. Mr. President, as in executive session, I ask unanimous consent that at 9:30 a.m. on Wednesday, October 6, the Foreign Relations Committee be discharged from further consideration of Treaty Document 105–28 and the document be placed on the Executive Calendar, if not previously reported by the committee.

I should note, that is something that was requested by the Democratic leadership, and we think it is a reasonable request.

I further ask consent that at 9:30 a.m. on Friday, October 8, the Senate begin consideration of Treaty Document 105–28 and the treaty be advanced through the various parliamentary stages, up to and including the presentation of the resolution of ratification, and there be one relevant amendment in order to the resolution of ratification to be offered by each leader.

There was a request for additional time for that debate. Therefore, I ask consent that there be a total of 14 hours of debate on the treaty itself, to be equally divided in the usual form, and no other amendments, reservations, conditions, declarations, statements, understandings, or motions be in order, and that amendments be filed at the desk 24 hours before they are called up.

I think it is fair. If we are going to have an amendment on our side and the other side, we need some notification of its content.

There was a thought we might need additional time for discussion on those amendments. Therefore, I ask there be a time limitation of 4 hours equally divided on each amendment, in addition to the 14 hours, for a total of 18 hours over a 2-day period, but spread over a period of time that I believe will run about 6 days.

I further ask consent that following the use or yielding back of time and disposition of the amendments, the Senate proceed to vote on the adoption of the resolution of ratification, as amended, if amended, all without any intervening action or date.

The PRESIDING OFFICER. Is there objection?

The minority leader.

Mr. DASCHLE. Reserving the right to object, and I will not object, I think this unanimous consent request represents progress from the first request made by the majority leader. But I still believe this procedure is unfair, and I would even say dangerous.

This is the most significant treaty with which we will deal on nuclear proliferation maybe in the time that the majority leader and I will be leaders. We are going to be taking this up on the Senate floor without one hearing in the Foreign Relations Committee. We have looked back. We do not know when that has ever happened before, when the Foreign Relations Committee has not acted upon a treaty, even though it has been pending for 2 years.

We are hoping that the Committee on Armed Services will take up the treaty next week, but I believe that alone is irresponsible. But we believe we have no choice. Our choice is to send the message as an institution that this treaty is not important, it does not even deserve a hearing, or to send the message, God forbid, that the Senate would reject this treaty and say it was not the U.S. intention to send the message around the world that we will ban nuclear weapons testing. Those are the options on the negative side.

On the positive side, the option might be between now and October 12, we can convince the necessary two-thirds of the Senate to support this treaty. We still hope, we believe, that might be within our reach. But I know what some of the debate will be, and the Presiding Officer or the majority leader will mark my words. We will hear somebody say this treaty is not verifiable, in spite of the fact that expert after expert has noted that it is verifiable, but there will have been no hearings to verify the fact that, indeed, this treaty is subject to all the verification elements required of a treaty of this kind.

We are going to hear all kinds of complaints and all kinds of allegations and rumors about what this treaty does or does not do, and when you do not have hearings, that is what is going to happen.

So we are extremely disappointed with the way this has been handled. As I said, I believe it is irresponsible and dangerous. But we also note this may be the best we can get, and if it is the best we can get, as troubled as we are, we will take it. We will have our day in court. We will make our best arguments. We will let the judgment of this Senate prevail.

I am very hopeful the administration will be engaged. I am very hopeful those who care as deeply as we care about this issue will join us in making the arguments and in dealing with the issue. I also say it is my intention, as Democratic leader, to conduct hearings of my own as part of the Democratic Policy Committee to ensure that we do have experts in Washington to express themselves. We will do that at the appropriate moment.

I do not object, but I must express very grave reservations.

Mr. LOTT. Has the Chair ruled?

The PRESIDING OFFICER (Mr. ROBERTS). Is there objection to the leader's request?

Without objection, it is so ordered.

Mr. LOTT. Mr. President, I appreciate the Democratic leader has agreed to this request. We have worked back and forth now over 2 or 3 days. This is a fair approach, especially with the two leaders' amendments, if they are needed, and a guarantee we will file them in time to take a look at them.

It is serious. I take it very seriously. I do want to make the Senator aware that at least one chairman has notified me he intends to have three hearings before the final vote—Senator WARNER of the Armed Services Committee, which certainly has an interest in this because of what it does involve, weapons.

I believe—I cannot confirm the exactness of these dates or that they will be able to do them all—he is thinking in terms of hearings on the 6th, 9th, and 12th, and that is a committee which has a great deal of jurisdiction. I do not know yet if Senator HELMS plans additional hearings before the 12th, although certainly that is a possibility now that we have a time agreed to.

In addition, I understand there have been discussions with regard to this treaty in the Foreign Relations Committee on February 10, 1998; May 13, 1998; June 3, 1998; June 18, 1998; July 13, 1998; February 24, 1999; and March 23,

1999. Perhaps it was not a full-blown hearing just on that subject; I cannot say, but I refer to these dates that were included in the RECORD just yesterday by Senator HELMS.

There will be at least a couple, if not more, hearings in the appropriate committee or committees prior to the final vote.

I see Senator WARNER is here. He might want to comment on his thinking as to the witnesses and how he plans to proceed.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, with my distinguished leader and Senator HELMS, we met today for the better part of an hour—and through Senator LEVIN. As my colleague knows, he is absent for reasons of a personal need today. We have carefully laid the foundation for a very thorough hearing by the Armed Services Committee. Our committee has supervision over the stockpile, and really the stockpile is a central body of fact which I urge each Senator to study very carefully.

What we have proposed to do on Tuesday of next week is to have the experts from the Central Intelligence Agency, from the various laboratories, in closed hearing to lay out the facts with regard to this stockpile. The following Wednesday, we are going to invite the Secretary of Defense, the Chairman of the Joint Chiefs, and former Secretaries of Defense and former Chairmen of the Joint Chiefs, and Senator LEVIN, of course, will have his selection of witnesses.

The following day, on Thursday, we again, with the directors of the laboratories and others, will cover more details about the stockpile issue and the efforts by this country to put in place testing to be a substitute—that is, computer analysis, and so forth, as a substitute for actual testing.

Our committee will have a very thorough set of hearings. We will distill the facts, provide them for the record, and bring them to the respective leaders, and hopefully perhaps the Senate, as a whole, can consider parts or all of this important testimony.

Mr. LOTT. I thank Senator WARNER for that information and for his plan and for his working and discussing this with Senator HELMS. I believe it will add a great deal of vital and interesting information for the Senate, and I am sure he will have testimony based on what he just said on both sides of the issue. That will be helpful.

I have no further business at this time.

Mr. President, does Senator DASCHLE have anything further at this time?

Mr. DASCHLE. Mr. President, I do not. I appreciate the majority leader yielding.

The majority leader made reference to meetings where the CTBT has been discussed. Certainly we were not in any way acknowledging that this issue has never come up. But I think it is important for the record, once again, to say that in the time that this treaty has been before the Senate, not one hearing has been held.

I am grateful for the chair of the Armed Services Committee at least taking this initiative, as late as the date may be. It sounds to be a very comprehensive set of hearings. That will be helpful.

But I must say, it is equally irresponsible for us to be here at this moment without 1 day where the committee of jurisdiction has held hearings on an issue of this import and then ask our colleagues—the Senate—to pass judgment.

The majority leader knows we have attempted to bring the Senate to this point now for some time. We are pleased that we have made this progress. But, frankly, this isn't the way to do it. We should have had hearings in the committee. We are glad we are having hearings in the Armed Services Committee. But to rush to judgment on an issue of this importance is not the way to do business.

I yield the floor.

Mr. WARNER. Mr. President, I say most respectfully to my good friend, the minority leader, each year the Armed Services Committee reviews the stockpile issues. Each year we go through our normal oversight hearings. A part of it relates to the very issues that we will again bring to the Senate by virtue of the hearings in our committee and the record that we will put together.

So I must say, most respectfully, our committee annually looks at these issues. So for members of our committee, and to the extent others have been interested, in fact, the record is there.

Mr. DASCHLE. Mr. President, let me just respond quickly.

I acknowledge that. But I believe there is a huge difference between looking at the issue of stockpile and looking at the importance of the treaty per se, at the language of the treaty, and whether or not we ought to ratify a treaty, whether or not we ought to send the message to the rest of the world that we want them to ratify the treaty, whether the treaty is in our long-term interests, and what the ramifications of the treaty are. That is what I am suggesting ought to be the subject of these hearings.

We ought to be looking at stockpiles, and we ought to be looking at the ramifications of our current nuclear weaponry. And certainly the chairman has done an admirable job of that, as has the committee as a whole, but we have not held hearings until now. I think they are long overdue. I think we as a Senate have made a very big mistake in calling this treaty to the floor prior to the time we have had that kind of consideration in the Foreign Relations Committee or, for that matter, in the Armed Services Committee.

Mr. LOTT. Mr. President, if I could respond on that.

I do think that a critical part of our decision involves the armed services aspect of it. The review of nuclear weapons—what their condition is, what it will be, what it means for the future—that is at the heart of the concerns that a lot of Senators have, including this Senator. I have enough background, having been on the Armed Services Committee in the House and the Senate, to be able to assess, as most Senators, after reading the documentation, the ramifications around the world.

But if we cannot be assured of the safety and the reliability of these weapons, then that goes right to the heart of the whole issue. Before you get to discussion about what it means to Pakistan or India or North Korea, you need to know what is going to happen over a period of time in terms of safety, the risk to people in the areas, or the surety that we will have these weapons if, in fact, we do need them.

I say to Senator WARNER, you and I have discussed this already. I know that is the crux of what you are saying.

Mr. WARNER. Mr. President, my concern, as you have said, is a decade hence. Will there be some leader in the world or, indeed, some rogue or some other individual who wants to challenge our country who will have any basis to believe we have less than 100-percent reliability in that arsenal of weapons we will have in a decade or 15 years out? That is the critical period of time.

I say to my good friend, Senator DASCHLE, everyone knows my very strong opposition to this treaty. Frequently, colleagues on both sides of the aisle engage me in informal debate of what it is about the treaty, what it is about the facts that lead me to this conclusion.

So, yes, perhaps we could have been more formalized at some point in time. But I think it is important that we focus on it at this critical time, and that we are going to have very thorough hearings in our committee. I have looked over the hearings of the Foreign Relations Committee over the year and they, indeed, covered many of the subjects relating to this treaty in that period of time.

ADJOURNMENT UNTIL MONDAY, OCTOBER 4, 1999

Mr. LOTT. If there is no further business to come before the Senate, I now ask unanimous consent the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 3:09 p.m., adjourned until Monday, October 4, 1999, at 12 noon.

NOMINATIONS

Executive nominations received by the Senate October 1, 1999:

UNITED STATES POSTAL SERVICE

ALAN CRAIG KESSLER, OF PENNSYLVANIA, TO BE A GOVERNOR OF THE UNITED STATES POSTAL SERVICE FOR A TERM EXPIRING DECEMBER 8, 2008, VICE J. SAM WINTERS.

LA GREE SYLVIA DANIELS, OF PENNSYLVANIA, TO BE A GOVERNOR OF THE UNITED STATES POSTAL SERVICE FOR A TERM EXPIRING DECEMBER 8, 2007. (REAPPOINTMENT)

SOCIAL SECURITY ADMINISTRATION

WILLIAM A. HALTER, OF ARKANSAS, TO BE DEPUTY COMMISSIONER OF SOCIAL SECURITY FOR THE TERM EXPIRING JANUARY 19, 2001. (NEW POSITION)

INTERNATIONAL ATOMIC ENERGY AGENCY

GRETA JOY DICUS, OF ARKANSAS, TO BE AN ALTERNATE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE FORTY-THIRD SESSION OF THE GENERAL CONFERENCE OF THE INTERNATIONAL ATOMIC ENERGY AGENCY.

NORMAN A. WULF, OF VIRGINIA, TO BE AN ALTERNATE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE FORTY-THIRD SESSION OF THE GENERAL CONFERENCE OF THE INTERNATIONAL ATOMIC ENERGY AGENCY.

DEPARTMENT OF STATE

J. STAPLETON ROY, OF PENNSYLVANIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE WITH THE PERSONAL RANK OF CAREER AMBASSADOR, TO BE AN ASSISTANT SECRETARY OF STATE (INTELLIGENCE AND RESEARCH), VICE PHYLLIS E. OAKLEY.

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

JOSEPH R. CRAPA, OF VIRGINIA, TO BE AN ASSISTANT ADMINISTRATOR OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT, VICE JILL B. BUCKLEY.

DEPARTMENT OF STATE

AVIS THAYER BOHLEN, OF THE DISTRICT OF COLUMBIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AN ASSISTANT SECRETARY OF STATE (ARMS CONTROL). (NEW POSITION)

CONFIRMATIONS

Executive nominations confirmed by the Senate October 1, 1999:

NATIONAL CONSUMER COOPERATIVE BANK

HARRY J. BOWIE, OF MISSISSIPPI, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE NATIONAL CONSUMER COOPERATIVE BANK FOR A TERM OF THREE YEARS.

CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD

PAUL L. HILL, JR., OF WEST VIRGINIA, TO BE CHAIRPERSON OF THE CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD FOR A TERM OF FIVE YEARS. (REAPPOINTMENT)

PAUL L. HILL, JR., OF WEST VIRGINIA, TO BE MEMBER OF THE CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD FOR A TERM OF FIVE YEARS. (REAPPOINTMENT)

NUCLEAR REGULATORY COMMISSION

RICHARD A. MESERVE, OF VIRGINIA, TO BE A MEMBER OF THE NUCLEAR REGULATORY COMMISSION FOR A TERM OF FIVE YEARS EXPIRING JUNE 30, 2004.

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.

THE JUDICIARY

M. JAMES LORENZ, OF CALIFORNIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF CALIFORNIA.

VICTOR MARRERO, OF NEW YORK, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF NEW YORK.

IN THE COAST GUARD

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES COAST GUARD TO THE GRADE INDICATED UNDER TITLE 14, U.S.C., SECTION 271:

To be rear admiral

REAR ADM. (LH) DAVID S. BELZ, 0000.
REAR ADM. (LH) JAMES S. CARMICHAEL, 0000.
REAR ADM. (LH) ROY J. CASTO, 0000.
REAR ADM. (LH) JAMES A. KINGHORN, JR., 0000.
REAR ADM. (LH) ERROLL M. BROWN, 0000.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES COAST GUARD TO THE GRADE INDICATED UNDER TITLE 14, U.S.C., SECTION 271:

To be rear admiral (lower half)

CAPT. RALPH D. UTLEY, 0000.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES COAST GUARD RESERVE TO THE GRADE INDICATED UNDER TITLE 10, UNITED STATES CODE, SECTION 12203:

To be rear admiral

REAR ADM. (LH) CARLTON D. MOORE, 0000.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES COAST GUARD RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be rear admiral (lower half)

CAPT. MARY P. O'DONNELL, 0000.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES COAST GUARD TO THE GRADE INDICATED UNDER TITLE 14, U.S.C., SECTION 271:

To be rear admiral (lower half)

CAPT. VIVIEN S. CREA, 0000.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES COAST GUARD TO THE GRADE INDICATED UNDER TITLE 14, U.S.C., SECTION 271:

To be rear admiral (lower half)

CAPT. KENNETH T. VENUTO, 0000.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES COAST GUARD TO THE GRADE INDICATED UNDER TITLE 14, U.S.C., SECTION 271:

To be rear admiral (lower half)

CAPT. JAMES W. UNDERWOOD, 0000.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES COAST GUARD TO THE GRADE INDICATED UNDER TITLE 14, U.S.C., SECTION 271:

To be rear admiral (lower half)

CAPT. JAMES C. OLSON, 0000.

IN THE COAST GUARD

THE FOLLOWING NAMED OFFICER OF THE UNITED STATES COAST GUARD TO BE A MEMBER OF THE PERMANENT COMMISSIONED TEACHING STAFF OF THE COAST GUARD ACADEMY IN THE GRADE INDICATED UNDER TITLE 14, U.S.C., SECTION 188:

To be lieutenant commander

KURT A. SEBASTIAN, 0000.

COAST GUARD NOMINATIONS BEGINNING ERNEST J. FINK, AND ENDING WILLIAM J. WAGNER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 13, 1999.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION NOMINATIONS BEGINNING DONALD A. DREVES, AND ENDING KEVIN V. WERNER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 9, 1999.