United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE *106th* CONGRESS, SECOND SESSION

Vol. 146 WASHINGTON, TUESDAY, APRIL 11, 2000 *No. 45*

Senate

The Senate met at 10 a.m. and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

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

God our Father, we pause in the midst of the changes and challenges of life to receive a fresh experience of Your goodness. You are always consistent, never changing, constantly fulfilling Your plans and purposes, and totally reliable. There is no shadow of turning with You; as You have been, You will be forever. All Your attributes are summed up in Your goodness. It is the password for Your presence, the metonym for Your majesty and the synonym for Your strength. Your goodness is generosity that You define. It is Your outrushing, unqualified love poured out in graciousness and compassion. You are good when circumstances seem bad. When we ask for Your help, Your goodness can bring what is best out of the most complicated problems.

Thank You for Your goodness given so lavishly to our Nation throughout history. Today, again we turn to You for Your guidance for what is good for our country. Keep us grounded in Your sovereignty, rooted in Your commandments, and nurtured by the absolutes of Your truth and righteousness. May Your goodness always be the source of our Nation's greatness. In the name of our Lord and Saviour. Amen.

PLEDGE OF ALLEGIANCE

The Honorable MIKE CRAPO, a Senator from the State of Idaho, 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 acting majority leader is recognized.

SCHEDULE

Mr. CRAPO. Mr. President, today the Senate will be in a period of morning business until 12:30 p.m. Following morning business, the Senate will recess until 2:15 p.m. to accommodate the weekly party conference meetings. When the Senate reconvenes, there will be 10 minutes equally divided prior to the vote on invoking cloture on S. 2285, the Federal fuels tax holiday. Therefore, Senators can expect that the vote will occur at 2:25 p.m.

By previous consent, all second-degree amendments must be filed by 2:20 p.m. today. If cloture is not invoked, it is hoped the Senate can begin consideration of the marriage tax penalty bill.

As announced by the majority leader, the Senate will consider the budget conference report as soon as it becomes available later this week.

It is also possible for the Senate to consider executive nominations before the Senate adjourns for the Easter recess.

I thank my colleagues for their attention.

RESERVATION OF LEADER TIME

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

MORNING BUSINESS

The PRESIDING OFFICER. There will now be a period for transaction of morning business not to extend beyond the hour of 12:30 p.m., with Senators permitted to speak for up to 5 minutes each.

Under the previous order, the Democratic leader, or his designee, is recognized to speak for up to 75 minutes.

The Senator from Illinois is recognized.

SCHOOL SHOOTINGS

Mr. DURBIN. Mr. President, this week is the last week the Senate will be in session before we take a break for the Easter holiday. During the period of that break, on April 20, we will remember an anniversary. It is a sad remembrance. It is the 1-year anniversary of the shooting at Columbine High School in Colorado.

Most of us can remember the scenes from television played and replayed so often. The scenes of children, not unlike our own children, racing out of the school away from other kids who were shooting away with weapons. You can remember, I am sure—I will always remember—a young man who dragged himself, having already been shot, out of a window, trying to fall to the ground and get away from danger. We saw that terrible scene on television.

We watched as the funerals unfolded one after another; 12 innocent students were killed and 23 were injured.

We finally came to realize as a nation that the tragedy which struck in Colorado could touch any one of us anywhere and at any school. Columbine was not the most predictable place for this to occur. Columbine was a place where you would have thought that would never occur. But sadly, this is the reality of America where too many guns are used in crimes of violence.

If you look through the chronology of school shootings since 1997, Bethel in the State of Alaska; Pearl, MI; West Paducah, KY; Jonesboro, AK; Edinboro, PA; Fayetteville, TN; Springfield, OR; Littleton, CO; Conyers, GA; Deming, NM; Fort Gibson, OK; Mount Morris Township, MI—you will remember that episode in Michigan. It wasn't that long ago. On February 29, a 6-year-old boy went to his first-grade classroom, pulled out a 32-caliber Davis Industries

semiautomatic pistol, pointed it at his classmates, and then turned the gun on Kayla Rolland, 6 years old, and fatally shot her in the neck.

This sad reality is on the minds of American families. The obvious question of the Senate and the Congress is: Is there anything you can do? What can you do? What will you do?

The first anniversary of Columbine will come and go next week, and sadly Congress will have done nothing—absolutely nothing.

We passed a bill last year on the floor of the Senate which at least moved us closer to the possibility of keeping guns out of the hands of criminals and children.

There was an idea behind this law that was not an unreasonable or radical idea, which was the suggestion that if a person bought a gun at a gun show, that person would be subject to the same background checks as a person who bought one from a licensed gun dealer. We don't want to sell guns to criminals. We don't want to sell them to people with a history of violent mental illness. We certainly don't want to sell guns to children. Why wouldn't we check at a gun show to make certain that we are keeping guns away from those people? That is what the law said. That was what was passed here in the Senate.

The background check has become automated and computerized. Within 2 hours after the name is submitted, some 95 percent of all of the names submitted—they run them through—95 percent of the people who buy a gun at a gun show would be delayed 2 hours from buying a gun. For the 5 percent where questions are raised and they can't give them an immediate answer, that 5 percent is 20 times more likely to be in a prohibited category; that is, they are 20 times more likely to be criminals, people with a history of violent mental illness, or those who should otherwise be disqualified.

The law we proposed was not a radical idea. It said: Can you wait 2 hours at a gun show so we can do a background check and make sure that people who should not buy guns, don't buy them? It is an inconvenience. But you know, we put up with inconvenience every day for the security of ourselves and our families.

When I flew through O'Hare Airport yesterday to come to Washington, I went through a metal detector. They stopped me: Take the change out of your pockets and go back through. That is an inconvenience. That is a delay. I am prepared to accept that. If it means there will be fewer terrorist attacks and fewer threats on people traveling, I accept it.

That is what this law says; it is an inconvenience. At a gun show, wait for the background check to be completed before you are allowed to get your gun. That is what we proposed.

Second, we said if you are going to own a gun, you have a legal responsibility to store it safely. You exercise your constitutional right under the second amendment to buy a gun, but then when you take it home, for goodness' sake, put it in a place so children can't get their hands on it.

We called for trigger locks, and that is becoming a popular, common suggestion—it is not an unreasonable suggestion, certainly—so children don't get their hands on guns. Every day in America, we lose just as many kids to guns as we lost on April 20, 1999, at that one high school in Colorado—12 kids a day die because of guns. Some are suicides, some are drive-by gangbanger shootings, and others are just accidents where curious kids play with guns and shoot themselves or their playmates.

Our bill said let's require trigger locks on guns, let's make sure they are stored safely and the kids, such as this fellow in Michigan, do not end up with a .32-caliber Davis industries semiautomatic pistol in the first grade where he killed Kayla Rowland. That was the second part of this bill.

The third part said you don't need these high-capacity Ammo clips with hundreds of bullets in them if you are going out to shoot a deer. If you need a semiautomatic weapon to shoot a deer, maybe you ought to stick to fishing. We are saying we don't need to make these clips in the United States nor do we need to import them. These are people killers. These are not guns used in sporting or hunting enterprises. That was the third part of the bill.

We almost lost the gun shows provision I have just described on the Senate floor. The gun shows amendment passed by one vote, the vote of Vice President GORE, who under the Constitution can break a tie. He showed up that day and cast the deciding vote. We passed the gun shows amendment by one vote after Columbine, after this national tragedy. We passed it by one vote. We sent it across the Rotunda to the House of Representatives. Now it is their responsibility. We gave them 2 or 3 weeks to prepare to debate the bill. But we obviously gave the gun lobby at least the same period of time to prepare their campaign against it. And they were successful. They watered down the gun shows amendment. They took the viable parts out of it. They passed a shadow of what we passed in the Senate.

At that point, it goes to the conference committee and the House and Senate sit together and try to work out a compromise. Here we sit, almost a year after Columbine, and we have done absolutely nothing. Families across America who expect this Congress to do the most basic things for gun safety have a right to be angry that this Congress is so insensitive and unwilling to address this critical issue of gun safety, of safety in the classrooms, keeping guns out of the hands of criminals, violently mental ill people, and children.

The other side says, of course, it isn't about new laws. We hear the gun lobby say we have plenty of laws, it is about enforcing the laws on the books. How many times have we heard Charlton Heston and those folks come up with that argument? I don't disagree with them. I think enforcement is critical and existing laws should be enforced.

So last week while we were debating the budget resolution, I brought a proposal on the floor of the Senate. Many Members, frankly, subscribe to the NRA position that we need more enforcement. I said let's put more agents and inspectors in the Bureau of Alcohol, Tobacco and Firearms so they can find the gun dealers who are breaking the law and selling their guns to criminals; let's put 1,000 more prosecutors across America to enforce those laws, prosecute those laws, and put people in jail who violate those laws.

Unfortunately, I couldn't succeed and I didn't prevail. A Senator came to the floor and offered an alternative which took out all the money for the ATF agents and inspectors. He didn't want to put more enforcement in the gun laws of America. And he prevailed. The argument that this is about enforcement doesn't square with the vote that took place last week.

There are 102,000 gun dealers across America, about 80,000 who actively sell weapons that are used in sport and hunting. When we did a survey, out of those 80,000 federally licensed gun dealers, we found if we narrowed it down to those gun dealers who sell guns that end up being used in crime, traceable guns used in crime, only 1,000 of the 80,000 gun dealers are the culprits, the ones selling guns to people that are ultimately used in crime. Over half the guns used in crime in America come from 1,000 of the gun dealers out of 80,000.

It makes sense to me to go after these 1,000, and it makes sense to me to give resources to the ATF and the Department of the Treasury to go after these gun dealers, close them down if we have to, but enforce the law. Don't let people—whether they are in Illinois, my home State, or any other State—sell guns that are going to be used in a crime.

When I put the amendment on the floor, the other side couldn't accept that. They didn't want to put more enforcement in the gun laws. So they came up with a much weaker alternative.

Here we are at the traditional and historic standoff. This Congress failed to act for 1 year after Columbine. The images are still fresh in our mind of those kids running for their lives out of their own high school; those caskets, one after the other, at funerals; grieving parents, grieving communities, and a grieving nation; and this Congress, unable and unwilling to respond or act. It is shameful. It is disgraceful. And it continues. The school violence, the gun violence that struck Columbine, continues. Look beyond the schools. We see it in the streets and the neighborhoods, and more children will die today

in America, 12 more, the same number killed at Columbine—12 more—because we will not take the initiative for gun safety.

Has this Congress reached such a point that we are under the thumb of the National Rifle Association and the gun lobby? That we would let those well dressed lobbyists down on K Street rule our agenda to the point where American families are being ignored? I hope not.

I hope when we remember in just a few days the anniversary of Columbine, families across America will take just a few minutes, get on the phone, and call their Congressman and their Senator and ask them one simple question: I just heard about Columbine; what have you done with your vote to make my kids safer in school since this tragedy? If citizens will call and ask that question, perhaps we will see a change of sentiment here on Capitol Hill.

I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I ask to speak as in morning business.

The PRESIDING OFFICER. The Senator is recognized.

Mrs. BOXER. Mr. President, I thank once again the Senator from Illinois for his eloquence on the issue of sensible gun laws and add my voice to his plea that the Senate do what it is supposed to do, which is to bring out the juvenile justice bill with five sensible gun control measures, sensible measures that will reduce gun violence.

I thank the Senator from Rhode Island, Mr. REED, who is on the floor as well, for his very important sense-of-the-Senate Amendment to the budget resolution, which actually says it is the opinion of the Senate that we ought to be voting on those gun measures. It passed by a slim majority, but so far we have not seen any results.

GAS TAX REPEAL

Mrs. BOXER. Mr. President, the reason I take to the floor today is not only to underscore what Senator DURBIN has said but to say that while I think we should be doing this juvenile justice bill and passing the gun measures that lie within it, what we are doing today makes no sense at all, in my view, which is to cancel, if you will, the 4.3-cent Federal tax on a gallon of gasoline which, in the case of my State, if carried out over 2 years, would lose my State $1.7 billion in highway funds and transit moneys.

The people in my State are very smart. We are suffering from the highest gas prices in the United States, but we also understand the answer is not to use this as an excuse to slash highway funds, to begin drilling off the coast of California or to open up the Alaska Wildlife Refuge to drilling. People in my State understand we need an energy policy, not some kind of gimmickry that the other side is using to lash out at Vice President GORE and say he, in fact, wants higher gas taxes, which is just a made-up story.

What we need in this country is an energy policy. What does that mean? First, it means having a Department of Energy that comes forward with an energy policy for safe ways to produce energy in this Nation and ways to save energy.

What does the Republican Congress want to do? I think we can look over history if we want to find out. First, when they took over in 1994—they got sworn in in 1995—one of the first things they tried to do was eliminate the Department of Energy. That makes a lot of sense. We need an energy policy, so what is the first thing they do? Try to eliminate the Department of Energy? I have to say, Bill Richardson did a masterful job of going around the world convincing the producers of oil to do a better job, to increase their supply. But, if the Republicans had their way, there would be no Cabinet position because there would be no Department of Energy. So that is the first thing they did in order to have an ''energy policy.''

What else did they try to do? Every year, year in and year out since they took over, they have not provided adequate funding for alternative and renewable energy, which would lessen our dependence on foreign oil. This is shortsighted and it only means our dependence on foreign oil will increase. We need more investment in energy-efficient technologies, not less.

If you think I am just stating something that perhaps I cannot back up, let me give you the facts. On solar and renewable energy research and development, between the years 1996 and 2000, the Republicans have cut President Clinton's requests by 23.6 percent. On energy and conservation R&D, they have cut the President's requests 20.3 percent. Energy conservation grants, which are so important to encourage energy conservation—by the way, that is the best kind of energy policy, conservation; everybody wins. It costs the consumer less, and it destroys our environment less—they cut those grants by 25.4 percent. So the bottom line is they first wanted to do away with the Department of Energy. That was their program. Then they took the funding for energy efficiency and renewable energy and cut it by 22.2 percent.

How about this one? Our Secretary of Energy goes around the world and gets an increased oil supply of about 1.7 million barrels a day, which is excellent work—he did a good job. We could save 1 million barrels of oil a day if we increased the fuel economy of SUVs and light trucks to 27 miles per gallon. Now they are at about 20. We could save 1 million barrels of oil a day from that simple step. What happens around here? The Republicans, in 1995, put a rider on appropriation bills prohibiting the administration from raising fuel economy standards for SUVs and light trucks just to get it to 27 miles per gallon, which it is at now for cars.

This sounds like ''and a partridge in a pear tree.'' We have continual moves here: Eliminating the Department of Energy, providing in adequate funding for alternative and renewable energy, and riders prohibiting raising fuel economy for SUVs and light trucks.

Here is another one. We know when energy prices go up, it is very important that the President have the ability to tap the Strategic Petroleum Reserve. It is there when there is an emergency. It is very important that he have that power. The Republican Congress has failed to reauthorize the Strategic Petroleum Reserve, and without new reauthorization, no funds can be appropriated for the purchase of new oil for the reserve. So the reserve is not going to increase. That is very important.

This is four policies, all of which undermine an energy policy for this country to lead to U.S. independence from foreign oil: Eliminating the Department of Energy, providing inadequate funding for alternative and renewable energy, stopping us from increasing fuel efficiency for SUVs and light trucks, and failing to reauthorize the Strategic Petroleum Reserve.

What do they come up with today? Repealing the gas tax. That is not an energy policy; it is a disaster—$1.7 billion lost over 2 years to my State. It would hurt my State. The country as a whole would lose $18.8 billion from the measure that is going to come before us. I hope we will not get cloture so we do not take it up. The Senate, frankly, has expressed itself on the budget resolution against this shortsighted amendment.

This is not, however, the only thing my friends on the other side of the aisle are pushing. I mentioned in my opening statement drilling in the Arctic Wildlife Refuge. There is a big debate over that: Should we allow drilling in a wildlife refuge? I say we give this the commonsense test. When President Eisenhower set up this refuge, do you think he thought about oil drilling in a refuge for the most magnificent wildlife you could find? I do not think so. Just think about it. What kind of refuge is it, if you have oil drilling there, with the risk of spills and all the traffic that comes with it?

Some are again calling for drilling off the coast of California. I have to explain to my friends who think that is an energy policy that that would undermine California's economy because our tourism industry is dependent on a beautiful, magnificent coast. Our recreation industry is dependent on a beautiful, unspoiled coast. We should not use this spike in gas prices as an excuse to destroy the highway fund, to destroy the coast, to destroy a wildlife refuge. I think the American people can see through this. It does not an energy policy make, to repeal a tax which is earmarked for highways. It makes no sense whatsoever.

Here is another fact: Right now in America there are 68,000 barrels a day

being drilled and exported out of our country. While colleagues are talking about drilling in a refuge and drilling off the coast, we are exporting 68,000 barrels a day.

There are 1 million barrels a day wasted because they will not vote to increase the fuel efficiency standards for SUVs and light trucks. They vote down energy efficiency budget recommendations by this President. They do not give him the tools for increasing the quantity of gas or oil in the Strategic Petroleum Reserve. They turn a blind eye to the oil companies that are merging at a rapid rate. I was an economics major in college many years ago. I am the first one to admit that it was a long time ago. One thing I learned and which has not changed was that competition is important for the consumer. When we have less competition, the consumer suffers. We have seen merger after merger. Yet we do not hear anyone on that side of the aisle saying maybe it is time we put a moratorium on these mergers. On the other hand, they support these mergers, as far as I can tell. We need to impose a moratorium on these mergers.

Mergers are at a near frenzy. Shell and Texaco entered a joint venture, which is essentially a merger, in 1997. British Petroleum and Amoco merged shortly thereafter. Last year, Exxon and Mobile merged. BP/Amoco is currently attempting to acquire California-based ARCO. If one overlays gas prices with these mergers, it is straight up. It is common sense: Less competition, higher prices.

There are secret oil company documents that we know have been filed as part of the Federal Trade Commission's lawsuit to block the merger. Those secret documents ought to be made public. One can see, if one reads the filing, that the FTC has made explosive charges of oil price manipulation by BP. We know that a lot of BP's oil is being exported from this country. If we are going to allow this merger to take place, we should at least insist that oil stay here rather than stand up in this Chamber and say we are going to repeal the 4.3-cent-a-gallon tax which is going to destroy the highway trust fund. The people in my State are against this proposal.

Between 1973 and 1995, we banned the export of the Alaska North Slope crude. The GAO has said that lifting this export ban increased the price of crude by more than $1 a barrel.

We can create an energy policy that will result in the lowering of gas prices and, by the way, help the environment and clean up our air. What do we do around here? We do not do the long-range planning. We are not listening to the people who have studied this issue for years. We are turning a blind eye to these mergers which make prices skyrocket. We are not doing anything about stopping the exportation of Alaskan oil. We are not increasing the fuel economy standards.

We are taking the short view and trying to make political points by saying: If we take away that 4.3-cent-a-gallon tax, it is going to solve our gas price problem. That is not the answer. The American people are smart. They see this for what it is: A political ploy; it does not do anything; it robs our States of needed money for highways while they keep cutting back the funds the President requests for energy efficiency.

I stand here as someone who has been involved in energy efficiency issues since I was a county supervisor in the seventies. That is when we had those long lines because gas prices were high and people were scared. By the way, that is when the American car companies lost their market share because it was the foreign carmakers that were making the fuel-efficient cars. Why don't we learn from history? Why don't we do the right thing instead of this short-term idea that makes no sense at all, that will only hurt our environment, will hurt our people, will hurt our ability to build the highways we need in the future, and absolutely does nothing about lessening our dependence on foreign oil.

I am very pleased I had this opportunity to speak because I think this issue is clearly one of the most important we can consider.

My last point is, half of our trade deficit is due to imported oil. What is reducing the gas tax 4.3 cents a gallon going to do to lessen our dependence on foreign oil? Zero. Nothing. Nada. Let's do something that is going to help our balance of trade, that is going to help our environment, that is going to help our economy, and that is going to help our people.

I thank the Chair.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island. The Chair inquires how much time the Senator from Rhode Island will use.

Mr. REED. Somewhere between 5 and 7 minutes.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

Mr. MURKOWSKI. Mr. President, I remind the Chair, ordinarily we go back and forth.

The PRESIDING OFFICER. The Senator from Rhode Island has been here waiting, so the Chair decided to recognize him.

Mr. MURKOWSKI. Mr. President, who controls time on this side?

The PRESIDING OFFICER. Under the previous order, the Senator from Alaska, or his designee, is to be recognized for up to 75 minutes.

Mr. MURKOWSKI. I thank the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

COMMONSENSE GUN CONTROL MEASURES

Mr. REED. Mr. President, last week, by a bipartisan vote of 53–47, the Senate adopted the Reed amendment to the budget resolution calling on the conference committee on the juvenile justice bill to submit a report by April 20 of this year, which is the 1-year anniversary of the tragedy at Columbine High School, and include in that report commonsense gun control provisions which this Senate passed last May.

These provisions include an amendment that child safety locks be sold with all handguns; an amendment to close the gun show loopholes so a complete background check can be done on all purchasers at gun shows; a ban on the importation of high-capacity ammunition clips; and a ban on juvenile possession of semi-automatic assault weapons.

We adopted the Reed amendment, sponsored by many and supported by 53 Senators, because we wanted to send a message to the leadership of the House and Senate that America has waited too long for us to respond to the tragedy at Columbine High School, too long to respond to the pervasive floodtide of gun violence that every day kills 12 American children.

We have been down this road before. In 1993 and 1994, after a long legislative battle, we were able to pass the Brady law and the assault weapons ban over the objections of the gun lobby and their allies in Congress. Since 1993, we have seen a 20 percent reduction in crime in the United States. Gun crimes in particular fell 37 percent between 1993 and 1998.

No one can claim the Brady law or the assault weapons ban alone was the cause of this decline. There are other factors. We also know that preventing 500,000 felons, fugitives, and other prohibited purchasers from easily obtaining firearms has made a significant contribution to that reduction in gun violence.

The American people were with us when we passed those commonsense gun initiatives in 1993 and 1994, and they are with us today. Eighty-nine percent of Americans favor requiring a background check on all sales at gun shows. A similar percentage, 89 percent, favors requiring child safety locks be sold with all handguns.

Unfortunately, the gun lobby and its allies in Congress are trying to hide behind a claim there is inaction in enforcement, arguing that we need tougher enforcement, not new gun laws.

We agree, we need good, strong enforcement of our gun laws. We need additional resources devoted to this task. That is why we support the President's request for substantial new resources for gun law enforcement, including 1,000 new prosecutors, 500 new ATF agents and inspectors, an expansion of the Project Exile program to toughen sentences for gun crimes, and new ballistics testing procedures. We need all these things.

But the gun lobby presents us with a false choice between tougher enforcement or more legislation. The American people know we need both. You cannot enforce a loophole. We need legislation to close these loopholes so our

authorities can truly and effectively and efficiently enforce the law.

The gun show loophole is just one example. When one-quarter or more of dealers at gun shows are unlicensed and therefore are not subject to the Brady background checks—they do not have to check the background of the purchaser—it does not take a genius to figure out, if a prohibited person seeks to purchase a weapon, where they will go. They will go right to those unlicensed dealers at the gun shows.

Under current law, someone who is a felon, someone who is prohibited from purchasing a firearm under the Brady law, and other laws, could go to an unlicensed dealer at a gun show and purchase as many weapons as he or she wanted without any type of background check, and they would not be effectively screened for the acquisition of a firearm.

Senator LAUTENBERG has many times on this floor pointed to Robyn Anderson—the woman who went to a Colorado gun show with Dylan Klebold and Eric Harris to help them buy 3 of the guns they used to kill 13 people at Columbine High School—who has said that the process was much too easy. In fact, it is reported that Harris and Klebold repeatedly asked dealers at the gun show if they were licensed or unlicensed, eventually finding a private seller, an unlicensed seller, in order to avoid paperwork and background checks.

What could be clearer? What could be more compelling for the need to close this loophole than the demonstration that these two young men were clever enough—and, frankly, the law is so wide open, you do not have to be that clever—to find a way to purchase weapons when they were supposed to be prevented from doing it? And they did.

Robyn Anderson later testified before the Colorado legislature, saying:

> It was too easy. I wish it had been more difficult. I wouldn't have helped them buy the guns if I had faced a background check.

We need to move promptly and swiftly to pass the Lautenberg amendment which was included in the juvenile justice bill to close this loophole and give our authorities the leverage they need to truly enforce the laws. The time has come for action. We have waited for an entire year. That wait is unforgivable. The memories of those students and what happened there linger. We should have done something much sooner than this. But we have a chance.

What is even worse is that Congress is about to go into a recess at the end of this week. So when all of those grieving families in Colorado and across the country come together on April 20 to ask, ''What have we done,'' not only will we say ''nothing,'' but we will be far from the center of Washington where we should have done something. We can pass this legislation.

What kind of message does that send, not only to the people of Columbine but the families of thousands and thousands of people who die each year? Over half of them are not killed in some type of confrontation; over half of them are killed by accidents and suicides.

We have to do something. We can do something. If we had safety locks on weapons, that could help, or we could think about, as some States do, having a waiting period. We used to have a waiting period with the Brady bill, but, again, to get that legislation through the Congress, we had to—as soon as the instant check system was put into place—abandon the waiting period.

There is more we can do.

Finally, I thank those Republican and Democratic Senators who joined last week to pass the Reed amendment, to send a strong signal to the leadership that we have to do something—words are insufficient—to express truly what we should express with respect to the tragedy at Columbine.

We need action. We need legislation. We need laws that will give our enforcement authorities the tools to do the job and do it well. Although the time is dwindling away, I hope we can move quickly so that on April 20 we will not only commemorate a tragedy but celebrate the passage of legislation that will help prevent, I hope, future tragedies.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from Alaska is recognized for up to 75 minutes.

Mr. MURKOWSKI. I thank the Chair and wish the occupant of the Chair a good day.

THE FEDERAL FUELS TAX HOLIDAY OF THE YEAR 2000

Mr. MURKOWSKI. Mr. President, we have started our debate, and later this afternoon we will have a vote on the disposition of the waiver of the gas tax.

Upon arriving on the floor, I had the opportunity to hear the remarks of the Senator from California relative to an issue we have discussed on previous occasions; that is, the export of petroleum, energy products. I think the generalization was that she was concerned with the export from the State of Alaska of some 60,000 barrels a day of oil product.

As I have explained on this floor before, the export of our oil product, which is surplus to the west coast, has been carried on by one company that had that access, British Petroleum. British Petroleum has since acquired the non-Alaska segment of ARCO, which includes a number of refineries. BP did not have refineries on the west coast. I have introduced a letter in the RECORD from BP indicating they will curtail exports of Alaskan oil at the end of this month. I also have a letter from Phillips, which has acquired ARCO Alaska, and it is not their intent to export Alaskan oil.

I hope that addresses and resolves the issue and satisfies the concerns of those who continually bring this up in spite of my explanation.

But I will also submit for the RECORD the list of exports of petroleum products by States of exit for the current month. I note that Alaska is listed on this list at 3.9 million barrels a day; that California, the State of which my friend was speaking, shows exports of 6.2 million barrels a day of energy products; that Texas, for example, has 14 million barrels a day of petroleum, energy products; that Louisiana has 4.4 million.

We are currently exporting about 37 million barrels of energy products. This is a combination of jet fuel, motor gas, crude oil, and so forth. But it simply points out a reality that I think the RECORD should note.

Mr. President, this afternoon the Senate is going to have a chance to vote on whether we can quickly give the American motorists some relief from spiraling gasoline costs. I urge my colleagues to objectively evaluate the responsibility they have in representing the American people on this issue and whether the American people clearly want relief.

The 4.3-cent-per-gallon tax, that was adopted in 1993 after Vice President AL GORE cast the deciding tie-breaking vote, raised the gas tax by 30 percent. It is interesting to go back and look at the issue. I know some of my colleagues will come to the floor because they think it is a mistake to establish a precedent wherein general revenues are used to finance highway construction. Ordinarily I would agree with them, but not in this case.

As the record will show, in 1993, when this was passed, the revenue went to fund the general fund. That is the budget. That is the expenditures of the administration as they see fit. There was a substantial revenue stream that went into the general fund of about $21 billion. That is what was collected in that timeframe between 1993 and 1997, when the Republican majority changed the formula and directed that the 4.3 cent a gallon be put into the highway trust fund. That is a little background to keep in mind, as we address the appropriateness of supporting or rejecting the Federal Fuels Tax Holiday Act, which is before us.

The point I make again is that the administration had the benefit of $21 billion of expenditures from the revenue generated from 1993 until 1997, when the Republican majority changed the funding mechanism and put it in the highway trust fund. I also remind my colleagues that the Vice President broke the tie back in 1993 when the 4.3-cent-a-gallon tax was initiated. I think the Vice President has to bear the responsibility of defending his position on the Gore tax, as it has been fondly referred to by those of us on the Republican side of the aisle.

I find it curious to reflect that not a single penny of that tax was dedicated to highway or bridge construction. All the money was earmarked for the administration's spending.

I think we have an obligation to hear from the American public. What do

they think? This is a Gallup poll, March 30 through April 2. It asked the question: Would you favor or oppose a temporary reduction in the Federal gas tax by 4.3 cents per gallon as a way of dealing with the increased price of oil? Notice, it does not ask about the highway trust fund. It does not ask whether we will reimburse the highway trust fund. It is quite specific: Would you favor or oppose a temporary reduction in the Federal gas tax of 4.3 cents per gallon as a way of dealing with the increased price of oil?

In response to this poll, 74 percent of the respondents favor a temporary reduction; those in opposition, 23 percent. I think this is a fair sample of the attitude of the American public with regard to this issue. Seventy-four percent favor the temporary reduction. I encourage my colleagues, as well as the staffs, observing the debate today, to recognize this. I remind all Members of the Gallup poll, March 30 to April 2, 74 percent of the respondents favor a temporary reduction. I think that is significant and represents, certainly, the attitude of a significant portion of the American public.

I think it is appropriate that we make it clear it is the intention, the commitment of those of us who happen to favor providing the American public with relief that we ensure there is no sacrifice made in the highway trust fund program. In addition, our legislative guarantees that if the failed Clinton-Gore energy policy results in the price of gasoline rising above $2 a gallon—that is for regular—all fuel taxes will be lifted until the end of the year.

Let me make sure everybody understands. We are proposing to waive the 4.3 immediately, suspending it for the balance of this year, with the proviso that the highway trust fund will be totally funded. I emphasize, there is no free lunch. It has to come from the budget surplus. I would like to see it come from savings on wasteful Government spending. But it will provide immediate relief, and it will not jeopardize the highway trust fund.

In addition, the legislation guarantees that if the failed Clinton-Gore energy policy results in the price of gasoline rising above $2 a gallon for the average price of fuel—that is regular self serve—all fuel taxes will be lifted until the end of the year.

Isn't this the kind of a safety net the American consumer needs, like the mom who goes down to fill up the Suburban at $1.80 a gallon? That shoots a pretty good hole in a $100 bill for that 40-gallon gas tank. What about the guy who gets up at 4 o'clock in the morning to drive into Washington, DC, to work as a carpenter. He drives 50 or 60 miles in the morning, the same in the evening. Is he looking for some relief? You bet he is.

This is real relief. It appropriately puts the responsibility back where it belongs—on the administration—to ensure us that their projections stand the test of time.

If you look at their projections, they are pretty weak. The statements by the Secretary of Energy were pretty weak as far as predicting the price. I note that on the CBS ''Early Show'' of March 29, the Secretary indicated, when asked by Jane Clayson about the price:

> . . . gasoline prices will gradually and steadily decline, possibly, according to the Energy Information Administration, my department, as much as 11 cents by the end of September. . . .

What are we going to do on Memorial Day? What are we going to do on the Fourth of July? They are hedging. This administration knows it is in trouble on this issue because it does not have an energy policy and is simply saying, ''Well, it is going to go down a little bit, maybe by the end of September.''

Further questioning by the interviewer Jane Clayson:

> So the bottom line, how much can we expect to see a drop at the pump?

Secretary Richardson replied:

> Well, bottom line—I'm just quoting our investigators and other official people—they are saying 11 cents by the end of the summer, possibly over 15, 16, 17 by the end of this year.

That is their answer, not very encouraging.

Let's get a little more current. If my colleagues have any doubt that prices are not going to come down very much, all they have to do is read today's New York Times. The headline story is: ''Oil Prices Fall Nearly Enough For OPEC''—to do what—''to cut production.''

Imagine that: We are seeing a decline, and they are talking about cutting production.

I quote:

> Less than two weeks after OPEC agreed to increase production to bring down the cost of oil, prices have fallen abruptly and are near the level at which the cartel had agreed it would then cut back its output. Ali Rodriguez, President of the Organization of Petroleum Export Countries, said today that it the price of the organization's benchmark basket of crude oil remained below $22 a barrel, the 1.5 million a day agreed to last month would be cut back by one third.

There is the leverage. They are calling the shots. We are not calling the shots.

I find it extraordinary that as this administration looks at the energy crisis, we would simply look to the Mideast for relief by increasing imports.

I ask unanimous consent that the article from the New York Times be printed in the RECORD.

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

[From the New York Times, Apr. 11, 2000]

OIL PRICE FALLS NEARLY ENOUGH FOR OPEC TO CUT PRODUCTION

CARACAS, Venezuela, April 10 (Bloomberg News)—Less than two weeks after OPEC agreed to increase production to bring down the cost of oil, prices have fallen abruptly and are near the level at which the cartel had agreed it would then cut back its output.

Ali Rodriguez, president of the Organization of Petroleum Exporting Countries, said today that if the price of the organization's benchmark basket of crude oil remained below $22 a barrel, the 1.5 million barrel-a-day increase that the organization agreed to last month would be cut back by one third. OPEC was expected to announce that the basket price dipped below $22 today, falling from a five-month low of $22.14 on Friday.

The price ''may fall a little further,'' Mr. Rodriguez said in a television interview. ''But OPEC has already established a corrective mechanism, and if prices fall below $22 a barrel for 20 consecutive days we'll immediately cut back production.''

Mr. Rodriguez, who is also the energy minister of Venezuela, said the traditional slump in demand for oil during the spring also could make the cutback likely. The German news agency Deutsche Presse-Agentur reported today that Saudi Arabia, OPEC's largest producer, would endorse the cuts if prices slipped further.

Oil prices have plunged about 30 percent since last month, when they reached nine-year highs. After a meeting March 29 in Vienna of the 11-member organization, 9 OPEC members agreed to raise oil output quotas by about 1.5 million barrels a day and keep prices within a range of $22 to $28.

Crude oil plunged 4.8 percent to a three-month low of $23.85 on the New York Mercantile Exchange today. OPEC's basket has been trading $2 to $3 cheaper than New York oil.

Mr. Rodriguez said he had the authority as OPEC president to order small adjustments before the group's next meeting in June.

''If the price falls I can communicate to each country how much it must cut back,'' he said.

Iran, OPEC's second-largest producer, refused to join the agreement to increase production, saying the move would lead to a price rout. Iraq, another member that does not participate in the cuts, also said new production would hurt prices.

Mr. Rodriguez said he still expected demand for oil to surge this year, perhaps prompting OPEC to approve further increases in output in June or later.

Mr. MURKOWSKI. Mr. President, if OPEC decides to cut back its increased production by one-third, then where are we? We are right back where we were before OPEC made the decision to raise production.

Think about that—full circle.

I spoke before the ocean industries this morning and expressed my concern. The Secretary of Energy, the Honorable Bill Richardson, spoke before me. I don't think he was able to convey much of a feeling of assurance that, indeed, we had this issue of an energy crisis under control.

If OPEC makes the decision to raise production, I think we have to go back and examine the deal the Secretary made with OPEC. That is rather interesting. I think we need to because OPEC never really increased their production by 1.5 or 1.7 million barrels. If you factor in the reality that OPEC was cheating, what really happened on or before March 27 was OPEC's actual increase of production was a bare 500,000 barrels a day. That is what we really got.

The rationale for that is the recognition, if you read the agreement, that they acknowledge they were posting in the cartel a production of 23 million barrels a day. They were cheating and

put out 24.2 million barrels a day. When the administration announced that it was going to get an additional 1.7 million barrels a day, they didn't take into account the reality that they were already cheating by 1.2 million barrels a day. If you subtract 1.2 from 1.7, you get 500,000 barrels a day. That is actually what we got.

In that case, we are right back where we started before OPEC met.

Do not be misled, my colleagues. All of that doesn't go to the United States. There are other customers of OPEC. We traditionally get 16 percent of our crude oil from OPEC. By the time you look at the allotments of the other countries, it is estimated that out of 500,000 barrels, the U.S. gets somewhere in the area of 75,000 to 88,000 barrels.

Furthermore, if you look at what we consume in the general metropolitan area of Washington, DC, and its extensions, it is about 121,000 barrels a day.

We haven't gotten anything. We are almost assured that we will see higher gasoline prices this summer.

For that reason alone, I believe we should give relief now to the American motorists by rolling back the Gore gas tax.

Yesterday, I indicated that 74 percent of the American people think that the 4.3 cents per gallon should be temporarily lifted.

I ask unanimous consent to have printed in the RECORD the Gallup Poll of March 30 to April 3 which indicated that 74 percent favor a temporary reduction of the Federal gas tax of 4.3 cents per gallon as a way of dealing with the increased price of oil, and 23 percent oppose that.

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

Would you favor or oppose a temporary reduction in the federal gas tax by 4.3 cents per gallon as a way of dealing with the increased price of oil?

	Percent
Favor	74
Oppose	23

Source: Gallup, Mar. 30–Apr. 2.

Mr. MURKOWSKI. Mr. President, it is not just the American motorists who want to see gas taxes come down. There are business organizations, especially small businesses, that have been hit hard by the fuel price jump. Their businesses are being devastated.

I have a letter of support from the National Federation of Independent Businesses which represents more than 600,000 small businesses in America. In their letter, they cite the fuel price hike and what it has meant to an average small business.

I quote:

For a small company that consumes 50,000 gallons of diesel fuel in a month, the increase it prices in the past year will cost that company an additional $40,000 per month. If fuel prices remain high, these costs could eventually be passed on to consumers in the form of higher prices for many goods and services. A 4.3 cent reduction in the cost of fuel would save the company more than $2,000 per month.

The Independent Truckers Association also sent a letter of its support to our legislation.

I ask unanimous consent that be printed in the RECORD along with the letter from the National Federation of Independent Businesses.

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

NFIB,
Washington, DC, March 29, 2000.

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

DEAR LEADER: On behalf of the 600,000 members of the National Federation of Independent Business (NFIB), I want to express our support for Senate Bill 2285 which would temporarily repeal the 4.3 cent excise tax on fuel, provide additional tax relief should the cost of fuel continue to rise, and protect funding levels in the Highway Trust Fund. NFIB urges members to support its adoption.

Gas prices have been soaring. According to the U.S. Department of Energy, gas prices, which have increased by as much as 50 percent in the past year, are likely to continue to rise into the summer, if not beyond.

These high fuel prices are hitting many Americans, especially small businesses, extremely hard. For a small company that consumes 50,000 gallons of diesel fuel in a month, the increase in prices in the past year will cost that company an additional $40,000 per month. If fuel prices remain high these costs could eventually be passed on to consumers in the form of higher prices for many goods and services. A 4.3 cent reduction in the cost of fuel would save the company more than $2,000 per month.

Your bill goes along way towards providing America's small business owners valuable relief from rising fuel costs. We applaud your proactive efforts to reduce this tax burden on small business while at the same time providing a hold harmless provision for the Highway Trust Fund. This will guarantee that full funding will continue to flow to states and local communities for planned infrastructure projects.

Mr. Leader, thank you for your continued support of small businesses. We look forward to working with you to enact S. 2285 into law.

Sincerely,

DAN DANNER,
Sr. Vice President,
Federal Public Policy.

INDEPENDENT TRUCKERS ASSOCIATION,
Half Moon Bay, CA, April 4, 2000.

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

DEAR SENATOR LOTT: The Independent Truckers Association—the oldest association of the nation's long-haul independent truckers and small fleet owners—endorses wholeheartedly the swift passage of S. 2285, the Federal Fuels Tax Holiday Act of 2000.

This measure would temporarily repeal the 4.3 cents excise tax on fuels and protect funding levels in the highway Trust Fund. We see this as an important first step to help ensure that prices for consumer goods shipped to market will remain stable.

It's important to recognize that truckers—not just the independents and small fleets, but the whole industry—work on a very small profit margin. So, the recent increase of oil prices by OPEC, along with the failed energy policy of the Clinton-Gore Administration, strikes deep into the heart and wallet of America's truckers. Enacting S. 2285 today will help those injured by excessive oil and fuel prices, and help keep the economy rolling along.

Senator Lott, thank you for your support of America's independent truckers. We look forward to working with you to enact S. 2285 into law.

Very Sincerely,

MIKE PARKHURST,
National Chairman.

Mr. MURKOWSKI. Mr. President, I quote from this letter. It says:

It is important to recognize that truckers, not just the independents and small fleets, but the whole industry, work on a very small profit margin. So the recent increase in oil prices by OPEC, along with the failed energy policies of the Clinton/Gore administration, strikes deep in the heart and wallet of American truckers. Enacting Senate bill 2285, the Federal Fuels Tax Holiday Act, today will help those injured by excessive oil and fuel prices and will help keep the economy rolling along.

I also have a letter of support from the National Food Processors Association.

I ask unanimous consent that this letter also be printed in the RECORD.

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

NFPA,
Washington, DC, April 3, 2000.

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

DEAR SENATOR LOTT: On behalf of the National Food Processors Association (NFPA), the nation's largest food trade association, I am writing to urge that Congress take action to address rapidly rising fuel prices. From the food industry's perspective, the effects of higher energy prices are about to move from the gas pump to the grocery store, threatening to put a serious crimp in the incomes of America's working families.

You no doubt have heard from the transportation sector about the serious effect of the 50-plus percent fuel price increase since the first of the year. America's agribusiness industry relies heavily on trucks and the rails to transport food from the farm to processor and on to kitchen tables all across the United States. Additionally, the nation's food processors—an industry employing more than 1.5 million workers in some 20,000 facilities across the country—consume no small measure of energy to make available the tasty and nutritious foods that consumers enjoy. Given the intense competition and very small profit margins, under which most food manufacturers operate, they are in no position to absorb these dramatic increases in energy prices.

I believe the absence of an effective national energy policy is largely responsible for this budding crisis. However, there are tools available now to help address this problem, at least for the short term. First, portions of the Strategic Petroleum Reserve could be released, helping reduce prices by increasing, temporarily, the supply of fuel. Second, I encourage Congress to enact at least a temporary suspension of the most recent 4.3-cent gasoline tax increase, which was adopted in 1993 for the purpose of deficit reduction. NFPA also has urged President Clinton to support such actions.

Leadership by Congress is needed to address this serious issue. I hope that the U.S. Senate will work with the President to take action promptly to ease the strain of rapidly increasing fuel costs.

Sincerely,

JOHN R. CADY.

Mr. MURKOWSKI. Mr. President, many Americans accepted the gas tax

increase because they believed that the money would go to rebuilding and expanding the Nation's highway infrastructure. Today, that is exactly how the money is used. But, again, since the 4.3-cent-per-gallon tax was adopted in 1993, not a single penny of that went into, as I said, building a highway or repairing a bridge. When the tax was adopted, it was not earmarked for the highway trust fund. It was instead collected from the motorists, transferred to the Treasury Department, and then spent for whatever programs the Clinton administration wanted. But those programs did not include added highway construction.

That changed when Republicans took control of Congress and enacted the 1997 highway bill. Only then did these fuel tax revenues become earmarked for highways, bridges, and mass transit.

I know some are concerned legitimately that if we spend these taxes for the remainder of this year, the highway trust fund, which finances roads, bridges, and mass transit, could be in danger. That is a legitimate concern. I am sure it is going to be a concern in the debate that is forthcoming. But I would like to try at least to put those fears to rest.

Our legislation is quite specific. If you do not believe that we can pass a bill that ensures something, then the argument is moot. But this legislation ensures that the highway trust fund will not lose a single penny during tax holiday. We require that all moneys that would have anything to do with the fund had the taxes not been suspended be replaced by other Federal revenues.

That isn't a free lunch. That is going to be difficult to do. But if this legislation passes, that is what is going to happen. We are going to have to find the money. I hope it will come from on-budget surplus. I would rather see it coming from reducing wasteful Federal programs.

Remember. The consumer can't pass it on. He or she can't pass on this increased price to anybody. They are stuck with it. The truckers that came to Washington can't pass it on. If you look at your airline ticket, it is passed on. Nobody can figure out the cost of an airline ticket. If you fly on a Monday or a Tuesday night, it is all different. The fishermen, the farmers—we don't really look at the impact on our economy. The farmer, for example, is dependent on fertilizer. Where does fertilizer come from? It comes from urea. Urea is made out of gas—all petroleum products. We have a multiplier here.

We have the difficulty of recognizing that we have become beholden to the Mideast for the sources.

I can assure the American motorists that highway construction projects this year and next year will be unaffected by the tax holiday that we are proposing in this legislation. When the trust fund is fully restored, all the projects scheduled for beyond 2002 will be completed. That is in the legislation.

The question before the Senate today is simple. Do Senators want to give the American motorists a break at the gas pump when gas prices are high?

Again, I refer to the Gallop Poll. Seventy-four percent of Americans say yes; 25 percent of Americans say no.

I think we should adopt this temporary tax holiday and invoke cloture on the bill.

The rationale is we are giving the American people a choice. We are the elected representatives. Aren't we? What is the priority? Is there a priority to have a choice and a reduction knowing that the highway trust fund is not going to be jeopardized because we are going to have to make it whole?

I would like to show you a couple more things before I conclude.

This is a picture of the hard, stark reality of where we are today and where we are going. Make no mistake about it. It is a very bleak picture. But it is very real because it shows the world oil balance for the year 2000. It shows where we are currently as we enter the second quarter of the year.

We have global demand at 76.8 million barrels a day and global supply at 74. We have the sources of our crude oil, where it comes from in the world, the non-OPEC, Iraqi production, OPEC 10 nations. The point is, in this country today, at the end of the first quarter, we are using reserves. The world is using up its reserves. In other words, the demand is greater than supply, so the world is drawing down about 2 million barrels of its reserve.

The projection in the second quarter is interesting. It shows a surplus of 200,000 barrels. The third quarter again draws down reserves of 1.3 million barrels a day. The fourth quarter is worse—2.7 million barrels a day.

That is the harsh reality. If things are going to get better, we will have to import more from OPEC or other nations such as Iraq.

I conclude with a reminder many people have forgotten relative to the administration's attitude of how we will get relief in this country as we look at various areas of domestic production. One of the most telling is to recognize that currently a significant portion of our activity is coming from the Gulf of Mexico. At the present time, OCS activity is primarily coming off Louisiana, Texas, Mississippi, and Alabama, producing 30 percent of our natural gas and 22 percent our crude oil. That is the OCS. That is in the Gulf of Mexico.

I cannot help but note an article on October 23, 1999, from the Metropolitan edition of the Capitol City Press State Times, Morning Advocate, Baton Rouge, LA. Vice President GORE says he will be more antidrilling than any other President. It is significant because it represents the attitude, I think, of this administration and certainly the Vice President as he seeks the Presidency.

I will take the most sweeping steps in our history to protect our oceans and coastal waters from offshore oil drilling.

I will make sure that there is no new oil leasing off the coast of California and Florida and then I will go much further, I will do everything in my power to make sure there is no new drilling off these sensitive areas even in areas already leased by previous administrations.

That is the Vice President saying, if elected President, he in effect would cancel leases leased by previous administrations.

It is ironic our Secretary of Energy takes credit for deep-water royalty relief. I worked with Senator Bennett Johnston on that legislation. We got it passed. He takes some credit for it although it didn't pass on his watch. Now the Vice President of the United States wants to undo it. I find that ironic.

The last point of irony is we are looking to receive our oil from Iraq. I have a chart showing our increased dependence and what the oil fields look like. It is germane to this debate. Our fastest growing source of imports is Iraq. Many people forget we had a war over there in 1991. We lost 147 American lives in that conflict. We had over 500,000 troops over there. We were over there to make sure Saddam Hussein did not take over the oil fields of Kuwait. That is the harsh fact. Iraq and Saddam Hussein had visions of going into Kuwait, taking over the oil fields, and moving on to Saudi Arabia. That was a war over oil. We fought that battle.

This chart demonstrates where we are today. I am outraged. Last year, we imported 300,000 barrels a day from Iraq; we are currently importing 700,000 barrels a day. That is where we are.

In addition to the loss of lives and the fact we had nearly 400 wounded and 23 taken prisoner, what has it cost the American taxpayer? The American taxpayer has been hit for over $10 billion in costs in keeping Saddam Hussein fenced in. Imagine that, $10 billion.

How many remember what happened when Saddam Hussein was defeated? That is what happened. Take a good look. It shows the burning oil fields of Kuwait he left behind. The fires are raging, and there are Americans trying to cap the wells and get this environmental disaster under control. That is the kind of person we are dealing with. We are looking to them to bail this country out from the standpoint of increasing our imports? This is the policy of this administration?

One other thing on which I cannot help but comment. I think it is so ironic, this war is still going on. It is not reported in the Washington press. I don't know if the folks back home know it. An article from March 29, Wednesday, the International News Service, says:

U.S. Jets Bomb Iraqi Defense System.

U.S. warplanes bombed Iraq air-defense system Wednesday in response to Iraqi artillery fired during their patrol.

There is a little more detail in the French newspaper, Agence France Presse, press reports from April 9:

U.S. war planes bombed northern Iraq Sunday after coming under Iraqi fire during routine patrols over the northern no-fly zone, the U.S. military said. The aircraft dropped ''ordnance on elements of the Iraqi integrated air defense system'' after Iraqi air forces fired anti-artillery northwest of Musul and west of Bashiqah, the U.S. European command base in Stuttgart, Germany, said.

Baghdad said on Thursday that 14 Iraqis were killed and 19 wounded when U.S. and British planes bombed the south of the country, in what was described as the deadliest raid since the beginning of the year.

A total of 176 people have been killed in Iraq in US-British bombings since December 1998.

Still not much notice. That is a French translation.

Here is a Russian translation on the Interfax Russian News, April 10:

Moscow Worried Over U.S., Britain Bombing Southern Iraq.

The foreign ministry has voiced concern over U.S. bombings of southern Iraq.

Baghdad made public its data about the victims of the latest raid, 14 people killed and 19 wounded.

How in the world can we justify being at war with Saddam Hussein, increasing our dependence to 700,000 barrels a day, lifting our export ban to give him the technology, which we did 2 weeks ago, to increase his production for his refining capacity even more, and be at war with him?

I don't understand this. I think it is outrageous. We have lost 147 lives in the Persian Gulf war. We are really taking his oil, putting it into our airplanes, and going over and bombing. Think about that.

Is that the kind of policy we have on energy? Do the American people know what has happened? Do they care? It is unbelievable to me, as we address this issue before us. You might say it is a gas tax. It is the whole issue of lack of an energy policy. We do not have an energy policy for coal. The same clean coal technology supported by this administration—we have seen that. We do not have a nuclear policy. The administration will not address the contractual commitment it made in 1998 to take nuclear waste, although the ratepayers paid the administration $15 billion. That is going to be a legal case of $40 billion to $50 billion when the lawyers are through suing each other. They want to take down the hydrodams. The replacement for that, obviously, is going to put more trucks on the highway in Oregon and Washington if they remove the dams, because so much of the traffic in grains and other produce are moved by barge.

Some say gas is the answer, just plug it in. The National Petroleum Council says we are using 21 trillion cubic feet of gas now, and in next 10 years we will be up to 31 trillion. The infrastructure is not there. It is going to take $1.5 trillion to put in that infrastructure. So don't think gas is going to be cheap. And this administration removed 65 percent of the public lands in the overthrust belt, which obviously means there is less area for exploration.

So the crunch is coming. I think this administration hopes they will get out of town before this becomes a big political issue in the campaign. But I think it is going to be a big political issue in the campaign.

I see many of my colleagues wishing to speak. I again encourage everybody to recognize the attitude of the American people as expressed by this Gallup Poll, which says 74 percent favor elimination of the tax—opposed 23. I had printed the letters of the Independent Truckers Association supporting this, and the NFPA as well, the National Food Processors Association, and the National Federation of Independent Business. We are not talking about jeopardizing the highway trust fund; we are talking about making it whole. We are talking about giving the American people a choice, whether this is a priority for them as represented through their elected representatives—which we are—whether they want relief. It gives us a safety net for the public out there; most of all, a safety net to keep this administration's feet to the fire to ensure that gasoline prices for regular do not go over $2 a gallon, because if they do, then the entire 18.4 cents federal gas tax goes off, it is suspended for the remainder of this year.

I think it is a fair trade. I think it is a reasonable compromise. I encourage my colleagues to support the effort and not be misled by the argument that this is going to jeopardize the highway trust fund. It cannot. We have to live by the commitment, if we pass this legislation, to find the money someplace else—out of the surplus, out of reducing wasteful spending, or whatever. That is actually in the legislation.

The PRESIDING OFFICER (Mr. ENZI). The Senator from Florida.

Mr. GRAHAM. Mr. President, I ask unanimous consent that after my colleague, the Senator from Texas, completes her remarks, if I can have 10 minutes for purposes of introduction of legislation?

Mr. WARNER. Mr. President, reserving the right to object—I shall not object—our distinguished colleague from West Virginia is controlling the time on the gas tax. I would like to have 8 minutes in opposition to the gas tax. I know our distinguished colleague from Ohio has been here for some time. He should be accorded precedence over this Senator at least.

I wonder if we could have some order so Senators can be convenienced. Then certainly we can put in this matter. I seek, from our distinguished colleague, how would he suggest we go about this?

The PRESIDING OFFICER. Under the previous order, there is reserved time. Senator MURKOWSKI has approximately 37 minutes remaining and the Democratic side has approximately 35 minutes remaining. To utilize the time under the previously existing unanimous consent agreement, we would——

Mr. WARNER. If I may interject, it is not necessarily the Democratic side because there is strong bipartisan support, am I not correct, I ask Senator BYRD?

Mr. BYRD. The Senator is correct.

The PRESIDING OFFICER. The time under the control of the Democratic side——

Mr. WARNER. It is under the control of Senator BYRD.

The PRESIDING OFFICER. The Senator can yield to anyone he so chooses. Is there objection to the unanimous consent request?

Mr. BYRD. Reserving the right to object to that consent for a moment, Mr. VOINOVICH has been waiting here for quite some time. I believe he should be recognized next. Then, ordinarily, when we have controlled time like this, we might go to this side. If that is the case, I will yield for 8 minutes to the Senator from Virginia.

Mr. WARNER. I thank the Senator.

Mr. MURKOWSKI. I concur with the suggestion by my good friend from West Virginia. I am conducting a hearing on electric deregulation. I am going to turn the remaining time on this side over to my good friend from Texas to yield to those in support of the gas tax holiday.

Mr. WARNER. Mr. President, could we have the Senator from Maine, who has been waiting, and the Senator from Texas, enter the colloquy on timing? Again, they have been here for some time.

Mr. MURKOWSKI. If I may, I assume the proponents and opponents control the time. We have other speakers who are coming to speak in support of the holiday. The Senator from Texas supports the holiday. I do not know the disposition of the other Republican Members.

Ms. COLLINS. Mr. President, reserving the right to object, I had requested time to introduce a bill. I do not, however, want to interrupt the debate on the gas tax. I suggest I go after the Senator from Florida, who I understand is also going to be introducing a bill, so as not to interrupt the debate on the gas tax issue.

Mr. MURKOWSKI. I assume that will mean the 37 minutes, approximately, for each side, would be used. Then the other morning business would come up. Is that the wish of the other side?

Mr. BYRD. Mr. President, why don't we go in accordance with the times the Senators came to the floor and sat down and expected to be recognized? When I first came, Mr. VOINOVICH had been waiting and the Senator from Alaska was speaking. I was the next on the floor. I will be happy to yield 8 minutes to the Senator from Virginia.

Mr. WARNER. Mr. President, I will be happy if the Senator wishes to proceed and I can follow. Whatever the Senator from West Virginia wishes.

Mr. BYRD. What does the Senator from Texas have to say?

Mrs. HUTCHISON. I ask the Senator from West Virginia, what he is proposing now is for Senator VOINOVICH to go next, and that is under the Senator's time; is that correct?

Mr. BYRD. That is correct.

Mrs. HUTCHISON. Following that, I would be recognized on Senator MURKOWSKI's time. Following that, then

the Senator would have the ability to yield to the Senator from West Virginia, on your time again. And following that, then——

Mr. WARNER. I would like to speak on the gas issue in sequence after the Senator from West Virginia, if I may. We want to stay on the issue, I suggest, because we have a vote. Then we wish to accommodate other Senators.

Mr. MURKOWSKI. If I may, we have other speakers who want to speak on our side on the gas tax issue, so we can follow back and forth.

Mrs. HUTCHISON. If I can get an understanding, then it will be Senator VOINOVICH under Senator BYRD's time, then myself under Senator MURKOWSKI's time, then back to Senator BYRD—and Senator WARNER for however they are going to allocate their time under Senator BYRD's time allotment?

The PRESIDING OFFICER. That is my understanding.

Mr. BYRD. I always like to yield to the ladies. I was brought up the old-fashioned way. But the lady's proposal is going to automatically say she is going to be next after Mr. VOINOVICH. Is that the way she wants it done?

Mrs. HUTCHISON. It was my understanding we would go back and forth, according to the time allotments. Senator VOINOVICH is on the time of the Senator from West Virginia. I thought the sequence would be back to Senator MURKOWSKI's side after that.

If that is not correct, I will be happy to yield whatever time Senator BYRD wants on his side, and then I will control Senator MURKOWSKI's time after Senator VOINOVICH, Senator BYRD, and Senator WARNER. Is that what the Senator from West Virginia is suggesting? It is fine, as long as I know at what point our side will be able to reclaim our time.

Mr. BYRD. Any way is fine. The Senator from Alaska had a lot of time. He spoke a long time. I sat here a long time. I was glad to listen to it. Mr. VOINOVICH was here before I came. He should have his time.

Mrs. HUTCHISON. If the Senator from West Virginia wants to take all three from his side in answer to Senator MURKOWSKI, I will be happy to do that. Then I will take my time after Senator VOINOVICH, Senator BYRD, and Senator WARNER. Is that to what the Senator from West Virginia was referring?

Mr. BYRD. Very well. I thank the Senator.

The PRESIDING OFFICER. The unanimous consent request we have before us came from the Senator from Florida, and he was not mentioned in any of this.

Mr. GRAHAM. If I may modify the request, I am in the category with the Senator from Maine. We have topics we wish to discuss other than the gasoline tax. We appreciate that debate should be completed. We just want to have an order that, after the gasoline tax debate, we may introduce our legislation. We want to be included in the unanimous consent request.

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

Will somebody restate the unanimous consent request, please, so we have an understanding by everybody? Will the Senator from Texas restate the unanimous consent request?

Mrs. HUTCHISON. Mr. President, I will make an attempt. I ask unanimous consent that Senator BYRD be recognized on his time to allocate, as he sees fit, time to Senator VOINOVICH, himself, and Senator WARNER, after which I will be recognized to take control of Senator MURKOWSKI's 37 minutes, after which the Senator from Florida will be recognized for his introduction of legislation.

The PRESIDING OFFICER. Is there objection?

Mrs. HUTCHISON. Mr. President, I apologize. I did not know the Senator from Maine—I made a huge mistake. I amend my unanimous consent request to suggest that Senator COLLINS follow the Senator from Florida.

The PRESIDING OFFICER. Is there objection to the request?

Without objection, it is so ordered.

The Chair recognizes the Senator from Ohio.

GAS TAX

Mr. VOINOVICH. I thank the Chair. Mr. President, I thank Senator BYRD for yielding time.

I speak against the repeal of the 4.3-cent-a-gallon gas tax for the third time on the floor of the Senate. Although I disagree with my colleague from Alaska in regard to this matter, I do agree this debate has given us an opportunity to identify the real problem of why we have high gas prices in this country, and that is, we lack an energy policy. Our reliance on foreign oil could increase to 65 percent or more by the year 2020.

As a matter of fact, a couple of weeks ago in the Committee on Governmental Affairs, we had a representative from the Energy Department appear before the committee and I asked him: Just how reliant should we be on foreign oil? What is the number? He was unable to give a number.

I mentioned that, as a former Governor, if I had a problem, I would identify what the goal was to solve that problem and put in place strategies to achieve that goal. The fact is, we are here today because we have no energy policy in this country. That is the main issue.

The other issue is whether or not reducing the gas tax by 4.3 cents a gallon is going to make any real difference. I argue it may not bring down the price of gas at the pump. In some States, if the gas tax is reduced, their State laws provide that the state gas tax is increased to make up for the loss of the Federal gas tax. I point out that in terms of the traveling public, the motoring public, getting rid of the 4.3 cent gas tax is only going to save about $43 a year.

This is one of the factors which I think adds to the cynicism of the American public in regard to some of the things we do in the Senate. We argue this is going to make a difference, and then the people realize all we are talking about over a year's period, if they drive 15,000 miles a year, at 15 miles-per-gallon is about $43.

I have been involved in this matter as a Governor and as the former chairman of the National Governors' Association. The Governors were opposed to the 4.3-cent-a-gallon gas tax in 1993 because it was used for deficit reduction and we thought it should be used for building highways.

In 1998, when TEA–21 was negotiated, everyone agreed to put that 4.3 cents a gallon into the highway trust fund so we can use it for new construction of highways and to maintain and repair highways. It also guaranteed to many of the donor States—that is, a State that sends more money to Washington than they get back, like Ohio—that they will get at least 90.5 cents per dollar back every year. It gave us a predictable, reliable source of revenue to get the job done. We thought we had resolved this issue once and for all.

Today we have the issue before us of reducing the gas tax by 4.3 cents a gallon. Someone said: Do not worry about it because we will make up the lost funding from the surplus. I argue, if I have listened carefully to my colleagues on the floor, there are lots of other good things that they want to do with our surplus. If one looks at it from an equity point of view, the tradition in this country is, the people who use the highways pay for them. We are saying reduce their tax and make it up by hitting everybody else in the country and taking it out of the general fund, which can be used for other things that would benefit the rest of America.

I cannot buy the argument: Do not worry about it, we will make it up from the surplus.

I also point out the National Governors' Association, the National League of Cities, the U.S. Conference of Mayors, the National Association of Counties, all the major State and local organizations are opposed to repealing the 4.3-cent-a-gallon gas tax.

I do not care what the polls say, the one organization I listen to in Ohio which represents the motoring public is the American Automobile Association. This is the premier organization representing the people who drive in this country.

One would think they would be for reducing the gas tax, wouldn't they? The fact is, they are opposed to it because they know that repair and maintenance of our highways and new construction are important to the motoring public, particularly to their safety. They also realize that this country, in so many areas, has turned into a gigantic parking lot, with gridlock, bottlenecks, and hours wasted in America on

the highways because our infrastructure is in such bad shape. Gasoline is being wasted sitting in these traffic jams, polluting the air, let alone the stress and strain on the drivers and their loss of time.

Today, the only good thing I can say about the fact we are debating this 4.3-cent-a-gallon gas tax reduction is the fact that it is bringing to the American people's attention that we do not have an energy policy.

As I have said over and over on this floor, gas prices are going to come down. They are going to come down because the administration is going to make sure they come down before the November election.

The real question is: Are we just going to treat it as we have in the past? Do my colleagues remember 1973 when we had the crisis and the prices went up? Are we just going to treat this like we treat a barking dog and say: Give it a bone, it'll stop barking and we will go back to doing things the way we've always done in this country? I hope not.

What we should resolve—Republicans and Democrats, Congress and the administration—is to put together a real energy policy for the United States of America before the end of this year so we can bring down our reliance on foreign oil, which is a threat not only to our nation's economy, but it is a threat to our national security.

So I urge my colleagues, please, today, on the cloture vote, please vote against cloture so that we can get on with other business. And part of that ''other business'' should be, let's put together a bipartisan energy policy.

I thank the Chair.

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

Mr. BYRD. Mr. President, I yield 8 minutes to my distinguished friend, the senior Senator from Virginia.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I first thank our distinguished Senator from Ohio. When I was chairman of the Subcommittee on Transportation, he was a Governor. He brought together those Governors. He laid the foundation with the National Governors' Association; indeed, a coalition of highway administrators all over the country. He deserves a great deal of credit for the work he did as we, in this body, worked on the legislation. We could not have done it without the help of those organizations. I am so glad the Senator paid proper respect to their services.

I thank our distinguished senior Senator from West Virginia. I have now been privileged to serve with him here in my 22nd year in the Senate. No matter whether he has been the majority leader or minority leader, as a leader in his party, he has always been there taking the lead, making the tough decisions, and pointing the way.

There is an old French saying about a politician one time saying: Tell me, which way is the crowd going so I can jump in front and lead? The senior Senator knows that quote better than I. That is not our senior Senator from West Virginia. He knows which way to lead and then, indeed, the Senate, most often, and the crowd, know which way to go.

Mr. BYRD. I thank the Senator.

Mr. WARNER. But I say to my colleague, there are two separate issues today. Let us divide them.

First is the energy policy of this administration. Our distinguished colleague from Alaska has addressed that issue. Yes, it is flawed. In the words of the Secretary of Energy, they were caught napping. As a consequence, we are suffering at the gas pump. We are suffering in our economy. We are suffering in many ways for these increased prices.

I have compassion and understanding for those people. I support what Senator MURKOWSKI will bring forth as separate legislation to try to once again restore America's preeminence in its ability to develop energy sources and get the rigs out from under the brier patch of laws and regulations where they once drilled oil and gas in this country but are now rusting in stacks.

The Presiding Officer comes from a State which is known for its energy production. He knows full well of that situation.

I do not like to be in opposition to the distinguished leaders of my party, the Republican Party, but I am strongly in opposition to this question of repealing this gas tax.

I will not go back into the history, but we addressed this in the course of TEA–21. We took the funds, the general revenue, and put them into the highway trust fund. That was a commitment to the American public of those dollars so desperately needed to repair and modernize our transportation system.

I think what underlines this debate is the word ''anger.'' Yes, there is anger at the pump. That is understandable. But there is also anger behind the wheel when Americans, driving their vehicles today—whether it is for work or for pleasure, or for whatever purpose—see this cancer of the transportation system slowly eating away at their lifestyle, devouring the time they need at the job, devouring the time they need with their families, devouring the time they need for what little pleasure life provides today in terms of the burdens and commitments on the American family.

So we have a choice: Anger at the pump; anger with the highways. I believe it is most important that the institution of the Senate show a continuity of commitment to the modernization of our highways, our rails, and other transportation modes to reduce the threat to our lifestyle. That is what it is all about.

If we were to repeal this gas tax—I project that the Senate will not, but if we were to repeal it, what Senator could get up and say, with certainty, that that tax reduction will be passed down to the consumer at the gas pump? I will carefully listen to the speeches. What Senator could make that irrefutable commitment to the American public?

The free enterprise system is fraught with uncertainty. I would be willing to—I am not a betting man—wager, though, that that money would not go into the pockets of the American consumers. That will bring about anger at the gas pump far greater than any that was witnessed thus far.

There is the question of the modernization of this highway transportation system and other modes of transportation. Hundreds of thousands of people are involved, from the Governor of a State, to their highway transportation authorities, to the legislatures of the various States. These people have made commitments, passed laws, adopted budgets on the reliability of the Congress to stand behind what they put into that legislation.

I repeat that. Stability in this program is essential because these modernization programs cannot be done overnight. They cannot either pour concrete or have the designers do their work overnight. There has to be a careful, methodical sequence of the steps. Literally hundreds of thousands of people are involved all over America. They sit and listen, astonished that we are about to take away one of the underpinnings of that program.

Those legislatures, in their next session—most of them have completed their sessions for this year—would say: Wait a minute. Before we commit so many State funds in reliance on what the Federal Government might do, let's wait and see. Is the Congress going to do something else to diminish the flow of funds?

We cannot have instability in the highway modernization program. That is fundamental, absolutely fundamental.

I conclude my remarks and hope the distinguished Senator from West Virginia will address the clause in the bill referred to on page 3, which says:

> Maintenance of trust fund deposits.—In determining the amounts to be appropriated to the Highway Trust Fund under section 9503 . . . an amount equal to the reduction in revenues to the Treasury by reason of this subsection shall be treated as taxes received . . .

I just say to my good friend from West Virginia, who has examined this legislation for so many years in this body, I think this is the first of its type. The distinguished Senator, the senior Democrat on the Appropriations Committee, understands the appropriations process. I find that this provision, No. 1, is unique. I don't know of many precedents that I have seen, if any at all. And second, the subject, again, of the uncertainty of taking it with one hand from the highway trust fund, by virtue of the elimination of the tax, then giving it back with the other hand in terms of some commitment, to me,

brings about uncertainty. I question how many Senators can rely on that.

I hope my distinguished colleague might look at that provision based on his many years of experience.

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

Mr. WARNER. I see my time is up. I see my colleague on his feet. I wonder if he might address that issue.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. I have not prepared remarks in that connection, but I will take a look at that and insert the matter in the RECORD, if I am able to make a contribution.

Mr. WARNER. I thank our distinguished colleague because he has spent these many years in the appropriations process; he has studied all the budget resolutions going back these many years.

I question what the precedent is, and the degree of uncertainty as to this body being able to deliver, and, I might say, the House of Representatives. It would take both bodies; would I not be correct?

Mr. BYRD. The Senator is correct.

Mr. WARNER. I thank the Senator and very much respect and appreciate the leadership he has given. I will work with him on this to the final vote.

Mr. BYRD. I thank my distinguished friend. I thank him for the excellent contribution he has made in this debate. I thank him for his support and cooperation with respect to the amendment we prepared a few days ago, which was voted on favorably by the Senate. I thank him for his leadership on the committee and in the Senate on this subject over the years. We have stood together shoulder to shoulder on previous occasions on this very subject matter, and I am glad to have him standing shoulder to shoulder today.

Mr. WARNER. I thank my colleague.

Mr. BYRD. Mr. President, how much time was taken in the colloquy earlier about who should go first?

The PRESIDING OFFICER. About 10 minutes.

Mr. BYRD. I wonder if we could restore that time, half to the other side and half to this side on the question. I ask unanimous consent.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. BYRD. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator now has 19 minutes.

Mr. BYRD. I thank the Chair. I also thank Mr. VOINOVICH for the fine statement he made. I thank him for his courage in taking the position he has today. It isn't easy for him, but I thank him for his solid support of the position I take today. I think he is right, as I think I am right.

Mr. President, just 5 days ago, during consideration of this year's Budget Resolution, the Senate, by a vote of 65 yeas to 35 nays, expressed the Senate's opposition to either a temporary or permanent repeal of Federal gasoline taxes. In addition to myself, the original co-sponsors of the amendment were Senators WARNER, BAUCUS, VOINOVICH, LAUTENBERG and BOND. Additional cosponsors added during the debate were Senators LINCOLN, DOMENICI, BINGAMAN and ROBB. Later today, the Senate will be asked to vote again on essentially the same question, when the cloture vote is taken on S. 2285. That bill would implement a temporary repeal of a portion of the Federal tax on gasoline. To make up for the lost revenues to the Highway Trust Fund that this gas tax repeal would cause, the proponents of this bill advocate the use of revenues from the General Fund of the Treasury. The proponents do not identify a particular source of those revenues. One has to assume that the replenishment of the Highway Trust Fund will either come from the non-Social Security surplus, or from cuts in spending in other areas of the budget, such as education, or if it turns out that there is no non-Social Security surplus, then this bill could cause us to have to return to deficit spending. That would be true, particularly if the Republican tax cut package is enacted, and if the projections of the Congressional Budget Office turn out to be faulty. I, for one, cannot support any proposition such as this, which takes the ''trust'' out of the Highway Trust Fund and could mandate unidentified cuts in other Federal programs. We must not backfill the potholes this bill will leave in funding for adequate maintenance of roads and bridges with money from education, veterans programs or other vital needs.

The proponents of S. 2285 have attempted to downplay the aforementioned vote that was taken on the Budget Resolution against any repeal of Federal gasoline taxes. That amendment to the Budget Resolution, which as I have said, was adopted by a vote of 65 yeas to 35 nays, contained the following language, ''Any effort to reduce the federal gasoline tax or de-link the relationship between highway user fees and highway spending, poses a great danger to the integrity of the Highway Trust Fund, and the ability of the states to invest adequately in our transportation infrastructure.''

Yet, Mr. President, S. 2285 would in fact de-link the relationship between highway user fees and highway spending. In that respect, S. 2285 poses a great danger to the integrity of the Highway Trust Fund, and thereby, threatens to undermine the ability of the States to invest adequately in our nation's transportation infrastructure.

In I Corinthians 14:8, we are told, ''If the trumpet gives an uncertain sound, who will prepare to the battle?'' When it comes to our Federal investment in our Nation's highways, S. 2285 would give a most uncertain sound. This bill would cut revenues to the Highway Trust Fund by repealing a portion of Federal gasoline taxes. Yet, just two years ago, in landmark legislation, the Transportation Equity Act for the 21st Century, TEA–21, our State and local governments were told that we had put the ''trust'' back into the Highway Trust Fund, and that we had established an automatic mechanism to distribute all gasoline taxes to the states for their highway needs. In so doing, we committed ourselves to retaining the ''trust'' in the Highway Trust Fund forevermore. Now we come along and have a different sound coming from those who trumpet S. 2285. They want to cut Federal gasoline taxes and place in jeopardy the funding stream that we promised to the States in TEA–21. In return for these lost revenues, they would have us adopt a new promise, a promise that we will make up those lost gas tax revenues from the General Fund surpluses or from cutting funding for other vital national investments. The very reason that funding ''guarantees'' were included in TEA–21 was to eliminate the uncertainty surrounding our national highway program. We said that all highway user fees—the Federal gasoline taxes which the American people pay every time they go to the gas pump—would automatically go to the States so that our Governors, highway commissioners, and State and local officials would have a predictable funding stream to meet their critical highway funding needs.

The goal of TEA–21 was to reverse decades of disinvestment in our national highway infrastructure. The use of our national highway system continues to grow dramatically. In the 15 years, from 1983 to 1998, according to the Federal Highway Administration, the number of vehicle miles traveled on our Nation's highways, has grown from 1.65 trillion miles per year to over 2.62 trillion miles per year. However, our Nation's investment in highways has not come close to keeping pace with this increased traffic. The percent of vehicle miles traveled has been dropping almost every year since we initiated the interstate highway system during the Eisenhower Administration. They dropped steadily until 1997—the most recent year for which data is available.

What has this disinvestment done to the condition of our nation's roads? It has led to a national network of roadways with inadequate pavement conditions. Less then half the miles of roadway in rural America are considered to be in good or very good condition. Of the road miles in rural America, 56.5 percent are in fair to poor condition. Conditions are even worse in urban America, where 64.6 percent of road miles are considered to be in some level of disrepair, and only 35.4 percent of urban roadways are considered to be in good or very good condition. The situation is no better when we turn our attention to the nation's highway bridges. According to the most recent data from the Federal Highway Administration, 28.8 percent of our nation's bridges are either functionally obsolete

or structurally deficient. In urban America, 32.5 percent of the bridges are either functionally obsolete or structurally deficient. We are talking about a basic issue of safety here. It is an issue that cannot be ignored in the name of short-term, feel-good tax cut proposals.

Total highway spending by all levels of Government currently equals $41.8 billion annually. However, if we wanted to spend a sufficient sum to simply maintain the current inadequate condition of our national highways and bridges, we would need to spend $9 billion more per year, or $50.8 billion. In order to maintain the current average trip time between destinations, we would have to spend $26.1 billion more per year, or a total of $67.9 billion annually on our Nation's highways. Put another way, Mr. President, as a Nation, we would have to increase highway spending by more than 62 percent each year, simply to prevent traffic congestion from getting any worse. Yet, S. 2285 would place even the present levels of highway spending in jeopardy.

Highway congestion is worsening each and every year in cities, as well as rural communities across America. In the last 15 years, use by motorists of our highways on a per lane basis increased by more than 46 percent. This increased use has led to record levels of congestion. That congestion and the time that motorists spend in traffic jams is a continual and ever-growing drag on our national economy. Whether it's commuters stuck in traffic jams going to or from their jobs, or trucks that are delayed in delivering their products to their destinations, the costs to the nation are tremendous, and growing. In 1982, it was estimated that congestion cost our economy $21.6 billion. Between 1982 and 1997, that figure increased over 234 percent to $72.2 billion per year. That is $72 billion in wasted fuel, wasted time, and lost prosperity, not to mention the untold pollution that is caused by daily traffic congestion, particularly in our Nation's largest cities.

It is for these reasons, Mr. President, that I urge my colleagues to again reject this effort to temporarily repeal Federal gasoline taxes. Gasoline prices are too high, even though we have recently seen a decline in prices at the pump. However, there is no assurance whatsoever, that reduced Federal gasoline taxes, if enacted, would result in reduced gasoline prices at the gas pump. I find that proposition highly doubtful. In any case, I believe that the enactment of S. 2285 would cause grave danger both to the integrity to the Highway Trust Fund and to our ability to meet these huge and ever-growing highway needs.

I urge my colleagues to keep the commitments we made in TEA–21 and vote against cloture on S. 2285.

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

The PRESIDING OFFICER. The Senator has eight minutes.

Mr. BYRD. I yield that to Senator BAUCUS.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BAUCUS. Mr. President, I rise to oppose the Lott bill to repeal the gasoline tax that funds our nation's highway program.

I do so for two reasons. First, the bill would undermine the landmark 1998 highway bill, which is so important to economic development in Montana and throughout the country. Second, the bill will not reduce the price of gas at the pump.

It is, in short, a bad idea. I urge that it be rejected by a strong, bipartisan, vote.

By way of background, the gas tax was established for one simple reason: to finance the construction of the national highway system.

In 1993, there was a departure. The tax was increased, by 4.3 cents a gallon. And, for the first time, the tax was used not for the highway program, but instead for deficit reduction.

I supported the increase, reluctantly, as part of an overall compromise that was a key step toward balancing the budget.

Even so, many of us were determined to restore the principle that the gas tax should only be used to fund our highway and related transportation programs. We worked, as we said, to ''put the trust back in the trust fund.''

It was a long, difficult fight. We faced tough opposition, from the administration, the budget committees, and elsewhere. But, in the end, we prevailed. During the Senate's consideration of the 1998 highway bill, we provided that the entire gas tax, including the 4.3 cents, would go into the trust fund and be used exclusively for highway construction and other transportation needs. When an amendment was offered to repeal the 4.3 cent tax, it was defeated.

Don't get me wrong. Nobody likes taxes. But the tax goes directly to improve the roads. As these things go, the gas tax has worked well.

The Lott amendment would turn back the clock. It would repeal the 4.3 cent tax.

Let me explain what this would mean for our nation's highway program.

It puts $20 billion worth of the highway trust fund in jeopardy.

I'll get right to the point. Most of my colleagues were here for the highway bill debate. You know how difficult it was. You know how hard we fought to make sure that each of our states would get enough funding to support our transportation needs.

For my state of Montana, it would mean losing $184 million.

That, in turn, will mean delays and cancellations. Roads won't be repaired. Interchanges won't be built. Safety improvements will be left on the drawing board.

In Montana, The DOT estimates that upwards of 60 projects would be delayed or canceled. Projects that would increase mobility and save lives.

That's not all. If this bill passes, Mr. President, we will be breaking faith. We will be breaking faith with governors. With state transportation agencies. With contractors. And with thousands of hard-working folks who show up every day, in good weather and bad, to build our roads and improve our communities. Who depend on their jobs to support themselves and their families.

Senator LOTT and others argue that the bill won't affect the highway program, because any reductions in highway funding would, in effect, be covered by transfers from other programs.

In other words, the bill would shift the burden somewhere else. But we all know that there aren't any easy alternatives. There are no easy cuts. So we should not assume that these ''alternative'' cuts will occur. We have to assume that the cuts will come right out of the highway program. And that, again, would be devastating.

To what end? the proponents of the Lott bill say that, if we cut the tax, it will reduce the price of gas at the pump.

Certainly, there is reason to be concerned about the price of gas at the pump. I represent Montana. The Big Sky State. We drive long distances. We're sensitive to the price of gas at the pump, which has risen from $1.18 gallon a year ago to $1.59 a gallon now. We need to get the price down, as soon as we can.

But there is no reason to believe that a reduction in the federal gas tax will result in lower prices at the pump. After all, this is a market ruled by a cartel. Until we break the stranglehold of that cartel, we'll be limited. We can cut the gas tax. But we can't guarantee that the price at the pump will be reduced by the same amount. Instead, the difference may well offset by price increases, by either the OPEC producers or by the refiners, marketers, and other middlemen.

Pulling this all together, the Lott amendment will undermine our highway programs without enhancing our energy independence.

There's one final point.

For the past few years, Congress has been criticized for putting partisan politics ahead of the public interest. In short, of not getting much done.

There have been some notable exceptions. Balancing the budget. Reforming the welfare system.

And, yes, reaching a bipartisan compromise on the 1998 highway bill, TEA–21. The bill did not just reauthorize the highway program. It renewed and revitalized the highway program. We passed it overwhelmingly, by a vote of 88–5. It was a great accomplishment.

We can confirm that accomplishment today, by rejecting the Lott bill.

Mrs. HUTCHISON. Mr. President I yield up to 10 minutes to my colleague from Maine, Senator COLLINS.

The PRESIDING OFFICER. The Senator from Maine.

(The remarks of Ms. COLLINS and Mrs. HUTCHISON pertaining to the submission of S. Res. 285 are printed in today's RECORD under ''Submission of Concurrent and Senate Resolutions.'')

ENERGY POLICY

Mrs. HUTCHISON. Mr. President, I have been listening to the debate on the repeal of the 4.3-cent-a-gallon gasoline tax. I think perhaps there is a misunderstanding of what this resolution does. I will reiterate it.

The bill which Senator LOTT has introduced, along with Senator MURKOWSKI and myself, gives a Federal fuels tax holiday that would suspend through the end of this year the 4.3-cent-per-gallon gas tax that was put on about 3 or 4 years ago. If the average gasoline price in our country reaches $2 a gallon, it would suspend for the rest of this year the entire 18.4-cent-per-gallon Federal excise tax on gasoline. The bill specifically holds harmless all of the trust funds. Social Security, and the highway trust funds would not be affected. So we would make up any lost revenue from other sources, not the highway trust fund.

I do not think the highway contractors should be alarmed. The highway contracts are going to go out just as they have been. We are now 2 years ahead in contracting. There will be no suspension of the contracting under the highway trust fund. I think our highways are a first priority, and I do not think the highway contractors should be concerned in any way that that is going to lessen to any degree.

It is very clear what this does. It says to the traveling public, it says to the family trying to take a vacation, it says to the truckers who are depending on a gasoline price that is stable, so they know what that price is going to be, approximately, when they make their contracts to haul goods back and forth in our country, we are going to have a suspension of up to 18 cents a gallon until prices come down to a level that is reasonable and that could have been anticipated when a contract was made. Airline passengers are paying $75 one way on most trips across this country because of this gasoline price increase.

We need to respond to something so basic to so many people, and that is the transportation costs—for people to take a family vacation, to drive to and from work, or for their very livelihoods, if they are truckers. We are going to respond to this crisis.

I have heard people from foreign countries say: I do not know what you Americans are complaining about; we pay $4 a gallon in Europe—in Brussels, in London. That is not the price on which our economy is based. We travel greater distances. We have an economy that is based on gasoline prices in the $1- to $1.40-a-gallon category. That is an important part of the cost of doing business in our country.

Furthermore, we do have the ability to control our own destiny. We do have the ability to drill and explore in our country. Many private businesses, small businesses, want very much to do that. They want to be able to drill a well as small as one producing only 15 barrels a day.

To put that in perspective, a 15-barrel-a-day well is a very small well. The average well in Alaska produces 650 barrels a day. In the Gulf of Mexico, it could be 10,000 barrels a day. We are talking 15 barrels a day. Our small businesses can continue to do business and make a modest profit on a 15-barrel-a-day well, but they have to know the price is going to be somewhat stable. When oil prices went down to $9, $10 a barrel, 2 years ago, these little guys could not make it. These little producers are small businesses, and they could not break even on $9 or $10 a barrel.

What I would like to propose is that we pass the bill before us today to give instant relief to the consumers and business people in our country, but that we look at the longer term issue as well, and that is, what can we do to encourage our small businesses to be able to stay in business, drilling wells that produce 15 barrels a day or less? If they will stay in business, they will produce the same amount we import from OPEC today. That is the important issue. We will not be at the whim of OPEC, to have huge price spikes, if we will encourage our own people to explore and drill even the small wells.

There is another advantage of that, and that is it keeps the jobs in America. Today we are going to foreign countries and producing because it is cheaper to do it over there in OPEC countries or in Mexico or Venezuela. It is cheap to do it there. That does not create American jobs; it creates jobs in foreign countries.

If we pass the bill before us today and say we are going to give relief immediately to the people who are driving to work, the people who depend on a stable price as they drive their trucks carrying goods back and forth across the country, I am saying let's look at the long term, too. Let's look at the stable price that is necessary for them to enter into contracts that will keep them in business. Let's do it by encouraging our small producers to take the risk to go out and drill either a dry hole or one that would produce up to 15 barrels a day, by giving them a tax credit if the price goes below $17 a barrel, so they can stay in business, much as we do for farmers when the prices they can get on the open market do not allow them to break even.

We want the farmers to stay in business so they will be able to continue to provide food for our country and for export. Why not do that for a small producer? If that well produces 16 or more barrels a day, no tax credits, because the margin, then, is much higher and they will be able to break even in the low-price times.

I am saying let's give immediate relief and let's look at the long term, let's do something that will be a win-win for our country, something that will provide more price stability so we will not have the price spikes we are seeing now. We do that by stopping our 56-percent dependence on foreign imports for the fuel we require every day in this country. Let's do it by creating more American jobs for small businesses, and let's keep those jobs in America so we will be more self-sufficient and more in control of our own destiny.

I hope my colleagues will pass the bill that is before us today, give the instant relief, and say we are going to protect the highway fund absolutely, so the contracts can continue to be let and our highways will continue to be built and improved and maintained.

I yield the floor and reserve the remainder of my time.

The PRESIDING OFFICER. Under the previous order, the Chair recognizes the Senator from Florida.

Mr. GRAHAM. Mr. President, I ask unanimous consent for up to 10 minutes for purposes of introduction of legislation.

The PRESIDING OFFICER. Is there an objection?

There is 20 minutes remaining on the time of the Senator from Texas. That will be 10 minutes on your time that will run well into the policy luncheon.

Mrs. HUTCHISON. Mr. President, I do not object to the Senator from Florida going forward because the speakers on my side have not arrived. If, after he has finished his 10-minute presentation, we do not have our speakers, then I will yield the remainder of our time. If we do, I will continue to pursue our debate.

The PRESIDING OFFICER. The Presiding Officer is considering objecting because of the policy conference during this period.

Mrs. HUTCHISON. Mr. President, the Senator from Florida has a unanimous consent agreement that would allow him to introduce his bill. Let's go forward, and if there is someone on our side, I will be happy to relieve the Chair.

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

Mr. GRAHAM. In deference to the Presiding Officer, if a situation arises in which he feels my remarks should be terminated or restrained, if he will so indicate, I will be pleased to defer to his wishes.

The PRESIDING OFFICER. The Senator from Florida has been recognized for up to 10 minutes.

Mr. GRAHAM. I thank the Chair.

(The remarks of Mr. GRAHAM pertaining to the introduction of S. 2383 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, at this time the other speakers on our side have not arrived. I will yield back

the time, with this reservation: Before the vote on this cloture motion, is there time equally divided for further debate?

The PRESIDING OFFICER. Under a previous order, there are 10 minutes, equally divided, prior to the cloture vote.

Mrs. HUTCHISON. Thank you, Mr. President.

I yield the floor.

RECESS

The PRESIDING OFFICER. All time having been yielded back, under the previous order, the Senate is in recess until the hour of 2:15 p.m.

Thereupon, at 12:41 p.m., the Senate recessed until 2:15 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. INHOFE).

INSTITUTING A FEDERAL FUELS TAX HOLIDAY—Resumed

The PRESIDING OFFICER. There will now be 10 minutes equally divided.

Who yields time?

The Senator from Arkansas.

Mrs. LINCOLN. I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. WARNER. Do I understand, the Senator yields herself 5 minutes? Is there not 10 minutes under joint control on the subject of gas taxes?

The PRESIDING OFFICER. Yes. There are 10 minutes equally divided. She has yielded herself 5 minutes.

Mr. WARNER. Off the control of which Senator's time? My understanding is Senator BYRD controls the time for Senators in opposition, of which I am aligned. Senator MURKOWSKI controls the proponents' time.

Am I not correct on that, Mr. President?

Mrs. LINCOLN. As an opponent on the Democratic side.

The PRESIDING OFFICER. The Senator from Arkansas is taking her 5 minutes in opposition.

Mr. WARNER. That would then remove all opposition time; is that correct?

The PRESIDING OFFICER. That is correct.

Mr. WARNER. I ask the Senator, could I have the benefit of a minute of that time?

Mrs. LINCOLN. Certainly.

The PRESIDING OFFICER. The Senator from Arkansas is recognized for 4 minutes.

Mrs. LINCOLN. I thank the Chair.

Mr. President, I spoke briefly last week about this proposal to reduce the gas tax. I spoke on the need for reforms in our Nation's energy policy.

However, because this bill did not go through committee, and because it has had little technical scrutiny, there are just two points that I believe should be considered before we move ahead with this idea.

First, I appreciate the concern that has recently been shown for the highway trust fund. There is a nice clause in this bill that would take money out of general revenues to pay for the reduction into the highway trust fund.

Last week I called this hocus pocus. It is creative, to say the least. But let's get honest here. This tax cut has to come from somewhere, and this method of accounting is not without consequence.

Regardless of the good intentions being professed by my colleagues, the transfer of this burden to general revenues would result in a tax increase to the people of my State and perhaps other States.

In Arkansas, any reduction, either whole or in part, of the existing excise tax on motor fuels will result in a penny-for-penny increase in tax at the State level. This is the law in my State, and I know that there are similar provisions in Tennessee, Oklahoma, Nevada, and California.

Mr. President, I ask unanimous consent that a copy of section 27–70–104 of the Arkansas Code be printed in the RECORD.

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

§ 27–70–104. Federal excise tax on motor fuels

(a) Should the Congress of the United States extend an option to the State of Arkansas to collect all or part of the existing tax on motor fuels imposed by the Internal Revenue Code, Chapter 31, Retailers Excise Tax, §§ 4041 and 4081, it is declared that the option is executed.

(b) Further, if the federal excise tax is reduced in any amount, the amount of the reduction will continue to be collected as state highway user revenues.

(c) Any increase in the federal excise tax, accompanied by state option, shall be disbursed as set forth in subsection (d) of this section.

(d) Any revenues derived under subsection (a) of this section will be classified as special revenues and shall be deposited in the State Treasury to the credit of the State Apportionment Fund for distribution under the Arkansas Highway Revenue Distribution Law, there to be used for the construction of state highways, county roads, and municipal streets.

History: Acts 1975, No. 610, §§ 1, 2; 1981, No. 719, § 1; A.S.A. 1947, §§ 76–337, 76–338.

Mrs. LINCOLN. I agree that this bill might give a minor tax reduction for the oil producers of 45 States, but the tax burden would remain level in as many as five States. Without a reduction in spending, this amounts to a tax increase in my home State and two of my neighboring States, Oklahoma, and Tennessee. In short, if this bill were to pass, taxes, in effect, would go up in Arkansas.

My second point is that this bill would not get relief to the people who need it. I said last week that this tax is collected on the wholesale level and all that this bill offers is a suggestion that the wholesalers pass this on to the consumers. I am not sure that this point is getting out to my colleagues, so I have a quote here from the Supreme Court of the United States concerning this tax.

According to the U.S. Supreme Court in Gurley vs. Rhoden:

the Federal excise tax on gasoline is imposed solely upon statutory producers, and not on consuming buyers.

Let me repeat that:

the Federal excise tax on gasoline is imposed solely upon statutory producers, and not on consuming buyers.

Therefore, I assert that even the Supreme Court agrees that this tax reduction will not go to consumers. This tax cut will go exclusively to oil producers who will have no legal requirement to pass the cut on. That won't help truckers in my State. It won't help farmers in my State. It won't help small business people in my State. It won't help average consumers.

We cannot forget that despite the fact that the administration has successfully compelled OPEC to pump more oil, and that oil prices are coming down, the high cost of the oil price spike will still be on the bottom line at the end of the year.

We have to do something real and substantial for our truckers, our farmers, and our fuel dependent small businessmen and women.

A 4.3-cent gas tax cut will do essentially nothing for anyone.

I again suggest that a suspension of the heavy vehicle use tax would be a way to get real relief to real truck drivers. This would not drain the highway trust fund to the degree that this gas tax cut would and it would directly help the people who have been hurt the most by the spike in fuel prices.

I have also advocated a short-term no-interest loan program for diesel dependent small business, and lastly I have called for a formalized end-of-the-year tax credit, that would take into account the totality of this oil spike in an environment of dropping prices.

We all want to help those in need and we should consider giving tax credits, but we should also protect the Treasury from windfalls that could arise in this economic environment.

This bill is a bad idea, it would in effect raise the tax burden on my constituents, and it would not help the people who are really hurting from the high prices at the gas pump.

I urge my colleagues, especially those from Oklahoma and Nevada, California and Tennessee, to look at how this bill will affect the tax burden in your States. Ask how this bill will affect the bonds that your State has issued. And most importantly, consider how little this bill will do to help the consumers of our Nation. We can do better, and I hope we can continue the debate on this bill so we will have that opportunity.

The PRESIDING OFFICER. The Senator's time has expired. Who yields time?

Mr. MURKOWSKI. Mr. President, I yield myself 3½ minutes.

In this legislation, there is full recovery to the highway trust fund, if indeed

this suspension takes place. There is a balance in it, too. That balance puts the onus on the administration to encourage that the price remain low because if it doesn't and the price goes to $2 a gallon, clearly what will happen is we will eliminate this tax, which is 18.4 cents.

The question has been asked, How do we ensure that it is passed on to the consumer? That is a legitimate question. We provide in the legislation a requirement that the GAO audit and make an issue of anyone who breaks the trust that this differential has to be passed on to the consumer. We have the support of the National Food Processors Association, a letter to that effect, and support from the National Foundation of Independent Businesses and the Independent Truckers Association.

I ask unanimous consent that those letters be printed in the RECORD.

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

NATIONAL FOOD PROCESSORS ASSOCIATION,
Washington, DC, April 3, 2000.

Hon. TRENT LOTT,
Majority Leader, United States Senate, Russell Senate Office Building, Washington, DC.

DEAR SENATOR LOTT: On behalf of the National Food Processors Association (NFPA), the nation's largest food trade association, I am writing to urge that Congress take action to address rapidly rising fuel prices. From the food industry's perspective, the effects of higher energy prices are about to move from the gas pump to the grocery store, threatening to put a serious crimp in the incomes of America's working families.

You no doubt have heard from the transportation sector about the serious effect of the 50-plus percent fuel price increase since the first of the year. America's agribusiness industry relies heavily on trucks and the rails to transport food from the farm to processor and on to kitchen tables all across the United States. Additionally, the nation's food processors—an industry employing more than 1.5 million workers in some 20,000 facilities across the country—consume no small measure of energy to make available the tasty and nutritious foods that consumers enjoy. Given the intense competition and very small profit margins, under which most food manufacturers operate, they are in no position to absorb these dramatic increases in energy prices.

I believe the absence of an effective national energy policy is largely responsible for this budding crisis. However, there are tools available now to help address this problem, at least for the short term. First, portions of the Strategic Petroleum Reserve could be released, helping reduce prices by increasing, temporarily, the supply of fuel. Second, I encourage Congress to enact at least a temporary suspension of the most recent 4.3-cent gasoline tax increase, which was adopted in 1993 for the purpose of deficit reduction. NFPA also has urged President Clinton to support such actions.

Leadership by Congress is needed to address this serious issue. I hope that the U.S. Senate will work with the President to take action promptly to ease the strain of rapidly increasing fuel costs.

Sincerely,

JOHN R. CADY.

NATIONAL FEDERATION OF INDEPENDENT BUSINESS,
Washington, DC, March 29, 2000.

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

DEAR LEADER: On behalf of the 600,000 members of the National Federation of Independent Business (NFIB), I want to express our support for Senate Bill 2285 which would temporarily repeal the 4.3 cent excise tax on fuel, provide additional tax relief should the cost of fuel continue to rise, and protect funding levels in the Highway Trust Fund. NFIB urges members to support its adoption.

Gas prices have been soaring. According to the U.S. Department of Energy, gas prices, which have increased by as much as 50 percent in the past year, are likely to continue to rise into the summer, if not beyond.

These high fuel prices are hitting many Americans, especially small businesses, extremely hard. For a small company that consumes 50,000 gallons of diesel fuel in a month, the increase in prices in the past year will cost that company an additional $40,000 per month. If fuel prices remain high, these costs could eventually be passed on to consumers in the form of higher prices for many goods and services. A 4.3 cent reduction in the cost of fuel would save the company more than $2,000 per month.

Your bill goes a long way towards providing America's small business owners valuable relief from rising fuel costs. We applaud your proactive efforts to reduce this tax burden on small business while at the same time providing a hold harmless provision for the Highway Trust Fund. This will guarantee that full funding will continue to flow to states and local communities for planned infrastructure projects.

Mr. Leader, thank you for your continued support of small businesses. We look forward to working with you to enact S. 2285 into law.

Sincerely,

DAN DANNER,
Sr. Vice President,
Federal Public Policy.

INDEPENDENT TRUCKERS ASSOCIATION,
Half Moon Bay, CA, April 4, 2000.

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

DEAR SENATOR LOTT: The Independent Truckers Association—the oldest association of the nation's long-haul independent truckers and small fleet owners—endorses wholeheartedly the swift passage of S. 2285, the Federal Fuel Tax Holiday Act of 2000.

This measure would temporarily repeal the 4.3 cents excise tax on fuels and protect funding levels in the Highway Trust Fund. We see this as an important first step to help ensure that prices for consumer goods shipped to market will remain stable.

It's important to recognize that truckers—not just the independents and small fleets, but the whole industry—work on a very small profit margin. So, the recent increase of oil prices by OPEC, along with the failed energy policy of the Clinton-Gore Administration, strikes deep into the heart and wallet of America's truckers. Enacting S. 2285 today will help those injured by excessive oil and fuel prices, and help keep the economy rolling along.

Senator Lott, thank you for your support of American's independent truckers. We look forward to working with you to enact S. 2285 into law.

Very Sincerely,

MIKE PARKHURST,
National Chairman.

Mr. MURKOWSKI. Some say this isn't much of a cut. Tell that to the working man or woman who gets up at 4:30 and drives 75 miles one way to work in this city in his pickup because the Government won't let him work at home in the coal mines, or building roads, forests, because they don't support resource development. It might not mean much to the folks who can afford it, but it means a lot to the folks at home.

As a consequence, ask the public what they think. It is in a Gallup Poll: 74 percent favor a temporary reduction of the 4.3-cent gas tax.

This is a balanced piece of legislation. It is balanced because it would take off the Gore tax. This tax was put on as a consequence of Vice President AL GORE breaking the tie in this body back in 1993. That didn't go into the highway trust fund. That went into the Clinton general fund, and the Clinton administration spent that money as they saw fit. It was the Republican majority in 1998 that turned it around and put it into the highway trust fund. The Clinton administration has enjoyed $21 billion, a windfall they expended out of the general fund for their programs.

As Senators look behind the scenes on this one, be careful because reality dictates that this is good for the consumer. The consumers of this Nation want it. Seventy-four percent favor the temporary reduction of the 4.3-cent-a-gallon gas tax.

If there is anyone who has been misled by this administration and their opinion of what is going to happen, they should have read the New York Times today. The president of OPEC said today that if the price of the organization's benchmark basket of crude oil remained below $22 a barrel, the 1.5-million-barrel-a-day increase the organization agreed to last month would be cut back by one-third.

OPEC is saying: If the price goes down below $22 a barrel, we will cut our production. We are nowhere near home on this by any means. We have been sold a bill of goods. Give the taxpayer a break.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, in the 20-plus years I have been privileged to serve in the Senate, this is a day I will long remember. It is the first time I ever voted against a tax decrease in over two decades.

I see no certainty to this program. The Senator says 74 percent favor a temporary reduction. Why isn't it 100 percent? I know very few people who want to increase taxes. And with all due respect to my friend, the GAO monitoring 100,000 gas stations across America to see whether or not it came down 4.3 cents? That I just cannot accept.

Mr. MURKOWSKI. If that is a question, I would be happy to respond.

Mr. WARNER. On your time, you are welcome to do it.

Mr. President, in all seriousness, the Senate really was a leader in passing

the landmark legislation to modernize America's transportation system. This gas tax was included in that highway fund by 80-plus Senators. It is a foundation block for this program. Let us not bring uncertainty to the modernization of America's transportation system by beginning to pull a block here and a block there.

I yield the floor.

Ms. SNOWE. Mr. President, I rise today in support of the motion to proceed to invoke cloture on S. 2285, the Federal Fuels Tax Holiday Act of 2000, a bill introduced by Senator LOTT, which I have been pleased to cosponsor.

This legislation will repeal, until the end of this year, the 4.3 cent-per-gallon increase to the federal excise tax on gasoline, diesel, kerosene, and aviation fuel added by the Clinton Administration in 1993.

At the same time, both the Highway Trust Fund and the Airport and Airways Trust Fund are held completely harmless. It is a bogus argument that the Trust Funds will be impacted by giving consumers a tax break at the gas pump. The progress of important highway and airport projects will not be affected because the impact would be zero. This legislation allows for reimbursement of the Trust Funds that are financed by the gasoline and aviation fuel taxes. For both of these funds, any lost revenues to be replaced from the budget surplus.

Also, our legislation is set up so that should the national average for regular unleaded gasoline prices breach the $2 mark, it would also repeal, until the end of the year, the 18.3 cent-per-gallon federal gasoline tax; the 24.3 cent-per-gallon excise tax on highway diesel fuel and kerosene; the 4.3 cents per-gallon railroad diesel fuel; the 24.3 cent-per-gallon excise tax on inland waterway fuel; the 19.3 cent-per-gallon for noncommercial aviation gasoline; the 21.8 cent-per-gallon for noncommercial jet fuel; and 4.3 cents-per-gallon for commercial aviation fuel.

This will provide the nation with a vital ''circuit breaker'' in the midst of the very real possibility of high fuel costs as America takes to the road this summer—and the legislation ensures that any savings will truly be passed on to consumers and not pocketed before customers can benefit from any savings at the pump.

Some of my colleagues say that repealing the 4.3 cent per gallon gas tax will not amount to enough savings for the consumers to even care about. Well, I guess people in Maine think differently, especially after a winter of paying the highest prices in decades for both home heating oil and for fuel at the pump.

This past week, the Maine legislature, both the Senate by a vote of 26–9, and the House, by a vote of 94–54, endorsed a bill that allows for rebates to truckers for the state diesel fuel taxes they paid between February 1 and March 15 when diesel fuel prices skyrocketed to over $2.00 per gallon. While the funding decision now rests with the appropriators, the Maine legislature has spoken clearly that they know it makes a difference, especially where the trucking industry is concerned.

I am aware of a trucking company in Maine that has lost at least $200,000 in the last three months because of the failed energy policy of this Administration that caused diesel prices to spike. How can an owner buy equipment, hire people, keep his trucks rolling, and function within a set budget for the year with losses such as these? Tell him that temporary repeal of the federal 4.3 cent tax on diesel fuel won't make a difference. Well, let's run the numbers.

This company has a fleet of about 50 trucks that take 200 gallons of diesel every time you fill them up, and since these large rigs get no more than five miles to the gallon, they get filled up quite regularly. So, if we temporarily repeal even just the 4.3 cent federal gas tax, every time the fleet of trucks gets filled up, the company will be able to save at least $430, adding up to thousands of dollars a month. No wonder hundreds of truckers drove their rigs to Washington, D.C. to protest on two different occasions in the past month. Tell them that a temporary repeal of 4.3 cents per gallon diesel fuel tax won't make a difference.

Look to your own states—California, Connecticut, Florida, Illinois, New York, Wisconsin—all around the country state legislatures are considering their own responses to the rise in all fuel prices.

In California, there is a proposal for a four-month suspension of the 15 cent per gallon state tax. In Connecticut, the Legislature's Finance Committee unanimously approved a seven cent per gallon state gasoline tax over a three-year period. In New York, both parties have called for some sort of state gas tax relief. In Illinois, the State Senate has approved an elimination of the five percent sales tax on gasoline and diesel fuel. Lawmakers in Wisconsin have proposed both repealing or temporarily suspending the state gas tax.

In Florida, the Republican House Speaker has proposed a 10 cents per gallon tax cut, saying, ''If the federal government is not going to help the people of Florida, then we need to''.

What this legislation before you today does is take a concrete step toward more reasonable fuel prices for everyone, helping to serve as a buffer for consumers and businesses who are already reeling from the high cost of gasoline and other fuels. Of course, I hope the provisions for temporary repeal of the full tax will not be necessary. But if they are, they will provide immediate relief to taxpayers and ensure that, if prices are skyrocketing, any savings in fuel costs will be passed on to the purchasers of the gasoline products.

The retail price we pay for refined petroleum products for gasoline, diesel fuel, and home heating oil, for instance, substantially depends upon the cost of crude oil to refiners. We have seen a barrel of crude oil climb to over $34.00 recently from a price of $10.50 in February of 1999. That is a 145 percent increase.

While OPEC agreed last month to only very modest increases in crude oil production, White House officials say that the cost of gasoline at the pump will now decline in the coming months, even though their own Economic Advisor Gene Sperling was quoted in the Washington Post on March 29, as warning that ''there is still significant and inherent uncertainty in the oil market, particularly with such low inventories, and we will continue to monitor the situation very closely''.

While the Administration has ''monitored'' the situation, crude oil prices have gone up and up, and our inventories have gone down and down. As a matter of fact, the Administration admits that it was ''caught napping'' after OPEC decided to decrease production in March of 1999—and while they napped through a long winter's sleep, prices for crude climbed as temperatures and inventories plummeted.

The effect on gasoline, diesel and home heating oil was predictable, and in fact was predicted. Last October—a half a year ago—the Department of Energy, in its 1999–2000 Winter Fuels Outlook, projected a 44 percent increase in home heating oil bills. In a severe winter, the agency estimated, an additional 28 percent increase in costs could be felt for residential customers.

In other words, the Department of Energy itself predicted an increase of over 70 percent, but did nothing. In actuality, home heating oil costs jumped from a fairly consistent national of 86 cents per gallon in the winter of 1998–99 to as high as $2.08 per gallon in Maine early last month—an increase of well over 100 percent. In that same time frame, conventional gasoline prices rose 70 percent or higher.

So now the Administration tells us that gasoline prices will most likely go down by this summer because of the small production increases agreed to by OPEC. Even with an increase in OPEC quotas, there will still be a shortfall in meeting worldwide demand for crude oil. Approximately 76.3 million barrels per day are needed to meet demand, but the anticipated new OPEC production is estimated to be only 75.3 million barrels per day. So you'll have to excuse me if I'm a little hesitant accepting estimates from an Administration that seems to make predictions while their gauge is on empty.

The Administration's projections of an average of $1.46 per gallon for gasoline this summer—which is still 25 percent higher than last summer I might add—does not presume production disruptions at the refinery. I would like to point out that one of the reasons prices went up and supply ran dangerously low a few months ago was the unexpected shutdown of four different refineries that serve the Northeast.

Just last week, DOE's Energy Information Administration stated that, ''. . . motor gasoline markets are projected to exhibit an extraordinarily tight supply/demand balance.'' Against this backdrop, we cannot depend upon the Administration's predictions turning into fact, when they have so far been so incorrect.

Now is the time for Congress to act, even if the Administration refuses to. I want to at least make sure that American businesspeople and consumers have in their pockets what they would have otherwise paid in fuel taxes if the Administration is underestimating prices once again and gasoline hits $2.00 a gallon.

Beyond the pump, consumers are getting hit with extra costs directly attributable to high fuel costs. If you've paid to send an overnight package lately, you probably noted that you were charged a surcharge—a fuel fee—because their cost of diesel fuel has increased by about 60 percent over the past year. And with a 150 percent increase in jet fuel, that airline ticket you buy today will probably include something you've never seen before—a fuel charge of $20.00. How long will it be before costs of other products will also be passed on the consumer?

Consider the impacts to the nations' farmers. In some locations, the planting season has begun. The New York Times reported two weeks ago that a farmer paying 40 cents a gallon more this year to fuel his diesel tractors and combines, will be adding as much as $240 a day to his harvesting costs. In my home State of Maine, we are at the peak season for moving last year's potato crop out of storage and to the large Eastern markets. But the industry still can't get truckers to come into the State to move the potatoes because they are discouraged by the particularly higher price of diesel in Maine.

The only help the potato industry has had recently in getting their product to market was certainly not due to the energy policy of this Administration, but to local truckers who turned to hauling potatoes because wet weather kept them away from taking timber out of the Maine woods.

Soon, we will enter the summer months, when tourism is particularly important to the economy of New England and to Maine in particular. With the high price of gasoline, we need relief now, and that's what this bill provides. As a matter of fact, we could have used the relief in Northern Maine a few months ago—that's a big tourist season for them as snowmobilers from all over the East head to Maine to use the hundreds of miles of trails throughout the northern part of the State.

The choices are clear—do nothing for the taxpayers who are being gouged by failed energy policies, or do something by supporting legislation that gives some relief at the gas pump right now. We should temporarily repeal the 4.3 cent per gallon gas tax and support a bill that also acts as a circuit breaker, giving citizens a break at the gas pump if gas goes over $2.00 a gallon while protecting the Trust Funds that build our highways and airports. I urge my colleagues to support this bill by voting for cloture.

Mrs. FEINSTEIN. Mr. President, I am as upset by the gasoline price spikes as anyone else. Price spikes have been worse in California than in any other State. Today, as I speak, though prices have recently started to come down a bit, they still average more than $2 per gallon in some parts of California.

Having said that, I feel obliged to oppose S. 2285, despite understanding the sentiment behind it. The problem with S. 2285 is that there is no way to guarantee that a reduction in the federal gasoline tax will be passed on to consumers. Why is this? Because price is a function of supply and demand, not taxes. And right now, world oil markets are extremely tight, so prices are high.

The way to relieve the pressure on the market is to boost supply and reduce demand.

With regard to supply, fourteen nations sell oil to the U.S. under a cartel known as the Organization of Petroleum Exporting Countries, OPEC. Like any monopoly, OPEC controls the price of oil by limiting supply. Decreased production in non-OPEC countries like Venezuela, Mexico, and Norway has also contributed to the squeeze.

Since OPEC is not bound by U.S. law, there are only a few things the U.S. can do to encourage the cartel to increase supply. The preferred alternative is diplomacy. Energy Secretary Bill Richardson has had some success on this front. OPEC ministers announced last month that the cartel would immediately increase supply by 1.7 million barrels a day. Mexico has also agreed to increase production by a small amount.

It takes several weeks for production increases to be felt at the pump, in lower prices. And California has unique problems affecting its supply. No other State requires the kind of reformulated gasoline that California does. So the gasoline has to be refined in California. And California refiners have had problems—including two fires—operating their plants at full capacity. They are at full capacity now.

Notwithstanding these problems, the announcement of OPEC production increases has driven spot gasoline prices down. They have dropped more than 40 cents, for instance, in the greater Los Angeles area.

The spot price is the price of gasoline on the open market without taxes and other markups figured in. Spot prices are usually good harbingers of the price movement we will eventually see at the pump about a month or two later.

But the increase in OPEC production is, at best, a short-term solution. By the middle of summer when demand for gasoline will peak, we may be back in the same predicament.

As I said a moment ago, S. 2285 doesn't solve the problem of high gasoline prices. Under California law, if the federal gasoline tax drops by 9 cents per gallon or more, then the State tax automatically rises to off-set the federal decrease. The law is designed to protect the Highway Trust Fund. I have spoken with members of the California legislature about this. They do not seem inclined to change the law.

Even if the law were changed, the price still wouldn't drop. At least that's what the chief executive officers of the three major California refiners told me. Collectively, they produce 70 percent of California's gasoline. None could guarantee that prices would drop at the pump. They cited the fundamental problem with supply, and also pointed out that they have no control over other entities in the supply chain.

What are our options?

The fact is, we have limited control over supply. Too much of the world's oil is produced elsewhere. The one thing we can control is demand.

The best way to reduce demand is to require that sports utility vehicles (SUVs) and light duty trucks get the same fuel efficiency that passenger vehicles do. If SUVs and light duty trucks had the same fuel efficiency standards as passenger cars, the U.S. would use one million fewer barrels of oil each day.

This is roughly equal to the U.S. shortfall before OPEC increased production.

The Department of Transportation is responsible for setting fuel efficiency requirements under the Corporate Average Fuel Economy (CAFÉ) program. Abut two-thirds of all petroleum used goes to transportation, so boosting fuel efficiency is an important way to wean ourselves off OPEC oil and reduce the price motorists pay for gasoline. Consider, too, the significant environmental and health benefits of higher fuel efficiency.

But CAFÉ standards have not increased since the mid- 1980s. And the situation is made worse by a loophole in the CAFÉ regulations. SUVs and light duty trucks—which are as much passenger vehicles as station wagons and sedans—are only required to average 20.7 miles per gallon per fleet versus 27.5 miles per gallon for automobiles.

Since half of all new vehicles sold in this country are fuel-thirsty SUVs and light duty trucks, this stranglehold on energy efficiency has produced an American fleet with the worst fuel efficiency since 1980. We are going backwards!

According to the non-partisan American Council for an Energy Efficient Economy, the U.S. saves 3 million barrels of oil a day because of CAFÉ standards. Close the SUV loophole, as I said a moment ago, and save another million barrels each day.

Overall, SUV and light duty truck owners spend an extra $25 billion a year

at the pump because of the ''SUV loophole.'' Making SUVs and light duty trucks get better gas mileage would save their owners some $640 at the pump each year when the price of gasoline averages $2 per gallon.

The ''bottom line'' is that eliminating some or all of the federal gasoline tax won't lower prices at the pump. The best way to do that is to reduce our demand. The best way to reduce demand is to increase the gas mileage requirements for SUVs and light duty trucks.

Mr. GRAMS. Mr. President, like many of my colleagues, I've come to the Senate floor on a number of occasions in recent weeks to express my concern with rising fuel costs and the lack of an energy policy by this Administration. I don't have to remind my colleagues how the rising cost of oil threatens almost every aspect of our economy and communities. Senior citizens on fixed incomes cannot absorb extreme fluctuations in their energy costs. Business travelers and airlines cannot afford dramatic increases in airline fuel costs. Families struggling to feed and educate their children cannot withstand higher heating bills, increasing gasoline costs, or the domino effect this crisis has on the costs of goods and services. To be sure, this problem is impacting virtually every facet of American life and may only get worse as we approach the high energy demand of the summer months.

I look at the situation we're now facing with high oil prices and limited supply and have a hard time understanding why it's such a surprise to so many people. I've heard Secretary Richardson refer to the fact that the Energy Department may have been caught ''napping on the job.'' Since coming to Congress in 1993, I've been saying the Energy Department is asleep at the wheel. We have an Energy Department that spends less than 15% of its budget, and even less of its time, on the core energy issues within the Department. I dare say that energy consumers are the last thing they think about over on Independence Avenue—certainly not the first.

With all due respect to Secretary Richardson, I don't think he was necessarily caught napping on the job, but flat out neglecting the energy needs of this country. Under the tenure of the last three Secretaries of Energy, this Administration has done nothing but weaken our energy security, increase our reliance on foreign oil, shut down domestic oil and gas production, and ensure the closure or removal of many of our primary means of electricity generation—coal, nuclear, and hydropower. I think it's time that policymakers in Washington come to the realization that we are now a nation with no energy policy and no ability to respond to even the most limited energy supply disruptions.

Consider the recent effort of the Administration to address the oil price crisis. We've all witnessed this Administration's ''tin-can diplomacy'' over the past few weeks. Instead of planning for the energy needs of our country, this Administration waits for a crisis and then responds by sending its appointees to grovel, plead, or otherwise beg other nations into helping us out. The United States, thanks to this Administration, is a nation running around the world looking for a handout from friend and foe alike.

It's embarrassing that the economy of our nation hinged on the decision of a few oil ministers sitting in a room in Vienna just a couple of weeks ago. Do we realize that Iran was blocking an OPEC increase of 1.7 million barrels of oil a day? The strength of our economy now may rest on the ability of OPEC oil ministers to convince countries like Iran to help us out in the future. That is quite a statement on the viability of the Clinton Administration energy policy.

But still, this Administration maintains its steadfast opposition to doing anything here in the United States to dramatically decrease our reliance on foreign oil and increase our domestic exploration and production. ANWR is off-limits. They don't want to discuss off-shore drilling. They claim they're open to looking at some activity on public lands, but at the same time they're on a blitz to lock up every last acre of land they can find into some type of new, restrictive designation before President Clinton and Secretary Babbitt leave office.

Well, the farmers of Minnesota can't wait for President Clinton or Secretaries Babbitt or Richardson to leave office before our country places a renewed emphasis on a sound, long-term energy policy. Truckers across America cannot wait for President Clinton to leave office to get some relief at the fuel pump. And energy consumers far and wide cannot stand by while this Administration begs countries like Iran and Libya to ''feel our pain.''

Regrettably, I fear the oil supply and price crisis we're now experiencing is only an early warning of the pain the Clinton Administration's neglect of energy policy is going to level on American energy consumers. It won't be that far into the future before this Administration's appetite for closing down nuclear and coal-fired power plants and destroying hyrdopower facilities will bring similar price increases for electricity consumers.

Many of us have suggested that we need to look closely at both short- and long-term approaches to easing the pain of the current oil crisis on American energy consumers and reducing our nation's reliance on foreign oil. I've spoken at length about how we need to focus our efforts on developing a long-term energy policy that puts American jobs and productivity first, instead of last. Doing so, however, will take time and produce few immediate results to help consumers in the coming months.

In the short-term, I believe Congress must consider temporarily suspending some or all of the federal fuel taxes, which, along with state excise taxes, account for an average of 40 cents per gallon of gasoline. That is why I've joined Majority Leader TRENT LOTT, Senator LARRY CRAIG and a number of my colleagues in offering S. 2285—The Federal Fuels Tax Holiday Act of 2000. Our legislation would temporarily suspend the 4.3 cent tax on gasoline, diesel fuel, and aviation fuel while protecting both the Highway Trust Fund and the Social Security surplus. The bill will suspend the 4.3 cent tax starting on April 16 through January 1, 2001. For farmers, truckers, airlines, and other large energy consumers, this action will have an even greater positive impact on the large amounts of fuel they consume.

This legislation reflects the leadership of a number of our colleagues. Senator BEN NIGHTHORSE CAMPBELL from Colorado has championed legislation to suspend the diesel fuel tax. Once a trucker himself, Senator CAMPBELL has led the way in assisting truckers and their families who are suffering as a result of the rising price of diesel fuel. And Senator MURKOWSKI, as Chairman of the Senate Energy Committee, has been a leader in calling attention to the growing energy needs of our nation and the Administration's energy policy failures.

I want to add that I'm very aware that many of my colleagues have argued that 4.3 cents a gallon has a negligible impact on consumers. To them, I say look at the amount of fuel a farmer or trucker consumes during an average week. Look at the diesel fuel required to operate a family farm or deliver products across this country. Or look at the tight profit margins that can make the difference between going to work and being without a job. I'm convinced this action is going to help farmers, businesses, truckers, and families in Minnesota and that's why I strongly support it.

I firmly believe that federal gas taxes should go to the Highway Trust Fund for road, highway and bridge improvements. That's why we're restoring revenues being provided to energy consumers by the 4.3 cent gas tax suspension. The Highway Trust Fund will be reinstated with non-Social Security budget surplus funds from the current fiscal year as well as fiscal year 2001. In addition, no highway projects or airport projects will be delayed or jeopardized, because funds going into the trust fund are fully restored by the surplus. There will be no impact on these projects.

If gas prices reach a national average of $2 a gallon for regular unleaded gasoline, federal excise gas taxes would be suspended, again without impacting the Highway Trust Fund in any way. This would suspend, until the end of the year, the 18.4 cents per gallon federal gasoline tax, the 24.4 cents per gallon tax on highway diesel fuel and kerosene, the 19.4 cents per gallon for noncommercial aviation gasoline, the 21.9

cents per gallon for noncommercial jet fuel, and the 4.4 cents per gallon for commercial aviation fuel.

Let me make this very clear: we are not going to raid the Highway Trust Fund with this legislation. In fact, we've ensured that the non-Social Security budget surplus will absorb all of the costs of the gas tax reduction. I also want to assure my colleagues and my constituents that this legislation walls off the Social Security surplus. We will not spend any of the Social Security surplus to pay for the gas tax reduction.

Our legislation is quite simply a tax cut for the American consumer at a time when it's needed most. We're going to use surplus funds—funds that have been taken from the American consumer above and beyond the needs of government—and give them back to consumers every day at the gasoline pumps. This legislation takes concrete steps toward more reasonable fuel prices, helping to serve as a buffer for consumers who are already feeling the impact of the high cost of gasoline and other fuels.

In closing, I want to say that I look forward to working with my colleagues in the coming days, weeks and months in forging a number of both short-term and long-term responses to the needs of farmers, truckers, the elderly, and all energy consumers. I've been a strong supporter of renewable energy technologies and increased funding for the Low Income Home Energy Assistance Program or LiHEAP. I strongly support the efforts of my colleagues to increase domestic oil and gas exploration and production. I remain committed to finding a resolution to our nation's nuclear waste storage crisis—a crisis that threatens to shut down nuclear plants and further weaken our nation's domestic energy security. And I'll continue to be one of the Senate's strongest critics of the Department of Energy's unconscionable neglect of the long-term energy needs of our nation.

Mr. KYL. Mr. President, I rise today to speak in support of S. 2285, the Federal Fuels Tax Holiday Act of 2000. Our country is in dire need of a comprehensive energy policy, including a strategy to reduce fuel prices. Immediately suspending the 4.3 cent per gallon Clinton/Gore gas tax is one thing we can do in the short-term to provide some relief from the high fuel prices we have been experiencing.

S. 2285 would further suspend all but 0.1 percent of federal excise taxes on fuels if the national average price of a gallon of regular unleaded gasoline rises to $2. While I fully support this concept, we should consider doing more. I have cosponsored legislation in the past that would permanently repeal all but two cents per gallon of the federal gas tax, allowing states to make up the difference if they choose to fund their own highway-construction needs.

Mr. President, we Arizonans have been sending more gas tax revenues to Washington than we receive back in federal highway funds. For Arizona, and other so-called donor states, repeal of the federal tax would either mean significant tax relief or, if the state does increase its own tax, more dollars actually spent on highway improvements in-state. It is time to divest the federal government of this authority, and give it back to the states where it rightfully belongs.

To ensure our energy security in the long-term, we also need a strategy for reducing our dependence on imported oil. Today we are extremely dependent on other countries for our oil—56 percent comes from foreign sources. While our imports are rising, domestic production is decreasing. In just the last decade, U.S. production has declined 17 percent. At the same time, our consumption has increased 14 percent. Unfortunately, we are moving in the direction of greater dependence on foreign oil, not less.

To reverse this trend we need to stop the decline in domestic production, which can only be done by increasing access to lands with high potential for oil and gas resources. Of course this can, and must, be done in an environmentally sensitive manner. While extraction should be part of a larger energy strategy, including the development of alternative fuels, and conservation efforts, it is a critical component. Increasing domestic production will help reverse our rising reliance on imported oil, and will boost supply, thereby lowering prices.

Mr. CAMPBELL. Mr. President, I intend to vote for cloture this afternoon on the Federal fuels tax holiday bill to help address the soaring cost of fuel and our rising dependency on foreign oil. We have had numerous hearings and many statements have been given on the floor to address this grave situation we are in. Unfortunately, it seems like we are going to have to endure this problem for a while longer.

Over the last few weeks, I have had many conversations with truckers, shippers, and concerned citizens about how this problem affects them. Specifically, my conversations boiled down how this crisis affects our American truck drivers. Over 95 percent of all commercial manufacturing goods and agricultural products are shipped by truck at some point. 9.6 million people have jobs directly or indirectly related to trucking. In addition, trucking contributes over 5 percent of America's gross domestic product which is the equivalent of $372 billion to the economy.

Along with these astonishing facts about trucking, here are some more facts about this fuel crisis:

fuel taxes account for about 28 percent of what you pay for a gallon of gas at the pump;

the government imposes 43 different direct and indirect taxes on the production and distribution of gas, bringing the total burden to 54 percent of the price of a gallon of gas;

U.S. oil production is down 17 percent from 1992, consumption is up 14 percent;

DOE estimates the United States will use 65 percent foreign oil by 2020;

the United States spends $300 million per day, and $100 billion per year on foreign oil;

and oil makes up one-third of our trade deficit.

I know what our truckers are going through. I put myself through college driving a truck and I just recently got my Colorado commercial driver's license so that I could get back into driving. Since I own a small rig, I know firsthand how the fuel crisis impacts those who depend on it. My fuel bills have doubled in the last year alone.

Hundreds of truckers from all over have come to Washington to ask for help on three different occasions in the last few weeks. One thing I have learned is that when many private citizens give their time to come to Washington, the issue is not profit margins, or stock prices, it is because they are fighting for their families' very livelihood.

I met a man named Wesley White from Oregon, who said he was on his last run. He could not afford to continue fueling his truck. He has spent his pension to buy the truck, but when he gets home, he's parking it for good. Without the income derived from delivering goods he will not be able to make truck payments and will lose the truck. Another trucker I met was living with his wife and two small children in the truck sleeper because the increase in diesel costs did not leave them enough money to pay their house rent.

Unfortunately, the administration has ignored the plight of these hard working Americans. This administration got us into this mess by their total lack of an energy policy. They stand in the way of domestic oil production by locking up public lands and refuse to release federal fuel stockpiles already in place.

Now, faced with skyrocketing diesel prices, they still do nothing of substance, instead they wanted to wait for OPEC to meet in Vienna which happened on March 27 and 28 of this year, hoping that the outcome would be favorable for the U.S., which is debatable. But can we trust this outcome when the U.S. has sanction on 8 out of the 11 OPEC nations?

Recently, the Energy Secretary went to the Middle East with hat in hand, to beg for fuel. He claims that this increase in oil production will lower fuel costs by approximately 11 cents by the end of the summer. Well, what do we do until then? The crisis is happening now. Also administration officials come before Congress to propose studying alternative energy sources, which is fine, but I have news for them: Trucks today run on diesel, not wind or solar power. Everything we buy to eat and wear comes on a truck. If the trucks stop rolling, this Nation stops rolling.

The benefits from this recent increase in oil production will not be seen for months. We need solutions now before any more Americans lose their jobs because of high fuel prices.

I am pleased the pending legislation includes a provision which is similar to a bill I introduced more than a month ago on March 2, S. 2161 the American Transportation Recovery and Highway Trust Fund Protection Act of 2000. My bill would temporarily suspend the federal excise tax on diesel fuel for one year or until the price of crude oil is reduced to the December 31, 1999 level. It would replace the lost revenues with monies from the budget surplus in the general fund, while protecting the Highway Trust Fund. S. 2161 is endorsed by the American Trucking Association, the Independent Truckers Association, and the Colorado Motor Carriers Association to name just a few.

The provision in the pending legislation states that in the event the national average price of unleaded regular gasoline rises to $2 per gallon or more, it would further suspend all federal excise taxes on fuels, while retaining only the 0.1 percent portion devoted to Leaking Underground Storage Tanks Trust Fund. I believe this action would be an important step forward to help relieve the escalating burden on America's truckers and farmers.

But, these bills are only short-term solutions, and only one step which could be taken. Our real problem is our dependence on foreign oil. In 1973, the year of the Arab oil embargo, the U.S. bought 35 percent of its oil from foreign sources. Today, we buy 56 percent, by some reports 62 percent. All the negotiations the administration is doing to get OPEC to open the spigots is not more than a band aid approach to a problem that will continually revisit us as long as we are dependent on foreign oil. It is unfortunate that we, a global superpower, are reduced to begging, and now we have to take what we can get from OPEC. More forceful actions need to be taken to expose the severity of this problem and address it now, not in the months to come. We cannot stand by and do nothing of consequence while good people lose their means of support.

The Federal fuels tax holiday bill is an important step forward to provide relief to hard working Americans from the burden of rising fuel prices, and I urge my colleagues to support cloture so we can pass this bill.

I thank the Chair and yield the floor.●

Mr. ROCKEFELLER. Mr. President, I wish to take this opportunity to explain why I missed the vote on the motion to invoke cloture on S. 2285, the Federal Fuels Tax Holiday bill, and more importantly, to explain why I would have voted against cloture on this bill.

I had to be absent for this vote because I was traveling to Taiwan, where I became the first Member of the U.S. Congress to visit its newly elected leadership. I made the trip to discuss and reinforce Taiwan's close economic ties with my state of West Virginia, and to relay our country's interest in Taiwan and its continued stable relations with China.

Had I been in Washington, DC, for this vote, I would have most assuredly voted against it. I would have opposed cloture for a number of reasons, including my philosophical opposition to the frequent use of the cloture procedure by the majority to foreclose Democratic initiatives. However, I was happy to see that this cloture motion failed because of more substantive concerns. Quite simply, this bill represents bad tax policy, bad energy policy, and bad transportation policy, all dressed up in an election year wrapper.

Proponents of the gas tax ''holiday'' would have us believe that this bill—which would have cut more than $200 million in federal highway money for West Virginia—was offered to do something about the recent price increases for gasoline and other fuels. Petroleum products are taxed at the refinery, not at the pump, and consumers would not have seen any of the savings passed through to them. Consumers in some states would even have seen their state gasoline tax go up in response to the federal tax going down. The effect of this bill would have been the creation of a windfall for oil companies and middlemen, with West Virginians still paying much more than the national average for a gallon of gas.

Mr. President, I would like to briefly discuss some of the problems with this legislation. The proposed 4.3 cent reduction would translate to more than $4 billion in lost revenue that would otherwise go to the Highway Trust Fund. The complete elimination of fuel taxes that would have been triggered by the price of gas going above $2.00 would explode that shortfall to more than $20 billion—all to be made up from a surplus that some would argue does not exist. These funding reductions would have put hundreds of thousands of Americans out of work, jeopardized projects to upgrade our aging transportation infrastructure, and put millions of highway users at risk.

In addition to the severe cutback in the highway funding mechanism, which we were so happy to put in place two years ago with the passage of TEA–21, the impact of the fuel tax repeal would have left the Airport and Airway Trust Fund under-funded to the tune of about $700 million a year. The effect on airline passenger safety, and on airport construction and maintenance projects, would be devastating.

Repeal of the gasoline excise tax would have eliminated the tax incentives we in Congress have instituted to expand the use of alternative fuels. Without the general excise tax from which to partially exempt alternative or blended fuels, there would be no realistic means of bringing our nation into compliance with fuel diversity standards we have previously worked to put in place. As this temporary worldwide shortage of gasoline demonstrates so painfully at the pumps, the United States needs an energy policy that weakens the grip of foreign suppliers.

Finally, Mr. President, I would like to comment on an earlier cloture vote on this issue. On March 30 I voted for the cloture motion on the motion to proceed to this bill. I voted this way not because I supported the gas tax repeal, but precisely because I thought the Senate should proceed to consideration of the bill, so that its many faults could be debated, and the bill could be voted down.●

Mr. BYRD. Mr. President, in response to the inquiry from the senior Senator from Virginia, Mr. WARNER, I would like to pass on my views on the intent and impact of Section 1(f)(4) of S. 2285. This provision, as Senator WARNER pointed out, is indeed unprecedented in the history of the law governing the Highway Trust Fund. As I read this provision, it is an attempt to make up for the losses in deposits that would occur to both the Highway and Airport and Airway Trust Funds as a result of a reduced fuel tax in this bill with transfers from the general fund of the Treasury. As has been pointed out by other Senators during debate on this bill, the legislation does not state with specificity how this diversion of general funds is to occur. It is not clear whether these general funds would be derived from the non-Social Security surplus or be required to be diverted from other areas of federal spending.

Finally, Mr. President, I would like to recognize the excellent staff work of Ann Loomis of Senator WARNER's staff, Ellen Stein of Senator VOINOVICH's staff, Tracy Henke of Senator BOND's staff, Mitch Warren of Senator LAUTENBERG's staff, Tom Sliter and Dawn Levy of Senator BAUCUS' staff, as well as Peter Rogoff, of my Appropriations Committee staff, on this effort.

Mr. President, I ask unanimous consent that letters of support from a number of interest groups be printed in the RECORD.

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

THE ASSOCIATED GENERAL CONTRACTORS OF AMERICA,
Alexandria, VA, April 10, 2000.

Hon. ROBERT C. BYRD,
U.S. Senate,
Washington, DC

DEAR SENATOR BYRD: The Associated General Contractors of America (AGC) greatly appreciates your vote in favor of the Byrd-Warner-Baucus-Voinovich-Lautenberg-Bond Sense of the Senate Amendment to the Budget Resolution. Your vote in support of not tampering with the federal gas tax and the Highway Trust Fund demonstrates your commitment to improving our nation's highways, bridges and transit systems.

The amendment, which was overwhelmingly approved by the Senate 66 to 34, declares the Senate's support for maintaining the current level of federal motor fuels taxes. The Senate has consistently rejected efforts to repeal portions of the federal gas tax. In 1998, 72 sitting Senators voted against

repeal of the 4.3-cent gas tax. The next day, the entire Senate voted to spend the 4.3 cents for badly needed highway and transit improvements.

It is imperative that the Senate continues to oppose any efforts to reduce the federal gasoline taxes on either a temporary or permanent basis. These user fees save lives, reduce congestion and create thousands of American jobs. Any reduction or suspension of the federal gasoline tax threatens to erode the spending levels guaranteed in the Transportation Equity Act for the 21st Century (TEA–21). Moreover, the reduction in gasoline taxes provides no guarantee that consumers will experience any reduction in the price at the pump.

Again, thank you for your support of the Byrd-Warner-Baucus-Voinovich-Lautenberg-Bond Sense of the Senate Amendment to the Budget Resolution. Please continue to help defeat any efforts to reduce the federal gasoline taxes and preserve the integrity of the Highway Trust Fund.

Sincerely,

JEFFREY D. SHOAF,
Executive Director,
Congressional Relations.

AMERICAN ROAD & TRANSPORTATION BUILDERS ASSOCIATION,
Washington, DC, April 7, 2000.

Hon. PAT ROBERTS,
U.S. Senate,
Washington, DC.

DEAR SENATOR ROBERTS: On behalf of the 5,000 members of the American Road and Transportation Builders Association (ARTBA), thank you for your April 6 vote in support of the Byrd-Warner-Baucus-Voinvoich-Lautenberg-Bond Amendment to the proposed FY2001 budget resolution.

We greatly appreciate you going on record in opposition to efforts to repeal or suspend the federal motor fuels tax in response to rising gas prices. We have notified our members in your state that you voted to support retaining the current federal motor fuels tax and sent a strong signal against proposals that would place funding for state highway and mass transit improvement programs at risk.

Unfortunately, this issue may come before the Senate again the week of April 10. We understand S. 2285, or some variation thereof, may be brought to the Senate floor in the near future as a stand-alone bill or as an amendment to other legislation. S. 2285 would temporarily repeal 4.3 cents of the federal motor fuels tax from April 15, 2000, through January 1, 2001. The bill would repeal the entire 18.4 cents federal gas tax if the national average price for a gallon of gasoline rises above $2.00. The bill proposes to use the ''on-budget surplus'' to ''reimburse'' the more than $20 billion that could be lost to the Highway Trust Fund under this scheme.

We hope you will vigorously oppose S. 2285 or like proposals.

This bill introduces uncertainty and risk into state highway and mass transit funding. Federal investment in these areas is already guaranteed under TEA–21. There is no need to risk this guarantee for a promise that things will be taken care of using the ''on-budget surplus.''

The fact is, S. 2285 could utilize the entire FY 2000 ''on-budget surplus.'' According to the Senate Budget Committee's Informed Budgeteer, the Congressional Budget Office has re-estimated the FY 2000 ''on-budget surplus'' to be $15 billion. Repealing the entire federal gas tax from April 15 to September 30—a possibility under S. 2285—would cost the Highway Trust Fund approximately $15 billion.

This would leave no room for other Republican or Clinton Administration budget priorities . . . or for using the ''surplus'' to pay down the national debt . . . or to protect Social Security and Medicare. The House has already adopted a supplemental appropriation bill for FY 2000 that would tie-up $16.7 billion of the ''on-budget surplus''! The proposed supplemental is but one of many measures that would utilize the ''on-budget surplus.''

Again, we thank you for your vote April 6. We need you to be with us again in opposition to S. 2285.

Sincerely,

T. PETER RUANE,
President & CEO.

AAA WASHINGTON OFFICE,
Washington, DC, April 4, 2000.

Hon. ROBERT C. BYRD,
U.S. Senate,
Washington, DC.

DEAR SENATOR BYRD: AAA is pleased to lend its support to your amendment to the Senate budget resolution, S. Con. Res. 101, expressing the ''Sense of the Senate'' that the federal gasoline tax should not be reduced or repealed.

AAA has serious concerns about efforts to suspend or repeal any portion of the federal excise tax on gasoline. While attractive at first glance, this course of action will do little to address the root cause of our gasoline price problem today, which is a shortage of supply caused by curtailed production of crude oil by OPEC member nations.

The benefit to motorists from reducing the gas tax is, at best minimal—repealing 4.3 cents would amount to about $1/week for the average consumer. However, as your amendment points out, the resulting loss of revenue to the Highway Trust Fund would be disastrous to the important work of fixing the nation's highways and bridges and improving safety.

It is highway and traffic safety that is of most concern to AAA. Lower receipts to the Highway Trust Fund compromise the safety of the traveling public. We take these roads back and forth to work and on vacations, our children take these roads to school, and our public safety officials use these arteries to respond to emergencies.

Asking Americans to choose between a gas tax reduction and safety is posing the wrong question. The right question is: How should Congress and the Administration manage an energy strategy that reduces dependence upon a foreign cartel? That way motorists would have the safe highways they've paid for through their gas taxes and an oil supply they can rely on. Short-term fixes, while politically popular, are not in the best interests of highway safety and the overall economic well being of the nation.

Congress made a very important decision by creating the Highway Trust Fund and establishing the direct link between user fees paid by motorists and trust fund monies dedicated to improving the nation's surface transportation. Because of TEA–21, the trust fund is now dedicated to providing Americans the safe and efficient transportation system on which they have paid and on which they rely.

Again, AAA appreciates your continued leadership on transportation issues and is pleased to support your amendment.

Sincerely,

SUSAN G. PIKRALLIDAS,
Vice President,
Public & Government Relations.

CONSTRUCTION INDUSTRY MANUFACTURERS ASSOCIATION,
Washington, DC, April 7, 2000.

Hon. PETE V. DOMENICI,
U.S. Senate,
Washington, DC.

DEAR SENATOR DOMENICI: The Construction Industry Manufacturers Association (CIMA) thanks you for your support of the amendment to S. Con. Res. 101 to oppose a reduction of federal fuel taxes. CIMA is the full service, innovative business resource for over 500 construction equipment manufacturers and services providers.

CIMA's membership was alerted to this amendment and actively lobbied for a favorable vote. The bipartisan support for the amendment demonstrates that an overwhelming majority of the Senate supports the user fee concept to build and maintain our nation's roads, highways and bridges.

A reliable transportation infrastructure is essential to maintain the strength of the U.S. economy and for the American public to enjoy safe and efficient modes of travel.

CIMA thanks you for your support.

Sincerely,

DENNIS J. SLATER,
President.

LABORERS' INTERNATIONAL UNION OF NORTH AMERICA,
Washington, DC, March 28, 2000.

DEAR SENATOR: On behalf of the more than 800,000 members of the Laborers' International Union of America, I am writing to urge you to oppose any effort to temporarily repeal the entire 18.4 cents per gallon gas tax to offset the recent increases in the price of gasoline, diesel and aviation fuel. While a repeal of the gas tax would most certainly result in less spending on transportation infrastructure, safety programs and job losses, there is simply no guarantee that it would result in lower prices at the pump.

The current plan likely to be considered on the Senate floor proposes to suspend the 4.3 cents gas tax immediately. However, even if the 4.3-cents tax is suspended, few consumers will likely see savings at the pump for at least two reasons. First, the tax is not actually imposed at the gas pump; rather it is collected shortly after it leaves the refinery. The fuel can pass through several middlemen before it reaches the consumer. None of these middlemen would have to pass along the savings. Those supplying the fuel could simply keep the reduced tax. Past experience has shown that as the wholesale cost of fuel goes up, prices at the pump increase. Decreases in fuel taxes, however, have not necessarily been passed on to motorists and motor carriers.

Several years ago, Connecticut reduced their state fuel tax but it did not translate into a price cut for consumers. As the Hartford Courant noted in 1997, after prices failed to come down.

''Gas taxes and prices are not connected in an ironclad way. The tax can be cut, but the benefits to consumers will be swallowed up in higher prices at the pump. In the future, the governor and legislature should build tax policy on a firmer foundation.''

Secondly, some states, such as California, have laws that automatically increase the state fuel tax with any reduction in the federal fuel tax. In those states, the consumer would realize no tax savings at all.

The new Senate plan calls for funding the gas tax repeal out of the budget surplus, a proposal that would supplant other legislative priorities. In 1997, Congress transferred the revenue from the taxes imposed on highway users to the Highway Trust Fund to help pay for highway and transit infrastructure, and for highway safety programs. The 4.3-cent tax on gasoline and diesel brings in $7.2

billion to the Highway Trust Fund annually—$5.8 billion for highways and $1.4 billion for transit. When Congress passed the TEA–21 bill, it established a direct link between these funds and the funding returned to the states and cities for highways and transit. Under TEA–21, all highway programs—highway construction, highway safety, transportation enhancements and high-priority projects—are decreased proportionally if tax revenues fall. Using the budget surplus for transportation puts highway construction, highway safety and transit programs at risk when Congress reauthorizes them in 2003, because the funding levels in TEA–21 will not be sustainable without a tax increase or continued transfers from the General Fund.

In essence, repealing the gas tax could reduce spending for highway construction, transit and other transportation infrastructure programs and draw down the budget surplus without ever putting one cent, and at the very most pennies a week, into the pocket of the average consumer. To put it simply, it's a bad idea.

For all the above reasons and more, we ask you to oppose any effort to repeal or suspend any portion of the gas tax if the full Senate considers it.

Sincerely yours,

TERENCE M. O'SULLIVAN,
General President.

AMERICAN PORTLAND CEMENT ALLIANCE,
Washington, DC, April 6, 2000.

Hon. JOHN WARNER,
U.S. Senate,
Washington, DC.

DEAR SENATOR WARNER: On behalf of the American Portland Cement Alliance (APCA), a trade association representing virtually all domestic portland cement manufacturers, thank you for voting in favor of the Byrd-Warner-Baucus-Voinovich-Lautenberg-Bond sense of the Senate amendment to the budget resolution.

As you know, an attempt to repeal or temporarily suspend the federal fuels user fees (gasoline tax) may occur next week, possibly during consideration of the Marriage Penalty Tax legislation. Because the amendment would likely reimburse the transportation trust funds with General Fund revenues, its enactment could easily consume this year's entire projected budgetary surplus (not required to protect the Social Security Trust Fund). In short, if you have other priorities, such as paying down the national debt, estate and marriage penalty tax reductions, Medicare, or education, the money will be gone.

APCA is deeply concerned that any reduction in the user fee would undermine TEA–21 and the funding commitment that legislation made to the states for highway and mass transit programs. Any reduction in these user fees would jeopardize the funding guarantee under TEA–21 and, more importantly, introduce uncertainty for state highway and transit improvement programs, and the construction and material supply industries, such as the cement manufacturers. Therefore, I respectfully ask that you vote against any measures to repeal the federal fuels user fees.

Again, thank you for your support on the Byrd-Warner-Baucus-Voinovich-Lautenberg-Bond sense of the Senate amendment.

Sincerely,

RICHARD C. CREIGHTON,
President.

AAA WASHINGTON OFFICE,
Washington, DC, April 7, 2000.

Hon. DANIEL K. AKAKA,
U.S. Senate,
Washington, DC.

DEAR SENATOR AKAKA: AAA thanks you for your vote in support of the amendment offered by Senator Robert Byrd (D–WV) to the fiscal year 2001 budget resolution. The 66–34 vote in favor of the Byrd amendment is a clear signal that the majority of the U.S. Senate does not support efforts to suspend or repeal any portion of the federal excise tax on gasoline.

AAA continues to have serious concerns about efforts to reduce the federal gas tax. Motorists will see very little benefit from the repeal and they could, in fact, face significant safety problems. The loss of revenue to the Highway Trust Fund would be disastrous to the important work that needs to be done to improve the nation's highways, bridges, and safety programs. A gas tax repeal is a short-term fix to a long-term problem and is not in the best interests of highway safety.

AAA encourages you to stand firm in opposition to further consideration of any effort to repeal or suspend the federal gas tax.

Sincerely,

SUSAN G. PIKRALLIDAS,
Public and Government Relations.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. How much time remains?

The PRESIDING OFFICER. The Senator has 40 seconds.

Mr. MURKOWSKI. I respond by telling my friend, Senator WARNER, that the gas station is the most competitive business in this country. I yield the remaining time to my friend, Senator SMITH of New Hampshire.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. SMITH of New Hampshire. How much time remains?

The PRESIDING OFFICER. The Senator has 30 seconds.

Mr. SMITH of New Hampshire. Mr. President, under S. 2285, lost revenues to the highway trust fund would be made up dollar for dollar from the on-budget surplus. Let's not forget that we are in this position because the President of the United States does not have an energy policy. We cannot continue to risk both the well-being of the American people and our national security. This policy of relying on overseas energy has left us vulnerable to the whims of foreign countries.

Passage of S. 2285 will bring relief to working families and protect our highway trust fund. I urge my colleagues to support the legislation.

The PRESIDING OFFICER. The minority leader.

Mr. DASCHLE. Mr. President, I will use a few minutes of my leader time, if I may, because I understand we have no time on our side either.

I ask unanimous consent that a letter sent to me by two Cabinet officials, Larry Summers and Bill Richardson, be printed in the RECORD at this point.

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

APRIL 10, 2000.

Hon. THOMAS DASCHLE,
Minority Leader,
U.S. Senate; Washington, DC. 20910

DEAR SENATOR DASCHLE: The Administration believes that Congress should pass critical tax credits and incentives that would promote energy efficiency and the use of renewably energy resources to enhance our energy security, instead of a temporary suspension of fuel taxes that will offer consumers little tangible benefit while risking highway and mass transit funds and squeezing other key priorities like education and law enforcement.

We urge the Congress to adopt measures that would address fundamental energy needs. The President has proposed a comprehensive tax package, including new tax credits for domestic oil producers and essential incentives to promote energy efficiency and the use of renewable energy sources. Congress should pass the President's tax package and fund fully his fiscal year 2001 budget and 2000 Supplemental to promote energy security through the use of domestic energy technologies. Enactment of these proposals would reduce the effect of high energy prices, decrease our dependence on imported oil, and improve the environment.

Much of the benefit of the proposal would accrue to OPEC and other producers rather than American consumers, in contrast to the Administration's approach, which seeks to enhance energy security by increasing domestic energy supplies and energy efficiency. Reducing fuel taxes would increase the demand for imported oil. The quantity of oil in the world market in effectively fixed in the short term. The combination of increased demand and a fixed supply would increase the price of oil, with much of that increase accruing to OPEC instead of American consumers.

The Transportation Equity Act for the 21st century, PL. 105–178, signed by the President on June 9, 1998, guarantees that funds deposited in the highway account will be automatically spent on federal highway and construction needs. The transportation fuels taxes are in the nature of user fees to recoup those costs. We believe that this legislation is inconsistent with this national policy that users of the nation's transportation system should pay for the costs of building and maintaining our transportation infrastructure. There is no justification for shifting transportation infrastructure costs, as S. 2285 would do, from the users of this transportation system to taxpayers generally.

We are concerned that S. 2385 only partially protects the Social Security Trust Fund. It provides that the revenue loss from rate reductions in excess of 4.3 cents per gallon may not exceed the on-budget surplus. The 4.3-cents-per-gallon rate reduction, however, would apply even if it remits in an on-budget deficit. In any case in which the rate reduction results in a deficit, the ultimate effect is that a portion of the Social Security Trust Fund equal to the deficit is diverted to maintain highway spending programs at their current level. In addition, S. 2285 would affect receipts and is subject to the pay-as-you-go requirement of the Omnibus Budget Reconciliation Act of 1990.

Finally, we are concerned that this proposal cannot be administered. S. 2285 provides that the aggregate revenue effect of rate reduction in excess of 4.3 cents per gallon not exceed the on-budget surplus during the period the taxes are reduced. We are concerned about our ability to administer this limitation if the rate reductions in excess of 4.3 cents per gallon are triggered. Because the rate reduction period does not coincide with normal budgetary accounting periods, the budget surplus for the period may never be known.

For the forgoing reasons, we strongly oppose S. 2285. We look forward to working with you on meaningful legislation that will promote domestic energy solutions and reduce our long-term dependency on foreign oil.

Sincerely,

LAWRENCE H. SUMMERS.
BILL RICHARDSON.

Mr. DASCHLE. Basically, the letter says what a number of our colleagues have been saying throughout this debate, that this could have devastating consequences on general revenues as well as on the Social Security trust fund per se.

It says, briefly reading a couple of paragraphs:

In any case in which the rate reduction results in a deficit, the ultimate effect is that a portion of the Social Security Trust Fund equal to that deficit is diverted to maintain highway spending programs at the current level. In addition, S. 2285 would affect receipts and is subject to the pay-as-you-go requirements of the Omnibus Budget Reconciliation Act of 1990.

We are concerned that this proposal cannot be administered. S. 2285 provides that the aggregate revenue effect of rate reductions in excess of 4.3 cents per gallon not exceed the on-budget surplus during the period the taxes are reduced. We are concerned about our ability to administer this limitation if the rate reductions in excess of 4.3 cents per gallon are triggered. Because the rate reduction period does not coincide with normal budgetary accounting periods, the budget surplus for the period may never be known.

We ought to have a very good and thorough discussion about the implications of this bill prior to the time we are called upon to vote on it. By voting for cloture now, we cut off debate that never was. We cut off a debate that ought to provide a thorough examination of the implications on the Social Security trust fund, of the budget overall, of highway construction this year, of the implications for infrastructure in the outyears, of the solvency of the trust fund in periods beyond this fiscal year. All of those issues have not been debated.

For that reason, I hope my colleagues will join me in opposition to the cloture vote to be cast today.

I yield the floor.

CLOTURE MOTION

The PRESIDING OFFICER. All time has expired. Under the previous order, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on Calendar No. 473, S. 2285, a bill instituting a Federal fuels tax holiday:

Trent Lott, Judd Gregg, Connie Mack, Kay Bailey Hutchison, James Inhofe, Frank H. Murkowski, Paul Coverdell, Michael Crapo, Thad Cochran, Charles Grassley, Jim Bunning, Gordon Smith, Ben Nighthorse Campbell, Larry E. Craig, Bob Smith, and Don Nickles.

The PRESIDING OFFICER. By unanimous consent, the quorum call has been waived.

The question is, Is it the sense of the Senate that debate on S. 2285, a bill instituting a Federal fuels tax holiday, shall be brought to a close?

The yeas and nays are required under the rule. The clerk will call the roll.

The bill clerk called the roll.

Mr. REID. I announce that the Senator from West Virginia (Mr. ROCKEFELLER) is necessarily absent.

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

The yeas and nays resulted—yeas 43, nays 56, as follows:

[Rollcall Vote No. 80 Leg.]

YEAS—43

Abraham	Gramm	Murkowski
Allard	Grams	Nickles
Brownback	Grassley	Roth
Bunning	Gregg	Santorum
Burns	Hagel	Sessions
Campbell	Hatch	Shelby
Cochran	Helms	Smith (NH)
Collins	Hutchison	Smith (OR)
Coverdell	Inhofe	Snowe
Craig	Kyl	Specter
Crapo	Lott	Stevens
DeWine	Lugar	Thompson
Domenici	Mack	Thurmond
Fitzgerald	McCain	
Gorton	McConnell	

NAYS—56

Akaka	Edwards	Levin
Ashcroft	Enzi	Lieberman
Baucus	Feingold	Lincoln
Bayh	Feinstein	Mikulski
Bennett	Frist	Moynihan
Biden	Graham	Murray
Bingaman	Harkin	Reed
Bond	Hollings	Reid
Boxer	Hutchinson	Robb
Breaux	Inouye	Roberts
Bryan	Jeffords	Sarbanes
Byrd	Johnson	Schumer
Chafee, L.	Kennedy	Thomas
Cleland	Kerrey	Torricelli
Conrad	Kerry	Voinovich
Daschle	Kohl	Warner
Dodd	Landrieu	Wellstone
Dorgan	Lautenberg	Wyden
Durbin	Leahy	

NOT VOTING—1

Rockefeller

The PRESIDING OFFICER. On this vote, the yeas are 43, the nays are 56. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

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

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The majority leader.

MARRIAGE TAX PENALTY RELIEF ACT OF 2000

Mr. LOTT. Mr. President, I ask unanimous consent that the Senator proceed to Calendar No. 437, H.R. 6, the marriage penalty tax repeal bill, and that the motion to proceed be agreed to, that the bill be subject to debate only, equally divided, and at 4 p.m. the majority leader be recognized.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill.

The assistant legislative clerk read as follows:

A bill (H.R. 6) to amend the Internal Revenue Code of 1986 to reduce the marriage penalty by providing for adjustments to the standard deduction, 15-percent rate bracket, and earned income credit and to repeal the reduction of the refundable tax credits.

The Senate proceeded to consider the bill.

Mr. LOTT. Mr. President, I will briefly explain what we have in mind, and then I believe Senator INHOFE has some comments he wants to make on another issue before we go to the actual debate on the marriage tax penalty.

Senator DASCHLE and I have been talking. As a result of the caucus luncheon, the Democrats have some amendments they want to have made in order. If they are relevant or if they are close to being relevant in a way we can have debate and votes on them, we would like to work out an agreement to do that. I have asked him to provide me a list of those amendments so we can make sure we understand what they are and have a chance to assess their relevancy.

It is preferable we do that rather than filing cloture and having a cloture vote. I believe the American people think it is time to quit talking about the marriage tax penalty and do something about it. I know Senator MOYNIHAN has a different approach as to how to deal with it. It is credible. We have looked at that and debated it in the Finance Committee. Certainly, that substitute or other substitutes should be offered.

Rather than just mark time and not accomplishing anything, this will put us into general debate on the marriage tax penalty until 4 p.m. Then in an hour, we will have a chance to get an agreement on how to proceed. I want us to debate this issue, fully understand the ramifications of what the Finance Committee reported out, have debate on the amendments and vote on those amendments and complete this legislation. The American people believe it is time we do this.

I cannot help remembering what we did on the Social Security earnings test. We made in order a couple of amendments. We had a good debate, and we had a vote or two and passed it unanimously. I believe most Members of the Senate, if not all, realize there are inequities with the marriage tax penalty and we should do something about it. I want to facilitate getting to that point.

The House has acted overwhelmingly. We are going to see if we can work out an accommodation and obtain a UC agreement as to how to proceed.

If I need to, I will take leader time to make this brief comment on the bill on which we just voted. The Senate has spoken, although I note there were 43 Senators who thought there should be some sort of fuels tax holiday so that working Americans could have some relief.

I emphasize, this issue is not over. I fear gasoline prices are going to go up. The fact is, we are still dependent, and

going to be even more dependent, on foreign oil, mostly OPEC oil, for 55 percent or more of our needs. We need to do something. We do not have an adequate energy policy, if there is one at all. This issue will not go away.

My comment to those who voted against it on both sides is: if not this, what? And if not now, when are we going to do something about our energy dependence on foreign oil? There is a danger here, and we need to find a way to address it.

I yield the floor, Mr. President.

The PRESIDING OFFICER. The minority whip.

Mr. REID. Mr. President, did the leader ask consent as to what is happening between now and 4 o'clock?

Mr. LOTT. If the Senator will yield, we are going ahead with general debate on the marriage tax penalty until 4 o'clock with the time equally divided.

Mr. REID. Will the leader agree the time should be equally divided?

Mr. LOTT. It was in the request. The time will be equally divided.

Mr. REID. I am sorry; I missed that.

Mr. LOTT. I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I ask unanimous consent that I be recognized as in morning business.

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

MORE EVIDENCE OF COVERUP

Mr. INHOFE. Mr. President, I understand a lot of people are preparing their remarks to address this very significant subject of the marriage tax penalty. I know the Senator from Texas has addressed this subject many times, as I have, and I intend to do that.

Regrettably, I want to report to the Senate and to the American people something different, which is more evidence of the hypocrisy, corruption, and coverup which pervades this administration. Something happened last week. At a hearing of the Senate Armed Services Committee, we finally got some answers about the ''investigation'' concerning the March 1998 incident in which information from Linda Tripp's confidential Government security file was deliberately leaked to the media.

Linda Tripp was and still is a Government employee who works out of the Pentagon. I understand nobody wants to hear about this. They would rather hear warm and fuzzy things. People say they have already heard it before, which they have not, but they think they have. They say there are only 9 months left in this President's term. Everybody says: Shut up; let it go; leave it alone; there is nothing you can do about it. They say: Just move on to something else.

For those concerned about the politics of it, that is probably wise counsel, but some of us are less concerned about the politics than we are about the truth.

I wish I did not have to say anything about this subject, but somebody has to do it. We are talking about another crime committed in this administration. Politicians do not want to make people feel uncomfortable. As Henry Ward Beecher said:

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

A lot of say nothing and do nothing takes place in this Senate. That is why I asked Donald Mancuso, the Pentagon's acting inspector general, a series of questions at the hearing last week. His answers revealed for the first time a number of things we previously did not know.

He told us: No. 1, the Pentagon Office of Inspector General completed its investigation of this matter in July of 1998. Spokespeople in the administration have been implying for the last 20 months that the Pentagon itself was still investigating. This is not true. It is just another Clinton lie.

What we have is evidence of a lie, a coverup, and a transparent effort to drag it out as long as possible, hoping to run out the clock as the administration's time in office winds down.

No. 2, we learned that the report—this is the report on the leak in 1998—was given to the Justice Department for criminal prosecution, and quoting Mancuso:

> We felt we had found sufficient information to warrant consultation with the Department of Justice.

This means it was a criminal referral. The Pentagon IG obviously believed there was sufficient evidence that a crime had been committed.

No. 3, the inspector general concluded that Pentagon Director of Public Affairs Ken Bacon was involved in illegal activity. Quoting again Inspector General Mancuso:

> The facts show that information was released by Mr. Bacon and it related to Linda Tripp.

No. 4, the Justice Department, after a 20-month coverup, quietly told the Pentagon in the last 2 weeks it would not prosecute anyone in the case.

We would not even have known about it if it had not been for the fact this came out during a hearing. This came out in a hearing that was live on C-SPAN. It was a public hearing, a public forum, so no one is going to be held legally accountable for what happened.

Remember, this is the President, who, in November 1992, said he would immediately fire anyone who was caught disclosing information from confidential Government personnel files.

All these things were not publicly known previously. I repeat, these four new findings we learned for the very first time only last week: First, we discovered that the Pentagon Office of Inspector General completed its investigation of the matter in July of 1998.

Second, we learned that the report was given to the Justice Department for criminal prosecution.

Third, we learned that the inspector general concluded that Pentagon Director of Public Affairs Ken Bacon was involved in the illegal activity.

Mancuso said:

> The facts show that information was released by Mr. Bacon and it related to Linda Tripp.

Under the circumstances, releasing this information was clearly a criminal act, whether the Justice Department wants to believe this or not.

Fourth, we learned that the Justice Department has been covering up the crime for 20 months and only now tells us that no one will be prosecuted and no one will be held accountable.

This would never have come to light if it had not been for this hearing.

This is the same Justice Department that has botched up the investigation of the theft of information on the W–88 warhead, that has refused to appoint an independent counsel to investigate campaign fundraising illegalities, and that continues to cover up vital information in defiantly refusing to release the LaBella and Freeh memos suggesting that crimes may have been committed in the Chinagate scandal.

All this was ''breaking news'' last week. Did we read about it in the New York Times, in the Washington Post, or in the Los Angeles Times, or any of those publications? Did we hear about it on ABC, CBS, NBC, or CNN? No, we did not. With the noted exception of the Washington Times, the mainstream media largely ignored this important story.

Have we come to the point, 7 years and 3 months into this President's term, that the media, that is supposed to be the watchdogs of democracy, has given up caring about lawbreaking and abuses by the incumbent administration? Is that what this is all about? Are they so tired and bored by it all that they cannot report the obvious facts to the American people?

I appeal to the media right now to cover this story, and to cover it well. Just tell the truth. Expose the facts. Expose the hypocrisy. Do not, by your silence, allow yourselves to become pawns and participants in another Clinton coverup.

This is still America. The truth still matters. Let's look at some history. Let's recall a time when the media played a much different role than they are playing now. Watergate was 25 years ago, a time before the ''death of outrage,'' when the media boasted of its role explaining the immense significance of lawbreaking and coverups in high places.

Charles Colson, a guy I happen to know, I say to Senator BYRD—I attend a Bible study with him; an outstanding individual; at that time he was not so outstanding—was special counsel to President Nixon. He went to jail for doing essentially what Ken Bacon did. He released information to the media about a Pentagon employee that came from a confidential Government file in an attempt to discredit that person.

This was a crime then; and it is a crime now.

What exactly did Colson do? This is what he said he did, in his own words. This is going back to 1991:

I got hold of derogatory FBI reports about Ellsberg and leaked them to the press.

He said further, in 1976:

I happily gave an inquiring reporter damaging information . . . compiled from secret FBI dossiers.

So what happened to Colson?

In the midst of the media firestorm surrounding Watergate, Colson pleaded guilty to the charge that he obstructed justice by disseminating to the media derogatory information from a confidential FBI file about Daniel Ellsberg.

Colson was sentenced by U.S. District Court Judge Gerhard Gesell to a prison term of 1 to 3 years and fined $5,000. At the sentencing, Judge Gesell deplored Colson's ''deliberate misconduct'' and he lectured him to understand that ''Morality is a higher force than expediency.''

In his book, ''Born Again,'' Colson talked about the significance of what he had done. He recalled that Judge Gesell said, in his pretrial hearing:

The whole purpose of this case, beyond its immediate objective, is to direct some attention to the desirability of having a government of law, not a government of men. That is what this is [all] about.

Colson continued, in his own words:

It is something I remembered from Civics I in school.

He said:

These were the cardinal principles of American government, the real bull-work against man-made tyranny. When a man's constitutional rights are in jeopardy, the violation, even cloaked in the time-honored protective shroud of national security, is simply intolerable.

Colson served 7 months in jail before the court reduced his sentence to time served.

Now, what did Ken Bacon do?

Let's go to the Washington Post of May 22, 1998:

The Pentagon's chief spokesman (Ken Bacon) apologized today for authorizing the release to a reporter of information contained in Linda R. Tripp's 1987 security clearance form, saying, ''In retrospect, I'm sorry the incident occurred.''

Bacon's remarks came after he acknowledged in a deposition last Friday that he provided the New Yorker writer Jane Mayer with the Tripp information.

So, in other words, he admitted it. There is no question about whether or not he committed this crime. There is no doubt about it, no dispute about it.

Bacon said:

I'm sorry that I did not check with our lawyers or check with Linda Tripp's lawyers about this.

Sorry? Sorry didn't cut it for Chuck Colson. Colson committed his crime in July of 1971. He admitted his guilt and pleaded guilty on June 3, 1974, and was sentenced to jail June 21, 1974.

Bacon committed his crime in March 1998. He admitted what he had done in June of 1998. The Pentagon inspector general referred the matter for criminal prosecution in July of 1998. So now, 2 years later, in April of 2000, the Clinton Justice Department says it is going to take a pass, hoping nobody will see or care at this late date.

Colson went to jail and served time in prison. If there was justice, an equal application of the law, Bacon would also go to jail and serve time in prison.

Is this the first time the Clinton administration has been involved in lawbreaking and corruption? Hardly. It has almost become a way of life: Travelgate, Filegate, Buddhist Temple fundraisers, illegal foreign campaign contributions, the compromise of high-technology nuclear secrets to China, not to mention perjury and obstruction of justice—the list goes on and on.

Why is any of this important? It is all about a concept that is basic to America, a concept as basic as going to church on Sunday. That concept is: Equal application of the law.

Only the media can ultimately protect this fundamental principle by informing the people about what is happening. If the people do not know, of course, they will not care. The role of the media is critical in protecting our liberties. So again, I appeal to the media to cover this story, not to cover up this story.

Does anyone care? I believe the American people care. But they must be informed first.

Let me conclude by recalling the words of Chuck Colson. In writing about his own case, he said:

I pleaded guilty after being told by Watergate prosecutor Leon Jaworski that my conviction would deter such a thing from [ever] happening again.

So I am here today to tell the American people, it just happened again.

I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware.

MARRIAGE TAX PENALTY RELIEF ACT OF 2000—Continued

Mr. ROTH. Mr. President, I rise to discuss the centerpiece of our efforts to reduce the tax overpayment by America's families. The Marriage Tax Penalty Relief Act of 2000 delivers savings to virtually every married couple in America. And it does so within the context of fiscal discipline and preserving the Social Security surplus.

The importance of this measure cannot be overstated. According to the most recent CBO estimates, in 1999, 43 percent of married couples—about 22 million couples—faced the marriage tax penalty. The average penalty was $1,480 per couple. This was levied on individuals who are already overburdened with expenses—the costs associated with buying homes, paying for education, raising children, and building financial security for retirement.

It isn't fair, Mr. President. It isn't fair that when two individuals marry their combined tax liability becomes greater than if they had remained single and continued to pay taxes at their single rate. But unfortunately, this has been the case—to one degree or another—for more than 30 years.

Now it's time for a change.

It's time to restore equity—to bring balance and fairness into the tax equation for these married couples. This, of course, is not as simple as it might appear. Our tax system has tried to balance three disparate goals—progressivity, equal treatment of married couples, and marriage neutrality. And it is impossible to achieve all three principles at the same time.

The principle of progressivity holds that taxpayers with higher incomes should pay a higher percentage of their income in taxes. The principle of equal treatment of married couples holds that households with the same amount of income should pay the same level of tax. And the principle of marriage neutrality holds that a couple's income tax bill should not depend on their marital status. The tax code should neither provide an incentive nor a disincentive for two people to get married.

Our policy response differs depending on how we balance these different principles. For instance, if we want to ensure that when two singles get married their total tax bill will not rise—but we do not mind if two married couples with the same overall income level are treated differently, then we arrive at one result. However, if we want to make sure that two singles who marry do not face increased taxes—and we want to make sure that two married couples with the same income level are treated evenly—then we arrive at a different result.

Last year, the Senate position in the Taxpayer Relief Act of 1999 embraced the first policy result. We focused on the difference between what two spouses would pay in taxes if they were single versus what they would pay in taxes if they were married. In order to fully address that problem, we developed a system whereby a married couple would have an option. The couple could continue to file a joint return using the existing schedule of married filing jointly. Or the couple could choose to file a joint return using the separate schedules for single taxpayers. It was straightforward, and it was universal—we did not try to impose arbitrary income limits to cut off the relief.

As I said last year, this approach had a lot of good things about it. Most importantly, I liked the way that it basically eliminated the marriage penalty for all taxpayers who suffered from it. It delivered relief to those in the lowest brackets as well as to those in the highest brackets. It also delivered relief to those who itemized their deductions as well as those who took the standard deduction.

Nevertheless, I did not propose, or support, the separate filing plan this year. As the Chairman of the Finance

Committee, I am responsible for developing tax policy in a rational manner. I am also responsible for working with members of my Committee and of the full Senate.

After listening to my colleagues' views on marriage tax relief, I came to the conclusion that the best approach at this time is to build on the foundation that Congress has already approved. Last year, in the conference report of the Taxpayer Relief Act of 1999, the Congress adopted three components of marriage penalty relief. These include an expansion of the standard deduction for married couples filing jointly; a widening of the tax brackets; and an increase in the income phaseouts for the earned income credit. A different part of the bill also addressed the minimum tax issue. This year, the House passed a marriage penalty tax bill that included the first three components.

And the Finance Committee bill, the Marriage Tax Penalty Relief Act of 2000, has built on this foundation. Under current law, for the year 2000, the standard deduction for a single taxpayer is $4,400. The standard deduction for a married couple filing a joint return is $7,350. That means that for couples who use a standard deduction—and those are generally low and middle income couples—they are losing $1,450 in extra deductions each year. At a 28% tax rate, that lost deduction translates into an extra tax liability of $406 each and every year.

The Finance Committee bill increases the standard deduction for married couples so that it is twice the size of the standard deduction for singles. And we do that immediately, for the 2001 tax year. When fully effective, this provision provides tax relief to approximately 25 million couples filing joint returns, including more than 6 million returns filed by senior citizens.

Increasing the standard deduction also has the added benefit of simplifying the tax code. Approximately 3 million couples who currently itemize their deductions will realize the simplification benefits of using the standard deduction.

Second, the Marriage Tax Penalty Relief Act of 2000 addresses the cause of the greatest dollar amount of the marriage tax penalty—the structure of the rate brackets. Under current law, the 15% rate bracket for single filers ends at taxable income of $26,250. The 15% rate bracket for married couples filing jointly ends with taxable income of $43,850, which you can see is less than the sum of two times the single rate bracket. In practical terms, that means that when two individuals who each earn $30,000 get married and file a joint tax return, $8,650 of their income is taxed at the 28% rate rather than at the 15% rate that the income would have been subject to if they had remained single. The extra tax liability for that couple each year comes out to $1,125.

The Finance Committee bill remedies that fundamental unfairness. The bill adjusts the end point of the 15% rate bracket for married couples so that it is twice the sum of the end point of the bracket for single filers. Recognizing that the rate structure hurts married couples in the higher brackets, the bill also adjusts the end points of the 28% rate bracket as well.

When fully effective, and we make that happen a year earlier than the House, this provision will provide tax relief to approximately 21 million couples filing joint returns, including more than 4 million returns filed by senior citizens.

Third, the Marriage Tax Penalty Relief Act of 2000 addresses the biggest source of the marriage tax penalty for low income, working families—the earned income credit. This complicated credit is determined by using a schedule for the number of qualifying children, and then multiplying the credit rate by the taxpayer's earned income up to a certain amount. The credit is phased out above certain income levels. What that means is that two people who are each receiving the earned income credit as singles may lose all or some of their credit when they get married.

In order to address that problem, the Finance Committee bill increases the beginning and ending points of the income levels of the phase-out of the credit for married couples filing a joint return. For a couple with two or more qualifying children, this could mean as much as $526 in extra credit. This provision would also expand the number of married couples who would be eligible for the credit. It will help over one million families.

The PRESIDING OFFICER. The time allotted to the majority has expired.

Mr. ROTH. Parliamentary inquiry: I didn't think there was any time limit.

The PRESIDING OFFICER. Pursuant to the unanimous consent agreement, the time between 3 and 4 o'clock was equally divided between the majority and the minority, or their designees. The Senator from Montana has 29 minutes.

Does the Senator from Montana have a question?

Mr. BAUCUS. Mr. President, I offer a unanimous consent request, if I may.

The PRESIDING OFFICER. The Senator may present the request.

Mr. BAUCUS. Mr. President, the Chair restated the agreement, as I understood it, correctly. But I don't think the chairman of the committee, Senator ROTH from Delaware, was on the floor when that unanimous consent was propounded and agreed to. He was unaware of the time constraint. I think it is only fair, frankly, that the Senator from Delaware be able to present his views. I am willing to yield as much time as I have to the Senator. How much does the Senator need?

Mr. ROTH. I would say 10 minutes.

Mr. BAUCUS. Ten minutes. Fine, Mr. President.

Mrs. BOXER. Mr. President, reserving the right to object—I will not object—I would not want to give away 10 minutes of time from this side because there are others who want to speak and are counting on the minutes. I have no problem doing a unanimous consent request giving the Senator an additional 10 minutes. But I would like to retain 30 minutes of time on this side.

The PRESIDING OFFICER. There was no unanimous consent request. The time was under the control of the Senator from Montana.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the time be extended to 10 minutes after 4 p.m. and that this side have 29 minutes—whatever it is—and the remainder of time be allotted to the Senator from Delaware.

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

Mr. ROTH. I have a parliamentary question. It was my understanding that Senator INHOFE was speaking as if in morning business. Does that time count?

The PRESIDING OFFICER. I believe that is the source of the misunderstanding. Senator INHOFE did speak as if in morning business. However, the unanimous consent request was that the time between 3 and 4 be allocated equally. Therefore, I believe the unanimous consent request just propounded by the Senator from Montana would probably very closely correct that misunderstanding. I believe all of us were operating under that understanding.

Mr. ROTH. I thank the distinguished Senator from Montana for his courtesy.

Mrs. HUTCHISON. Parliamentary inquiry: What is the time allocation between now and 10 minutes after 4 o'clock?

The PRESIDING OFFICER. The time allocation at this time is 10 minutes to the majority and 29 minutes remaining for the minority.

Mr. ROTH. Mr. President, finally, the Marriage Tax Penalty Relief Act of 2000 tries to make sure that families can continue to receive the family tax credits that Congress has enacted over the past several years. Each year, an increasing number of American families are finding that their family tax credits—such as the child credit and the Hope Scholarship education credit—are being cut back or eliminated because of the alternative minimum tax. Last year, Congress made a small down-payment on this problem, temporarily carving out these family tax credits from the minimum tax calculations. This year, we are building on that bipartisan approach, by permanently extending the preservation of the family tax credits.

Because of this provision, millions of taxpayers will no longer face the burden of calculating the alternative minimum tax.

In making the changes that I have just described—whether it is the change in the rate brackets or the change in the earned income credit—we have tried to meet an important objective. That goal, which I talked about

earlier, is to treat all married couples with the same amount of income equally. It is a principle that is ignored by using a combined return with separate schedules or by using a second earner deduction. With the Senate Finance Committee bill, we do not create a new, so-called ''homemaker penalty.'' Our bill ensures that simply because a family has only one wage earner, it is not treated any differently than a family where both spouses work. Many people have argued that tax policy should not discourage one parent from staying at home and raising the family. It is a laudable goal and one that I support.

How much does this marriage tax penalty relief help? It helps a lot. Over forty million families will get marriage tax relief under this legislation. In my state of Delaware, over 100,000 families will benefit. Every family earning over $10,000 per year will see their tax bill fall at least one percent—except those at high income levels. The key to this legislation is that it helps the middle class. Sixty percent of this bill's tax relief goes to those families making $100,000 or less.

Who are these people? They're two married civil engineers, or a pharmacist who is married to a school teacher. They're the policeman and his wife who runs a small gift shop in Dover. They are the firefighter who is married to a social worker, or a librarian who is married to an accountant. These are the families who will benefit.

And they will benefit even more, as you examine the impact this tax relief will have over time. Consider the effect if these tax savings were put away for their children's education and retirement. If a couple with two children making just $30,000 took their tax savings from this bill and put it into an education savings account like the one recently passed by the Senate, they would have $40,000 for those children's college education. Based on the stock market's historical rate of return, that's $40,000 if they did not set aside another penny! If the family was that of two elementary school teachers with two children and earning average salaries of $70,000 combined, they would have $65,000 after 18 years.

If those two married school teachers then started to put their tax savings from this bill into a ROTH IRA after 18 years, this same couple would have $224,100 when they retired 27 years later.

By transforming these tax savings into personal savings, we see that these real tax savings translate into real opportunities for these families.

And consider the effect on the economy. According to an analysis by the Heritage Foundation, when fully phased-in this marriage tax penalty relief legislation will result in 820,000 additional jobs. It will increase the personal savings rate by three-tenths of a percent, which in turn will lower interest rates. It also increase investment by $20 billion and gross domestic product by $54 billion. So not only do married families gain, not only do their children gain, but the entire country gains. They gain more jobs, better jobs, and higher wages because of this marriage tax relief legislation.

Mr. President, the marriage tax relief legislation I bring to the floor today amounts to just five percent of the total budget surplus over the next five years. It amounts to just 17.6 percent of the non-Social Security surplus over the next five years. It amounts to just 42 percent of the new spending provided for in this year's budget over the next five years. Finally, it amounts to less than half of the tax cut that has been allotted to the Finance Committee for tax cuts over the next five years in this year's budget. By any comparison or estimation, this marriage tax penalty relief is fiscally responsible.

This bill does all these things for America's working families while preserving every cent of Social Security's surplus. These tax cuts do not have to pit America's families against America's seniors. Nor does it extend a tax cut in a fiscally irresponsible manner. These tax cuts fit in this year's budget, along with the other Republican priorities that we have already passed for education, health care, and small businesses. Our priorities add up to what's good for America, and our numbers add up to what's fiscally responsible.

It is time we divorce the marriage penalty from the tax code once and for all. I urge all my colleagues to support the Marriage Tax Penalty Relief Act of 2000.

The PRESIDING OFFICER. The Senator from Montana has 29 minutes.

Mr. BAUCUS. I yield myself such time as I may consume.

The so-called marriage penalty is not a penalty. It is the result of the code. Nobody in Congress decided we were going to penalize married couples by making changes in the Tax Code so that married couples would pay more than two singles would pay with their respective incomes.

It is not a penalty in the sense of anyone ever thought of harming anybody. Rather, this is a consequence of the complexity of the Tax Code. It is a consequence of the mathematical impossibility of trying to do all things for all people. Most Americans want a progressive tax rate so married couples who have the same income, regardless of who earns the income, and how much, are taxed the same; in addition to that, have marriage neutrality so married couples do not have to pay more than singles.

It is impossible to do all three. Therefore, the Congress has to make choices and judgments according to what it thinks makes the most sense.

A little history would be instructive. When the income tax was first enacted, individuals were treated as a taxable unit, regardless of whether they were married or not. If a person had $50,000 in income, he or she paid taxes on that $50,000. If he or she married and that person had zero income, that individual who earned the income would still be treated as the taxable entity and his spouse would not, regardless how much the spouse earned. That was the rule for quite a few years.

The problem arose in community property States when the couples could split the income because whatever the major wage earner earned was community property and therefore could be split. Courts upheld that.

A little later, Congress thought if that was the case in community property States, it should be the case all around the country.

Congress, in 1948, decided couples could split their incomes; that is, if the man earned $70,000 and his wife earned zero, they combined, and they each paid on $35,000. That was the law in 1948. That helped married couples. The trouble was, it hurt singles. In 1969, the disparity was so great, in some cases a single taxpayer could be paying 42 percent more in income taxes than a couple would pay with the same income.

Congress thought that was not right. They came up with different rates—one set of rates for singles and another set of rates for married couples—and set the proportion of about 60 percent so that individuals would not have to pay up to twice as much as what they otherwise would pay. That has been the law ever since, although we have made some changes. In 1981, there was a deduction for the lower earner of a couple, to try to address the marriage penalty; that was changed, and another inequity came with the tax bill passed in 1993.

We are trying to figure out today a solution to be fair to most people. There has been a big demographic shift in our country since 1969. There are a lot more couples who both earn income, many more now than was the case in 1969.

It is important to note that although there is a marriage penalty, there is also a marriage bonus. More married couples receive a bonus when they get married than receive a penalty. It is pretty close. About 51 percent of Americans, because they are married, receive a bonus. Say the husband earns quite a bit more than his spouse, or vice versa; when they get married, they get a bonus. The penalty occurs when both incomes are about the same. Again, more Americans receive a bonus today—not a penalty—as a consequence of getting married.

According to the Congressional Budget Office, $29 billion was incurred by married couples as a penalty and $33 billion was received by married couples as a bonus. That problem has emerged because of the shifting demographic characteristics of our country, with both man and wife now having earned income at equal levels. The more equal the earnings of the spouses, the more likely a marriage penalty will occur.

The proportion of working-age married couples with two earners grew from 48 percent in 1969 to 72 percent in

1995. Also, we have seen a rise in the quality of income of married couples. In 1969, only 17 percent of the households of married couples had both spouses contributing at least one-third to the income of the household, but by 1995 that number increased to 34 percent. In the same period, the percentage of households where one or neither spouse has earnings decreased from 52 percent to 28 percent.

Without these shifts, more married couples would receive marriage bonuses with few marriage penalties. The unintended problem which has emerged is that half of married couples incur this so-called penalty. The question is, what do we do? The Finance Committee bill reported out by the majority of the committee is a good-faith effort to try to address the problem.

It is only fair to point out, there are significant, in my judgment, flaws with the bill that came out of committee. As a consequence, the Democrats will have an alternative which we think addresses a lot of the flaws.

What are the flaws? First, one of the big flaws is it is very complex. It adds additional complexity to the code. We all know the code is complex enough as it is. This adds even more complexity. The standard deduction for married couples is double; the brackets are the 15-percent bracket, the 28-percent bracket, double for marrieds. That is a change in the code. The earned-income tax credit ''phased ins'' and ''phased outs'' are changed from current law. AMT personal credits are exempted in certain areas but not in others. It adds considerable new complexity to the code. I am not saying it is fatal to the proposal reported out by the Finance Committee, but it is a fact it adds additional complexities compared with current law.

Second, I think it is important to point out there are real problems with the amount and size of the proposal. It is fiscally irresponsible. It is going to cost a lot of money at a time when I think most Americans want to pay down the national debt.

When I talk to people around my State of Montana, and I talk to Senators from around the country, they tell me when they talk to their people at home they pose the choice: Do you want to use the surplus that we have, wonderfully, now, in the United States of America to pay down the debt or do you want to use the surplus to lower taxes? I will not say dramatically, but I will say overwhelmingly it is my experience, and I think it is the experience of most Members of the House and Senate when they ask that question, the answer is: Pay down the debt. Americans today would rather pay down the debt.

Why? Because they are innately smart; they have a sense of things. We all trust the good faith and good common sense of the American people. There is a conservative element that says: Here we are in times of great national prosperity. We have big budget surpluses. It probably makes sense to start paying down that $7 trillion national debt. We may not have this opportunity again. We would like to think we will, and we hope we will, but we do not know we will. So first I think people want to pay down the debt.

The proposal now on the floor is quite large. In fact, the costs for more than half the benefits of this bill go to married taxpayers who are already in a bonus situation.

I will state that a different way. More than half of the costs of this bill do not address the marriage penalty problem at all because the lower tax is given to married couples who are already at a bonus situation. They get the bonus because they are married. This bill says: You already have a bonus. We are not going to give you more.

The point, I thought, was to address the penalty situation; to try to correct the problem where people, when they get married, pay more taxes as a couple than they would pay individually. That is the problem we are trying to address. The Finance Committee bill addresses a part of that, but more than half of the cost of that Finance Committee bill does not. It does something else. Even the other portion, which purports to address the marriage penalty, does not totally. There are lots of areas in the code where the marriage penalty would still exist. Where are they? In about 62 parts of the code.

There are 65 provisions in our income Tax Code which today create the so-called inequities causing bonuses for families—65. The majority bill, Finance Committee bill, addresses only three. There are 62 other provisions in the code which cause a marriage penalty which are not addressed by the Finance Committee bill.

What are they? They are things such as the child tax credit, Social Security benefits, savings bonds for education, IRA deductions, student loan interest deductions, and 56 others. The adoption expense credit, for example—there are couples who want to adopt kids. They get married and because of where they might be in the brackets, the progressive rates, they may find themselves paying a penalty because they are married as a consequence of the adoption expenses credit—or perhaps some of the others. So it is a fiscally irresponsible bill. More than half does not address the problem. Rather, it is given to people who already have a bonus—not a penalty but a bonus. The remaining part is skewed. A good part of it does go to address the problem, but in 62 cases inequities, disparities, and penalties still exist.

In addition, about 5 million additional taxpayers will become subject to the alternative income tax as a consequence of the majority bill. I do not think we want that. We have all heard the problems created by the alternative minimum tax, the AMT. It is getting to be more and more of a problem as Americans earn a little more income and therefore they are more likely to be subject to that, the alternative minimum tax, which hits a lot of taxpayers pretty hard. As a consequence of the majority committee bill, about a million American taxpayers will now become subject to the alternative minimum tax.

So what is a better approach? Speaking generally, we think a better approach is to do something very simple. It has the elegance of simplicity—people can understand it—and it is more fair. What is it? Essentially, we say to a married couple: You have your choice. File jointly or file separately. It is your choice. You just do whatever you want to do. Presumably, you will pick the choice that results in a lower income tax for you.

What could be simpler? It is simple to the people of America to explain it to them so they can understand it. It does not add additional complexities that are in the majority bill, but rather it is something very simple. You say to a couple: We don't care what your total income is, we don't care how it is distributed, whether the wife makes 80 percent and the husband 20 percent—it makes no difference. You can have your choice. You file jointly or file separately. Obviously, you file the return that results in the lower income tax.

I might add, this already is the case in many States around the country. There are about 10 States today which have just that, to attempt to address the marriage penalty in just that way. That is optional filing. It is optional to file jointly or you have the option to file separately in the States of Arkansas, Delaware, District of Columbia, Iowa, Kentucky, Mississippi, Missouri, my State of Montana, Tennessee, and Virginia. You see, the mix of States is varied. There are high-income States and some low-income States—that is per capita income. It is geographically dispersed. But 10 States decided, for the sake of simplicity, or whatever the reason, that was what they wanted to do, and we have heard no complaints. It is an approach that works.

The second benefit of the Democratic alternative is this: It addresses all of the marriage penalties—not some of them, all of them. How? By addressing all of the 65 provisions in the Tax Code today which result in marriage bonus/penalty inequity. All of them. You say: How do you do that without additional complexity? It is very simple—because of the effect of optional filing. You just file optionally, individually, calculate your AMT, calculate your child adoption expense, whatever it is, or jointly. And you just choose. That way we address all of them.

I might say, the Democratic alternative is also fiscally responsible. Why do I say that? Because we are focused only on the penalty part. As I mentioned earlier, the majority bill, the Finance Committee bill, gives more than half the benefits to people who already have a bonus, who do not need

the help. They already have a bonus. In effect, more than half this bill is a general tax cut bill. That is fine. But then we should call it what it is, a general tax cut bill more than it is a marriage tax penalty reduction bill. It is a general tax cut. If that is the case, then we should have a debate on the code and what is the best way to lower taxes, to deal with taxes for all Americans. It is truth in labeling. It is what we purport to be doing, and that is focusing only on the marriage tax penalty.

I might also say the minority bill, the Democratic alternative, does not exacerbate the singles penalty, whereas the majority bill does. Don't forget, we have widows, widowers, single people who need tax help, too. The majority bill in particular—but in all fairness, the minority bill, too—does not address singles, widows, and widowers. It basically deals with married people. Think for a moment; if you are married with no kids and you are receiving the so-called marriage bonus, you get a tax cut in the majority bill. On the other hand, if you are a single mom and you have three kids, you get no tax cut. Let me state that again. If you are married and have no kids, you are already receiving the so-called marriage bonus, you get a tax cut under the majority bill. On the other hand, under the majority bill, if you are a single mom and you have three kids, there is no tax cut. I do not think that is fair. I do not think that is fair at all.

That is representative of the inequity of the bill coming out of the Finance Committee. It is not a marriage tax penalty bill; it is a tax cut. If they want a tax cut, then we should have that debate on what the distribution should be, what we should do with the brackets, what incentives do we want to create? What disincentives do we want to address?

The Tax Code is pretty big. There are lots of provisions of the Tax Code that affect people on the corporate side and the income side. If we want to cut taxes, let's see how we want to focus that, how to manage it, and how to tailor it. Let's call this what it really is.

We have other priorities we have to address. The majority bill costs about $248 billion over 10 years. The minority bill is $151 billion over 10 years. The projected on-budget surplus for the next 10 years is close to $900 billion. It is $893 billion.

I will list some of the tax legislation that is pending: This one is $248 billion; the Patients' Bill of Rights will cost about $70 billion; the minimum wage bill in the House is about $122 billion; educational savings is about $22 billion; debt service costs about $100 billion. That means the total of the pending tax legislation is about $566 billion, and what remains is for debt reduction—not very much—and for Social Security and Medicare reform, which is probably not going to be enacted this year.

What about prescription drug benefits? Where does that fit in? What about debt reduction and prescription drugs? There is not very much left.

When we address the marriage tax penalty, I submit we focus on the problem, and the problem is the marriage tax penalty. The problem is not the marriage bonus; it is the marriage tax penalty. If we focus on the problem, we will solve the problem in a more fiscally responsible way. That is clear.

Second, let's make sure the benefits go to those who are facing the problem.

I know as this debate unfolds, some of these points will become more clear, but I urge Senators to think before they leap because this is a fairly complex problem.

I reserve the remainder of my time. I believe neither side has any speakers. I yield back the remainder of my time.

The PRESIDING OFFICER (Mr. SANTORUM). The Senator yields back the remainder of his time.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. NICKLES. 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. NICKLES. Mr. President, I am going to speak on the underlying bill. Shortly, I think the majority leader will be in to make a motion on the bill.

First, I wish to compliment Senator ROTH, in his leadership, and the Finance Committee, for reporting out a good bill. It is my hope we will be able to pass this bill in the next couple of days to provide relief from the so-called marriage tax penalty. Married couples need relief. We need to pass it.

I have heard the President say he is for it, although he has not come to the forefront. I think Senator ROTH, chairman of the Finance Committee, has come up with a good proposal. I am going to talk a little about that. But I also compliment my colleague, Senator HUTCHISON, who has been fighting for this for the last several years.

I believe this year we have a chance to make this law. I hope we will have bipartisan cooperation to make it happen. I compliment the House for their leadership in moving forward to make it happen.

The President recently invited many of us down to the White House for the signing of the bill to eliminate the so-called Social Security earnings penalty tax. If you were a working senior between the ages of 65 and 70, and you had an income above $17,000, for every $3 that you earned, you would lose $1 of Social Security. We eliminated that penalty. The President signed it. I am sure he was taking credit for it. I did not make the signing ceremony. He invited me. That was nice.

But we acted together. We eliminated an unfair provision in the Tax Code that for years many of us thought was unfair. We eliminated that. That is now the law of the land.

Now we are looking at another provision, the so-called marriage tax penalty. It needs to be eliminated. It needs to be eliminated now, this year, not 20 years from now, and not in some token way that is only verbal, as the President has proposed.

I believe my colleague, Senator ROTH, and many of us on the Finance Committee, have taken the right step to eliminate this unfair tax.

What we have done is, we have said we should double the 15-percent tax bracket for couples. It should be twice as much for couples as it is for an individual.

Many people say: What do you mean by that? Individuals who have a taxable income of up to $26,000, they pay 15 percent. Above that taxable income, they pay 28 percent. What we are saying is, if it is 15 percent for $26,000 earned by an individual, it should be twice that amount for a couple. So a couple could have income of up to $52,500, and that would be taxed at 15 percent.

What is current law? Current law is, for a couple, the first $43,850 is taxed at 15 percent, and above that amount it is taxed at 28 percent. So there is $8,650 which is actually taxed at 28 percent. What is the difference? That is a difference of $1,125.

If you have a couple making $52,500, the bill we have before us would offer them relief of $1,125. That is just on the rate change.

We also double the standard deduction. Basically, the standard deduction is $7,350. That would increase to $8,800. That is a savings of $218 for a couple in the 15-percent tax bracket.

So again, we are offering tax relief by simplifying the code, saying let's double the 15-percent bracket for couples, as compared to individuals. And let's double the 28-percent bracket so we provide that relief through the code.

I think it is important. I think it is fair. I think it provides relief for married couples, and it also does not penalize someone if they happen to be a stay-at-home spouse. We do not discriminate against them either. Maybe it is a farmer who has a spouse who does not receive earned income in the form of a check but yet they still work. They work on the farm. They work on the ranch. They work raising kids. We provide them a modest amount of tax relief as well.

I think the bill we have before us is a good bill. It is one that provides tax relief for middle-income Americans. It is one that eliminates the marriage penalty for all practical purposes so we don't find discrimination in the code.

I will give a different example. You have a married couple with two differing incomes, where one income is $40,000, maybe one is taxed or has income of $20,000. Let's say the $20,000 is earned by an occasional worker who might work one year but might not work the next year. The practical impact is that $20,000 is added to the $40,000 income, and they are taxed at a higher bracket, the 28 percent, instead of 15 percent.

For that additional work they do under the present code, they are penalized by paying at their spouse's highest tax bracket. That is current law. We want to change that. The bill we have before us does change that.

I compliment Senator ROTH. I urge my colleagues not to play games. Let's make this law. Let's have a signing ceremony at the White House in another couple of weeks. Let's have Democrats and Republicans and even the White House take credit for it. It is a positive change. It is a good change. It is a needed change. It is a change that should become law this year. It is an accomplishment on which all of us can congratulate ourselves and say we got something done: We eliminated the Social Security earnings penalty, and we eliminated the unfair marriage penalty.

Married couples should not be penalized to the tune of $1,400 a year for the fact they are married. That is a fact; that is what is happening under the present law. We should eliminate that. We do that with the bill that is before us today. I urge my colleagues to support it when we come to that time. I hope we will pass it by tomorrow.

I yield the floor.

The PRESIDING OFFICER. Under the previous order, the majority leader is recognized.

Mr. LOTT. Mr. President, I do want to try to be brief because I want Senator HUTCHISON and others to be able to speak.

I have been having some discussions with Senator DASCHLE trying to work out an agreement as to how to proceed on amendments. We are going to continue to do that. We had asked for a list, a description of the amendments they might have in mind. We don't have that yet. I assume it is just a physical problem for right now. We will continue to discuss that and see if there is a way we can come to an agreement that will allow us to vitiate cloture, but we need to go on with the debate.

We have Senators here ready to speak. We have the chairman of the committee here who would like to get on record on this issue. So we could go ahead and have cloture filed so, if necessary, we would have a vote on cloture on Thursday, but we could go ahead then with debate only. While we are doing that, we can continue to have discussions about how we can work out an agreement.

Let me emphasize again, I think we can work out an agreement that would allow for a substitute to be offered, or substitutes for that matter, that are relevant to the marriage tax penalty. I understand these amendments may relate to Medicaid. They may relate to prescription drugs. It may be a complete prescription drug proposal. I don't know how that would be relevant or how we would have time to evaluate that. I fear we are headed off down a trail that is not in line with what I had offered or hoped for. I repeat, substitutes or relevant marriage penalty elimination amendments, we can work that out. I don't want to say what we won't do at this point. I will say we are going to go forward. We will continue to try to work to get a fair agreement.

In the end, this is the point: For 10 years we have talked about the unfairness of the marriage penalty tax. Ever since the Senator from Texas has been in the Senate—now for 6 years—she has been relentless on the subject. So we are going to have a vote on the marriage penalty tax, and we are going to see who is for eliminating it and who is not.

I hope we can do it without getting tangled up in procedural questions. If necessary, we will have a vote on cloture and we will know where we are. I hope we will have the votes on cloture to cut off the filibuster and then move on to the final vote. For now, I want us to make sure we get time this afternoon to have a good debate on this issue, and so I will go ahead and go through this process.

I am still hopeful we can reach agreement on the number of amendments. It could be as many as three or four, it could be six, all dealing with the marriage tax penalty or closely relevant issues. We will keep working on that.

AMENDMENT NO. 3090

(Purpose: To provide a committee amendment)

Mr. LOTT. I now send to the desk an amendment on behalf of the Finance Committee.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Mississippi [Mr. LOTT], for Mr. ROTH, proposes an amendment numbered 3090.

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

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

The amendment is as follows:

Strike all after the enacting clause and insert:

SECTION 1. SHORT TITLE, ETC.

(a) SHORT TITLE.—This Act may be cited as the ''Marriage Tax Relief Act of 2000''.

(b) SECTION 15 NOT TO APPLY.—No amendment made by this Act shall be treated as a change in a rate of tax for purposes of section 15 of the Internal Revenue Code of 1986.

SEC. 2. ELIMINATION OF MARRIAGE PENALTY IN STANDARD DEDUCTION.

(a) IN GENERAL.—Paragraph (2) of section 63(c) of the Internal Revenue Code of 1986 (relating to standard deduction) is amended—

(1) by striking ''$5,000'' in subparagraph (A) and inserting ''200 percent of the dollar amount in effect under subparagraph (C) for the taxable year'';

(2) by adding ''or'' at the end of subparagraph (B);

(3) by striking ''in the case of'' and all that follows in subparagraph (C) and inserting ''in any other case.''; and

(4) by striking subparagraph (D).

(b) TECHNICAL AMENDMENTS.—

(1) Subparagraph (B) of section 1(f)(6) of such Code is amended by striking ''(other than with'' and all that follows through ''shall be applied'' and inserting ''(other than with respect to sections 63(c)(4) and 151(d)(4)(A)) shall be applied''.

(2) Paragraph (4) of section 63(c) of such Code is amended by adding at the end the following flush sentence:

''The preceding sentence shall not apply to the amount referred to in paragraph (2)(A).''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2000.

SEC. 3. PHASEOUT OF MARRIAGE PENALTY IN 15-PERCENT AND 28-PERCENT RATE BRACKETS.

(a) IN GENERAL.—Subsection (f) of section 1 of the Internal Revenue Code of 1986 (relating to adjustments in tax tables so that inflation will not result in tax increases) is amended by adding at the end the following new paragraph:

''(8) PHASEOUT OF MARRIAGE PENALTY IN 15-PERCENT AND 28-PERCENT RATE BRACKETS.—

''(A) IN GENERAL.—With respect to taxable years beginning after December 31, 2001, in prescribing the tables under paragraph (1)—

''(i) the maximum taxable income amount in the 15-percent rate bracket, the minimum and maximum taxable income amounts in the 28-percent rate bracket, and the minimum taxable income amount in the 31-percent rate bracket in the table contained in subsection (a) shall be the applicable percentage of the comparable taxable income amounts in the table contained in subsection (c) (after any other adjustment under this subsection), and

''(ii) the comparable taxable income amounts in the table contained in subsection (d) shall be ½ of the amounts determined under clause (i).

''(B) APPLICABLE PERCENTAGE.—For purposes of subparagraph (A), the applicable percentage shall be determined in accordance with the following table:

''For taxable years beginning in calendar year—	The applicable percentage is—
2002	170.3
2003	173.8
2004	180.0
2005	183.2
2006	185.0
2007 and thereafter	200.0.

''(C) ROUNDING.—If any amount determined under subparagraph (A)(i) is not a multiple of $50, such amount shall be rounded to the next lowest multiple of $50.''.

(b) TECHNICAL AMENDMENTS.—

(1) Subparagraph (A) of section 1(f)(2) of such Code is amended by inserting ''except as provided in paragraph (8),'' before ''by increasing''.

(2) The heading for subsection (f) of section 1 of such Code is amended by inserting ''PHASEOUT OF MARRIAGE PENALTY IN 15-PERCENT AND 28-PERCENT RATE BRACKETS;'' before ''ADJUSTMENTS''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2001.

SEC. 4. MARRIAGE PENALTY RELIEF FOR EARNED INCOME CREDIT.

(a) IN GENERAL.—Paragraph (2) of section 32(b) of the Internal Revenue Code of 1986 (relating to percentages and amounts) is amended—

(1) by striking ''AMOUNTS.—The earned'' and inserting ''AMOUNTS.—

''(A) IN GENERAL.—Subject to subparagraph (B), the earned''; and

(2) by adding at the end the following new subparagraph:

''(B) JOINT RETURNS.—In the case of a joint return, the phaseout amount determined under subparagraph (A) shall be increased by $2,500.''.

(b) INFLATION ADJUSTMENT.—Paragraph (1)(B) of section 32(j) of such Code (relating

to inflation adjustments) is amended to read as follows:

''(B) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, determined—

''(i) in the case of amounts in subsections (b)(2)(A) and (i)(1), by substituting 'calendar year 1995' for 'calendar year 1992' in subparagraph (B) thereof, and

''(ii) in the case of the $2,500 amount in subsection (b)(2)(B), by substituting 'calendar year 2000' for 'calendar year 1992' in subparagraph (B) of such section 1.''.

(c) ROUNDING.—Section 32(j)(2)(A) of such Code (relating to rounding) is amended by striking ''subsection (b)(2)'' and inserting ''subsection (b)(2)(A) (after being increased under subparagraph (B) thereof)''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2000.

SEC. 5. PRESERVE FAMILY TAX CREDITS FROM THE ALTERNATIVE MINIMUM TAX.

(a) IN GENERAL.—Subsection (a) of section 26 of the Internal Revenue Code of 1986 (relating to limitation based on tax liability; definition of tax liability) is amended to read as follows:

''(a) LIMITATION BASED ON AMOUNT OF TAX.—The aggregate amount of credits allowed by this subpart for the taxable year shall not exceed the sum of—

''(1) the taxpayer's regular tax liability for the taxable year reduced by the foreign tax credit allowable under section 27(a), and

''(2) the tax imposed for the taxable year by section 55(a).''.

(b) CONFORMING AMENDMENTS.—

(1) Subsection (d) of section 24 of such Code is amended by striking paragraph (2) and by redesignating paragraph (3) as paragraph (2).

(2) Section 32 of such Code is amended by striking subsection (h).

(3) Section 904 of such Code is amended by striking subsection (h) and by redesignating subsections (i), (j), and (k) as subsections (h), (i), and (j), respectively.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2001.

CLOTURE MOTION

Mr. LOTT. I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the pending amendment (No. 3090) to the marriage tax penalty bill.

Trent Lott, Kay Bailey Hutchison, Judd Gregg, Tim Hutchinson, Rick Santorum, Connie Mack, Michael B. Enzi, Craig Thomas, Robert F. Bennett, Chuck Grassley, Jim Bunning, Gordon Smith of Oregon, Ben Nighthorse Campbell, Wayne Allard, Jeff Sessions, and Bill Roth.

CLOTURE MOTION

Mr. LOTT. Mr. President, I now send a cloture motion to the desk to the pending bill itself.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the marriage tax penalty bill:

Trent Lott, Kay Bailey Hutchison, Judd Gregg, Tim Hutchinson, Rick Santorum, Connie Mack, Michael B. Enzi, Craig Thomas, Robert F. Bennett, Chuck Grassley, Jim Bunning, Gordon Smith of Oregon, Ben Nighthorse Campbell, Wayne Allard, Jeff Sessions, and Bill Roth.

Mr. LOTT. Mr. President, this cloture vote, if necessary, if it is not vitiated, would occur then on Thursday of this week at a time that would be announced after consultation with the leaders on both sides. It is, again, my hope that we can work out an agreement that would provide for full debate and discussion of amendments and swift passage of the bill itself. But while these negotiations are going on, I will stay in touch with the minority leader, and we will make sure all Members are notified as to how the proceedings are going.

I ask unanimous consent that the mandatory quorum under rule XXII be waived and the bill be pending for debate only.

The PRESIDING OFFICER. Is there objection?

The Senator from Nevada.

Mr. REID. Mr. President, the leader has not made a request yet that we be here for debate only on this bill, has he?

Mr. LOTT. I just did.

Mr. REID. Objection is made. I respectfully say to the leader, we believe, very clearly and without any equivocation, it is time we started acting like the Senate, started debating bills. We will in good faith for the majority leader try to come up with a list of amendments we believe should be offered. We will try to do that. In the meantime, we want to start off on amendments to this legislation.

The PRESIDING OFFICER. Objection is heard.

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

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

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

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

Mr. LOTT. Mr. President, ordinarily when we file cloture, at the end of that proceeding we ask for the mandatory quorum under rule XXII to be waived and the bill be pending for debate only so that we make use of the time to begin debating the substance of the bill or the alternatives. That has been objected to.

As an alternative, so we can make use of the time we have this afternoon—surely we can spend another hour and a half or so allowing Senators to discuss their positions on the marriage penalty or any other issue—I proposed that we go into a period for the transaction of morning business.

I am told there may be objection to that, which kind of surprises me—that we will not even allow morning business to go forward so Senators can speak.

You talk about the Senate. The way the Senate works is Senators get to speak when they need to and want to on any subject certainly in morning business.

But it was suggested, since that apparently was going to be objected to, that maybe we were ready to go forward with debate on the bill and debate on the Moynihan substitute, or one of the Democratic substitutes, and that maybe you are ready to go with that.

In an effort to be fair and get the debate to go forward, and to address one of the issues that certainly is a legitimate one—Senator MOYNIHAN, and probably Senator BAUCUS, offered this in the Finance Committee, and we talked about it, had votes on it—so we can go ahead and engage the discussion about what is the best way to deal with the marriage penalty tax, this is a different way of doing it, and I think it merits being addressed by the Senators.

I ask unanimous consent that the bill be open for one amendment, the so-called Democratic alternative by Senator MOYNIHAN, Senator BAUCUS, or their designee, with no other amendments or motions to commit or recommit being in order.

Mr. REID. Mr. President, reserving the right to object, I say to my friend, for whom I have the greatest respect, the majority leader, that this isn't really senatorial activity. This is make-believe senatorial activity. We are not really being Senators. My friend, the majority leader, is treating us as if we are in the House and he is the Rules Committee—the one-man Rules Committee. He is now being so generous to us that he is saying we can offer one amendment, and he designates what the amendment is. We, the minority, believe that we have rights that have been developed in this body for over 200 years, and we are tired of playing make-believe Senators.

I object.

The PRESIDING OFFICER. Objection is heard.

Mr. LOTT. Mr. President, since objection is heard, I want to make sure people understand this didn't in any way foreclose any other agreement that might be involved with making other amendments in order and having amendments considered. I presume there will be other amendments that are relevant on the marriage tax penalty provision—I assume on the Democratic side and perhaps on this side, also. This doesn't foreclose any agreement. All I am trying to do is to facilitate the debate and discussion on this very important piece of legislation.

There was an indication from the Democratic side that you were interested in going forward with your

amendment or amendments, and the one that was clearly identifiable is the one that had been offered in the Finance Committee as an alternative on how to proceed. I certainly don't feel as if that is foreclosing any Senators the opportunity to be heard and to offer amendments. But objection has been heard.

Mr. DORGAN. Mr. President, will the majority leader yield?

Mr. LOTT. I would be happy to yield, but let me finish this.

I offered to have a period for the transaction of morning business with Senators to talk about any subject they chose. It could be the gas tax bill. It could be the budget resolution. It could be stock options. It could be anything. That has been objected to, which I find highly unusual.

Then I offered, to try to accommodate what I thought may be a way to get the debate started and some progress to be made, to go with the Democratic alternative.

Again, in terms of one-man action here, all I am trying to do is to get debate on this very important issue, the marriage penalty tax.

Does the Senate want to have a debate and vote on that or not? We have been talking about it for years. Now we are up to the point where we would like to go forward. We haven't been able to get a list of amendments or enter into an agreement. But I am still hopeful we will be able to get a list of amendments and agree to proceed. But I was trying to go ahead and protect our rights to file cloture, if it is needed, on Thursday. That is being objected to.

Does Senator DORGAN wish me to yield?

Mr. DORGAN. Obviously, Senator DASCHLE would like to propound a question.

Mr. LOTT. I would be glad to yield to Senator DASCHLE.

Mr. DASCHLE. Mr. President, let me say that I talked briefly to the majority leader about an hour or so ago. He made the request at that time for a list of our amendments. I must say I want to accommodate the majority leader. But here we are on a bill of some consequence, a bill that has not yet had any time for debate on the Senate floor. It was the subject of good consideration and discussion in the committee. But now, on the very first day, we are on this bill on the Senate floor and cloture has been filed. We don't object to proceeding to the bill. That was done by unanimous consent. But now the majority leader has chosen already to file cloture on the bill. I remind my colleagues that filing cloture is to end the debate. Once again, for the second time in the same day, we are ending debate before it even begins.

We don't want to hold up a good debate and a good discussion with some other ideas with regard to how to proceed on the marriage tax penalty. We can do that. But a good debate entails offering alternatives, other ideas, and other suggestions.

All we are simply saying is, why don't we have the opportunity to offer some amendment? Let's lay down the amendments. Let's get on with it. But what the majority seems to be saying is we will not have the debate at all. We will move on to morning business, if we can't have a list of amendments defined and specified prior to the time the debate even begins.

I am sure the majority leader can empathize with our frustration at being given yet another situation where we do not have the opportunity to have that debate, and we are closing the debate before it even starts.

I will work with the majority leader. We will see if we can't come up with a list. We want to pass marriage penalty reduction, but we think we can do it in ways that aren't as costly and that could be a lot more focused. We will deal with that.

But I am disappointed, frankly, that we aren't able to offer amendments. That is why the objection is made to the request made by the majority leader.

I thank the leader.

Mr. LOTT. Mr. President, I know Senator DASCHLE wasn't on the floor. I was hoping we could maybe mark a little time until he got here. He may not be aware that we asked when we filed the cloture that the mandatory quorum under the rule be waived and the bill be pending for debate only. And there was objection to that.

Then I suggested a period for the transaction of morning business because there are Senators who may want to speak on this or any other subject. That was objected to.

Then I suggested we go to the Democratic substitute offered by Senator MOYNIHAN and others and begin debate on that, which I thought was a good usage of time; It didn't foreclose other amendments being offered or agreed to at a later point.

Perhaps others in his stead were trying to make a point. But my point is that I want us to have time for debate. I want us to use this afternoon and tomorrow. For those who may not be aware, when I file cloture, all I am doing is protecting our right to have a vote on ending the filibuster, which doesn't ripen for 2 days. We could and would be having debate this afternoon and all day Wednesday. If we work out an agreement on a list of amendments, we could vitiate that at any time.

I note we have already done that several times this year. In fact, in the first of the year we vitiated the cloture I had filed on the education savings account legislation, as I recall. Several times we have done it as a protection to make sure we get a vote before the week's end. But we wound up working something out and thought we didn't need to do it. I am hoping that is what will happen here.

But also, if I don't do it now this afternoon, since we haven't gotten a list of the amendments, this is not a surprise. It has been around a long time. Everybody knew the marriage tax penalty would be coming up this week. The Finance Committee marked it up a couple weeks ago.

Any Member who had or has amendments probably had an idea of what they wanted to do. We have not asked to be given the final amendment, but to be given at least some descriptive paragraph as to what the amendments might do before we enter into an agreement.

If I didn't file cloture and we went out of session Thursday night, if we completed our business, completed the stock options bill and completed the budget resolution conference report and went out Thursday night, if I didn't file cloture now but waited until tomorrow, if we couldn't reach an agreement, then the marriage penalty issue would not have come up until after the recess.

I worked on my income tax last night and I am not in a happy mood about taxes. I know a lot of other people, coming up on April 15, would like to know the marriage tax penalty at last will be coming to an end in whatever form, either by a formula developed by the Finance Committee majority, Senator MOYNIHAN, or others.

I emphasize for those who may not be aware of all the Senate rules, we have to file cloture now to be assured to have a vote on that by Thursday. I will work with Senator DASCHLE. We have worked out some pretty thorny issues and some knots in the past that looked as if they were unsolvable and we were able to agree and move to a final conclusion. I hope we can do that.

We do not want to get far afield and start debating Medicaid issues, Medicaid reforms, which the Finance Committee has never considered—or somebody suggested a complete prescription drug package—without overall Medicare reform and without looking at the details of that package. I understand it may be a pretty detailed package, but the amendment may not be ready. How can we possibly agree to an amendment when we are not even sure of its structure, let alone what the details are. Maybe by tomorrow that amendment will be available and we can take a look at it and other amendments and maybe come to an agreement to get to a conclusion sometime tomorrow during the day, tomorrow night, or Thursday.

Senator HUTCHISON has been very patiently waiting. She has put a lot into this. I yield for a question or comment.

Mrs. HUTCHISON. Mr. President, I ask the majority leader to yield for a question.

I am confused. It appears the distinguished deputy minority leader suggested you were not conducting the Senate like the Senate. Yet you have offered to go forward on the bill, you have offered to have the Democratic amendment that is a substitute come forward, and you have offered to go into morning business so that no one is obligated.

The alternative, it seems to me, is to shut down the Senate entirely. I don't think that is conducting the business of the Senate as the Senate should be conducted.

I ask the distinguished leader, does it appear that the distinguished group from the minority doesn't want to debate the marriage tax penalty at all and would prefer to shut down the Senate rather than talk about this very important tax correction for the hard-working people of this country?

Mr. LOTT. If we can't get an agreement to have consideration of amendments or to have general debate or to have a morning business opportunity, the only other option I have now is to move to close the Senate for the day.

I hope we can find some way to work that out.

Mr. REID. If I could respond to my friend from Texas, I think maybe we have watched the Senate operate the way it is not supposed to for so long, we think the way it has operated the past year is the way it is supposed to operate. The way the Senate is supposed to operate is when bringing a piece of legislation to the floor, it is open for debate and amendment—not morning business, not debate only.

We have the opportunity under the Standing Rules of the Senate to offer amendments to pieces of legislation. That is all we are asking. We have been here for some time. This session of Congress is about over. We have had two opportunities to offer amendments to pieces of legislation, two amendments that were agreed upon by our distinguished majority leader, and also the ad hoc chairman of the Rules Committee in the Senate.

I think it is time we have legislation brought to this floor and we treat it the way the Senate has always treated it for 200-plus years.

Mr. LOTT. Mr. President, if I could respond to Senator REID's comments and will yield further to Senator HUTCHISON, I believe just last week we had the budget resolution, and we had well over 100 amendments. Some of them were voted on, some of them were accepted, some of them were voted on in the vote-arama. A number of them didn't relate to the budget for the year. Everything imaginable was thrown in. I don't think Senators have felt as if they haven't had a chance to offer amendments on any kind of extraneous matter.

This issue of the marriage tax penalty is clear and understandable: Are Members for it or against it?

I fear my colleagues on the Democratic side are trying to change the subject. I cannot believe they don't want to eliminate the marriage tax penalty. Let's have a full debate, let's have amendments on the marriage penalty. But to get off into every other possible issue as a way to try to distract attention from doing what the American people support overwhelmingly, I don't understand that.

I think what we are trying to do makes good, common sense. Let's have a full debate on the issue. Let's have relevant amendments. There are a lot of amendments that could be construed as being relevant.

I remember the Democrats came up with a way to offer a gun amendment to the education savings account, as I recall. They went way around the corner to get it done, but we had a vote on it, and we moved on.

Senator HUTCHISON wants to comment or ask a question.

Mrs. HUTCHISON. I was going to ask the distinguished leader if the comments made are correct that he has approved every amendment that came forward. It seems to me we have voted on a number of amendments that wouldn't have been the choice of the majority leader, but the majority leader has tried to accommodate the minority. I can't think of anything we haven't voted on this year. Frankly, I can't think of one issue that we haven't addressed, whether we wanted to or not.

The idea being put forward that somehow the majority leader is running the Senate as if it is under his control, I think, is so far out of bounds it is almost laughable. I hope we could at least have morning business to talk about whatever issues Members want to discuss.

I want to talk about the marriage tax penalty. My distinguished colleague from Illinois wants to talk about organ transplants. I can't imagine why the distinguished minority would object to morning business so Members from his side and Members from our side could talk until, hopefully, the majority and minority leader are able to come to an agreement on some kind of reasonable timetable so we can enact marriage tax penalty relief for the 21 million American couples who pay a penalty, who are going to be writing their checks to the U.S. Government this week, realizing they are paying $800, $1,000, $1,400 or more just because they are married and because the Tax Code clearly has an inequity that we have the ability to address.

We can have legitimate disagreements on this issue. If we are going to have irrelevant amendments, I ask the American people to look at the issue for what it is. Let Members debate, let Members talk about our differences on the issue. I hope the distinguished minority won't shut down the Senate.

Mr. LOTT. I thank the Senator for her comments.

Let me add, perhaps it is just that Senator DASCHLE and the Democrats need more time to work on amendments and to get to our side some description of the amendments. Maybe we can go ahead and go out tonight. That way, we have the rest of the evening and the night to work on amendments and pick up again tomorrow.

I am trying to find a way to keep the discussion going. We could use another hour or so to debate this or other issues.

If we can think of a way to do that, I am open to considering other options.

I indicated to Senator DORGAN I would yield to him.

Mr. DORGAN. I appreciate the majority leader yielding. I want to make an observation with the question: As I understand, the majority leader has sent to the desk two cloture motions, one on the underlying bill and one on the substitute, for purposes, as he described, to shut off a filibuster which I suggest does not exist. That is all right. That is within the rules. We have all read the rule book in the Senate.

Circumstances in the Senate should exist in the following manner. You bring a piece of legislation to the floor of the Senate. Every Senator here has a desk. You come here and you have certain rights and certain opportunities. One of those is to offer an amendment to legislation brought before the Senate. As I understand the Senator from Mississippi, he is saying he wants to see amendments Senators are going to offer. He would like to see them before he makes a judgment about whether in fact they will be allowed to be offered.

I say the reason there is a substantial amount of anxiety building up in this Senate is that people were not elected from various States to say: Go and do your thing in the Senate under the rules, and, by the way, we would like the majority leader to decide which amendments you offer shall be in order.

Mr. LOTT. Mr. President, if I could respond to that particular point, it is a common practice around here, as I am sure the Senator knows, to give the courtesy of identifying what amendments we have and even the amendments. We are not asking to see the amendments. We are asking to have some idea of the general parameters of what is being proposed.

I do not believe that is asking too much. We do that for each other. Senator DASCHLE wants to see what we want to offer, and we want to see what you want to offer. That is a common practice around here.

Mr. DORGAN. Except, if the majority leader will yield further, that is not what you are trying to do. What you have indicated is you want to limit the amendments. It is not a case of being curious to see what we are going to offer. This goes on bill after bill after bill that is brought to the Senate. You want to limit the amendments.

My point is this. When we deal with legislation on the floor of the Senate, everyone here has a right, it seems to me, to come and offer amendments and have a debate on them. You have just filed two cloture motions to shut off debate on a filibuster that doesn't exist. This happens time and time again, and we are getting tired of it.

Mr. LOTT. I can understand the Senator's frustration. Also, I am sure he can understand that, as the majority leader, I have to pay attention to the schedule, the time that is available,

and the fact that there are, I think, an overwhelming number of Americans—and Senators—who would like to get this marriage tax penalty removed from the Tax Code.

This is the week we can do it. When we come back, we will have other important issues to deal with: The agriculture sanctions issue; we have the Elementary and Secondary Education Act; we have appropriations bills; we have the China permanent trade status—we have a long list of things we need to try to do. We have not said it has to be three or six, but we are saying we would like to see what we are talking about.

Mr. DORGAN. Might I make a suggestion then?

Mr. LOTT. What is really at stake is, once again, we want to get the marriage tax penalty eliminated. We can talk schedules, procedures, rules, quorums, and all the other stuff into which the Senate gets caught.

On occasion, I hear from my mother. She says: You know, what is all that stuff you all talk about up there, all those rules and all the extraneous things? Get to the point.

The point is, we want to get rid of the marriage tax penalty. Let's see if we can find a way to do that this week.

Mr. DORGAN. Might I offer a suggestion, briefly? Discussion earlier was, by Senator REID: Why do we not just have it open for amendment? The leader objected to that. You did not want that to happen. Why don't we proceed and have it open for amendments and proceed on that basis?

Mr. LOTT. Can we get agreement we can proceed on the bill and all relevant amendments to that bill? To the American people, and I think to most Senators, that makes good sense, to have the requirement that it be relevant to a marriage tax penalty. Again, I have not said we could not go with something that moves afield from that. All I am saying is we would like to see what we are talking about and know it is fair, we have thought it out, and the committee of jurisdiction has had an opportunity to review it.

So that is what I am trying to work out. Senator DASCHLE has been patiently waiting while we have exchanged pleasantries. I must say this. I, a little bit, kind of enjoy finding someone else getting frustrated trying to find a way to make this move forward. I know how you feel.

I yield.

Mr. DASCHLE. Mr. President, one thing we all agree is we want to resolve the problem of the marriage tax penalty. I think that is unanimous. Republicans and Democrats want to find a way to end the marriage tax penalty.

I think there is also a possibility we can reach agreement on how to proceed on this bill. We are not going to do it today under the confines that have been laid down. I think the majority leader's suggestion we go out now is appropriate. Let's go back, try to define the list, let's share lists, let's look at what we have, let's see if we cannot resolve this procedurally first thing in the morning, and we will go from there.

I share the frustration expressed by my colleague. We are not going to resolve this matter this afternoon. In the interests of expediting this bill, and in consideration of the debate, why don't we just go out and pick it up first thing tomorrow.

Mr. LOTT addressed the Chair.

Mr. REID. Will the leader yield for a brief comment? I can't pass this up. The example my friend, the majority leader, used is the budget bill where we had all these amendments. I say, first of all, that is not substantive in nature. The President has no right to veto that bill. The amendments are basically set by statute. So that is not a good example.

I think you would have to hunt hard to find another example.

Mr. LOTT. Mr. President, I just remind my colleagues, tomorrow is Wednesday and the next day is Thursday. If we do not get the marriage tax penalty done in those 2 days, then it will be pending until after tax day, April 15, when we come back. That may be all right.

Let me say we are going to eliminate the marriage tax penalty this year. We are going to do it on this day, and this week, or we will do it later and we will do it with another procedure. We have talked about getting this done too long and haven't gotten it done. So we are going to come back to this one repeatedly this year. But it would be, I think, very helpful to the people involved and to all of us if we could find a way to go ahead and do it this way.

ORDERS FOR WEDNESDAY, APRIL 12, 2000

Mr. LOTT. With that, Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn to the hour of 9:30 a.m. on Wednesday, April 12, 2000. I further ask consent that on Wednesday, immediately following the prayer, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate then begin a period of morning business until the hour of 12 noon, with Senators permitted to speak up to 5 minutes, with the following exceptions:

Senators ROBERTS and CLELAND in control of up to 2 hours, from 9:30 to 11:30 a.m. I will note, that is a request from these two Senators, one a Republican and one a Democrat, that will take a major portion of the morning on a very important national security discussion, so half of the day tomorrow will go for that request which has been pending for at least a week;

Senator HAGEL for 15 minutes;

Senators CRAIG and GRAMS for 15 minutes total;

Senator HUTCHINSON for 10 minutes.

I further ask unanimous consent that following morning business, the majority leader be recognized.

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

PROGRAM

Mr. LOTT. Tomorrow morning, there will be a period of morning business until noon. It is my hope we can reach agreement for the consideration of this very important marriage tax penalty issue.

ORDER FOR ADJOURNMENT

Mr. LOTT. If there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in adjournment under the previous order, following the remarks of Senator HUTCHISON of Texas, Senator FITZGERALD, Senator CLELAND, Senator KYL, for debate or bill introduction only.

Mr. REID. Mr. President, if I could understand, what was the last part of the unanimous consent request? What would these Senators be doing?

Mr. LOTT. Senators HUTCHISON of Texas, Senator FITZGERALD, Senator CLELAND, Senator KYL, for debate or bill introduction only.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. LOTT. I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from Arizona is recognized.

MARRIAGE TAX PENALTY RELIEF ACT OF 2000—Continued

Mr. KYL. Mr. President, I appreciate the members of the minority allowing me to speak for a moment on this important piece of legislation. It is legislation I cosponsored when Congress convened earlier last year. It was KAY BAILEY HUTCHISON's bill to repeal the marriage tax penalty. Since that time, the legislation has been adopted to provide for an essential repeal for most Americans. That is the pending business before us. I have supported similar measures ever since I came to the Senate in 1995, and I am very pleased the majority leader has attempted to schedule a vote on this prior to tax day.

As we have just seen, it may not be possible for the Senate to actually vote on repealing the marriage tax penalty prior to tax day, but it would certainly be our hope that that could be accomplished immediately thereafter, if not before.

This will be the third time in 5 years we have acted to mitigate the marriage tax penalty. In 1995, Congress passed legislation that would have provided a tax credit to married couples to partially offset this penalty. President Clinton vetoed that bill. In 1999, Congress again approved a measure to provide married couples with some relief.

Last year's bill would have set the standard deduction for couples at twice the deduction allowed for singles. It also would have set the lowest income tax bracket for married couples at twice that allowed for single taxpayers. Again, President Clinton vetoed that last September.

According to the nonpartisan Tax Foundation, the total tax burden borne by American taxpayers dipped slightly in 1998. That is the good news. The bad news is Americans still spent more on Federal taxes than on any of the other major items in their household budget. For the median-income two-earner family, for example, Federal taxes still amounted to 39 percent of the family budget, more than what they spent on food, housing, and medical care combined. One of the reasons why they paid so much is the continuation of the marriage tax penalty that exists in the Nation's Tax Code.

According to the Congressional Budget Office, nearly half of all married taxpayers—about 21 million couples—filing a joint return paid a higher tax than they would have if each spouse had been allowed to file as a single taxpayer.

The marriage tax penalty hits the working poor particularly hard. Two-earner families making less than $20,000 often must devote a full 8 percent of their income to pay the marriage tax penalty. Eight percent is an extraordinary amount for couples who count on every dollar to make ends meet.

I will give an example of the marriage tax penalty at work. In this example, the penalty comes about because workers filing as single taxpayers get a higher standard deduction and because income tax bracket thresholds for married couples are lower than the thresholds for singles. Consider a married couple with each spouse earning about $30,000 a year. They would have paid $7,655 in Federal income taxes last year. By comparison, two individuals earning the same amount but filing a joint return would have paid $6,892 between the two of them. That is a marriage tax penalty of $763, about a 10-percent penalty simply for being married.

The average penalty paid by couples is even higher than that—about $1,400 a year, according to the Congressional Budget Office. Think what families could do with an extra $1,400. They could pay for 3 or 4 months of day care if they chose to send a child outside the home, or make it easier for one parent to stay at home and take care of the children if that is what they decide is best for them. They could make four or five payments on a car or minivan. They could pay their utility bill for 9 months.

The bill reported by the Finance Committee is the most comprehensive effort yet to eliminate the marriage penalty. It will increase the standard for couples filing jointly to twice the deduction allowed for single taxpayers. It will widen the 15-percent and 28-percent tax brackets. It will allow more low-income married couples to qualify for the earned-income credit and preserve the family tax credits that are currently phased out by the alternative minimum tax.

Unlike President Clinton's so-called relief bill, the plan Chairman ROTH brings to us today does not neglect married couples who choose to have one parent stay at home to raise their children. It gives them relief and, in so doing, it let's them know we value the choice they have made to stay home and raise a family.

Unlike the Clinton plan, which would preserve the penalty for many couples, our plan would eliminate the marriage tax penalty in its entirety. Sure, that means revenue loss associated with this legislation is greater than the President proposed, but the smaller cost of providing relief under the Clinton plan is also indicative of just how little it would do to solve the problem. We should not be stingy when attempting to ensure fairness in the Tax Code.

Passage of this legislation will continue the good progress we have made this year in making the Tax Code fairer. First, we passed the measure to repeal the Social Security earnings limitation, a tax that has unfairly penalized seniors for more than 60 years simply because they wanted to earn extra income to supplement their monthly retirement checks. The measure is now law.

Hopefully, the marriage tax penalty repeal bill will pass with a strong bipartisan majority, and President Clinton will rethink his opposition and sign it when it reaches his desk.

Another thing we can do to make the Tax Code fairer is eliminate the death tax. Although most Americans will probably never pay the death tax, overwhelming majorities still sense there is something terribly wrong with a system that allows Washington to seize more than half of whatever is left after someone dies—a system that prevents hard-working Americans from passing the bulk of their nest eggs to their children or grandchildren.

We can debate the merits of any number of changes in the Tax Code—whether a flat tax is preferable to a sales tax; whether tax rates should be reduced across the board; or whether we should make the Tax Code more conducive to savings and investment. There are legitimate points to be made on all sides. But when it comes to fairness, we need to do what is right. The marriage tax penalty, as the earnings limit and the death tax, is wrong; it is unfair; and it is time to put it to rest.

I thank Senator KAY BAILEY HUTCHISON from Texas for her hard work. I thank Chairman ROTH for bringing it forward. I appreciate the work of the majority leader in getting this matter before the Senate for a vote so we can finally end the marriage tax penalty.

I again thank Senator HUTCHISON for deferring to me for my remarks.

The PRESIDING OFFICER (Mr. SMITH of Oregon). The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I thank the distinguished Senator from Arizona for making a wonderful statement about the importance of the marriage tax penalty and tax relief in general for the hard-working people of our country. He is absolutely right; people are paying a higher rate of tax than they have ever paid in peacetime.

I am concerned that there seems to be a problem with taking up this bill and debating amendments. I am very concerned about what appears to be an effort to not take up this bill and have relevant amendments considered.

We are going to disagree on the merits of the marriage tax penalty. I hope we come to a conclusion that will significantly lower the marriage tax penalty for most of the 21 million American couples who now pay that penalty just because they are married.

I hope the distinguished minority will allow us to go forward with the debate. I hope my colleagues will allow us to talk about our differences on this issue.

I want to be clear; the questions we have just heard in the last hour appear to be related to offering amendments which are not relevant to the marriage tax penalty and could, in fact, kill the marriage tax penalty bill. If it is the Democrats' strategy to kill the marriage tax penalty bill for 21 million Americans in the name of other amendments they want to offer that are not relevant, I hope they will think about that.

We all want to address Medicare and prescription drugs. We have addressed minimum wage. There are many issues on which we can disagree, but I hope we can all agree that those are not relevant to the marriage tax penalty, and that we will not let our disagreements on issues such as minimum wage or the way we want to provide prescription drugs to interfere with a very simple concept, a very clean bill that gives marriage tax penalty relief to 21 million American couples, which is exactly what the bill before us does.

In the Finance Committee, Republicans and Democrats of good will debated the marriage tax penalty. They passed a bill out of their committee, and it deals with the marriage tax penalty. It did not deal with extraneous issues because, in fact, the President asked us to send specific bills to him so that he could make his decision on what he would sign and what he would not, one tax cut at a time.

We will be able to test the President and his commitment to giving marriage tax penalty relief. We sent him marriage tax penalty relief last year. We sent significant marriage tax penalty relief to the President last year, and the President vetoed the bill.

The President said: Oh, you have the marriage tax penalty relief in conjunction with all these other tax cuts. We had across-the-board tax rate cuts that

would have helped every American paying taxes. We had significant cuts in the inheritance tax. We had other tax cuts for small businesspeople. The President said: That is too much. In fact, I think he said it was reckless to give people that much of the money they earned back to them. I believe he said it was reckless.

The President said: Give me smaller tax cuts. So that is exactly what we are doing. We are trying to give him a significant cut in the marriage tax penalty. We are trying to say to the President: We want marriage tax penalty relief. You have said you are for it. We are going to send you a bill that includes marriage tax penalty relief, that deals just with marriage tax penalty relief.

I would think the Senate would be able to come to an agreement on a marriage tax penalty bill—with relevant amendments of any type—and go forward to discuss our differences on the merits on marriage tax penalty relief.

That is what the majority leader offered the Democratic minority. He offered them the ability to have relevant amendments and disagreements on the merits of this bill. That is fair. We all understand that. We have a little different approach on marriage tax penalty relief. We can debate those issues—if we have the chance. But it seems the Democrats do not want us to have that chance. It seems they do not want to be required to have relevant amendments so we can discuss this and give it to the President to sign.

I hope it is not the Democrats' view that we should put this off. I hope they are not going to require that we not pass marriage tax penalty relief this week before we go into recess for a week to spend Easter with our families. I certainly hope that is not the result we are going to see here. I hope the result will be reached of a good marriage tax penalty relief bill before we leave for a week of recess over the Easter holiday. I think we owe that to the people of this country.

I have received some mail from my constituents.

Mr. BROWNBACK. Mr. President, I wonder if the distinguished Senator from Texas will allow me to ask a question of her.

Mrs. HUTCHISON. I would be happy to answer a question from the Senator from Kansas who, by the way, has been one of the leaders in seeking marriage tax penalty relief. He is a cosponsor of the bill before us today, along with myself. He was a cosponsor of the bill we sent to the President last year. He has talked on the floor about this issue perhaps more than any one of us.

I would be happy to answer a question by the Senator from Kansas.

Mr. BROWNBACK. I thank my distinguished colleague from Texas.

My question simply deals with an issue I have been raising now for 3 weeks on this floor, saying that when we get to the time of being able to actually pass marriage tax penalty relief—and we are there, and it is on the floor—let us not have a bunch of extraneous amendments that are irrelevant to the issue, that do not pertain to the issue of the marriage tax penalty. For 3 weeks I have been coming to the floor saying, let's not get to that point in time or let's not have the great Democratic Party saying, we are for marriage penalty relief, and then block us with other nongermane amendments.

My simple question to the Senator from Texas is, it appears from what she is describing now, we are actually at that point where we could pass marriage tax penalty relief before April 15, and we are being blocked by nongermane amendments of the Democratic Party. Is that the correct situation we are actually in now?

Mrs. HUTCHISON. I would just say, the distinguished Senator from Kansas is making a very good point. He has raised this point for the last 3 weeks. That is, are the Democrats going to block consideration of a real marriage tax penalty relief bill by requiring that extraneous amendments that have nothing to do with marriage tax penalty relief be offered as a condition for bringing this bill to the floor? I think the distinguished Senator from Kansas is exactly right.

I have to stand up for my majority leader. I am so proud of our majority leader for standing on the floor and offering the Democrats every single option that would keep this floor open for debate. He offered them the option of going forward on their prime amendment. He offered them the option of offering any relevant amendment. He offered them the option of just having morning business so that anyone can come to the Senate floor and talk about their issues of concern. That is exactly what our majority leader did. He did exactly what he should be doing to move the business of the Senate along.

I have to say, in response to the Senator from Kansas, I think it is very important it be known that the majority leader has allowed any amendment to come before the Senate. Just last week, on the budget, many of us had amendments that were knocked off—just knocked off the budget—by an objection from a distinguished Member on the Democratic side because he did not want to vote on those amendments en bloc. There were many amendments from both sides of the aisle that were just knocked off.

The distinguished majority leader did not do that. He allowed them all to come in. I think he has been the most open he could possibly be in allowing every single amendment of every possible conception to be offered on many of the bills we have had before us this year and, most recently, last week on the budget bill. We have taken a position on every single controversial issue that has been brought up in our country since the session started in January.

The distinguished majority leader today is asking that we be able to debate marriage tax penalty relief, with any number of amendments that are relevant, because the distinguished majority leader believes we can have differences in approach.

We passed a marriage tax penalty relief bill last year to which we all agreed. It was overwhelmingly passed. We sent it to the President, and it was vetoed. The President said: The tax cut is too much. We don't want to give that much money back to the people who worked so hard for it. Send me something smaller.

That is exactly what the Finance Committee is doing. The Finance Committee voted a bill out—smaller, but it does give relief to every single married person in this country. It gives total relief to people in the 15-percent bracket and the 28-percent bracket. It increases the earned-income tax credit for the poorest working people in our country. That is what the bill does. So why wouldn't we be able to take the bill to the floor and debate it?

I think the Senator from Kansas is on to something. The Senator from Kansas is saying, why would the Democrats want to kill marriage tax penalty relief with extraneous amendments?

We have had sense of the Senates.

Mr. BROWNBACK. Mr. President, I wonder if my distinguished colleague from Texas would yield for another question.

Mrs. HUTCHISON. I am happy to yield to the distinguished Senator from Kansas for a question.

Mr. BROWNBACK. I thank my colleague from Texas. I appreciate her leadership and the work she has done on this particular issue.

I guess what is troubling to me about the issues that are being raised now on the floor is that we actually have a chance to get this done. It is not a sense-of-the-Senate resolution. This isn't a policy statement by any of the various parties. This is an actual chance for us to pass the bill.

The bill has cleared through the House. We could pass it in the Senate. We could get it to the President. The President has said he wants to be able to have a smaller tax cut. Here is one that would deal with the marital tax penalty.

We are getting it blocked. It seems to me the President ought to step in now and call on the Democrat Members of the Senate to say, no, let's let this bill clear on through. This is similar to the disaster relief issue. I remember a couple years ago—my colleague might—we had a supplemental bill come through and people wanted to have some budget constraints in that bill. There was an emergency need for that supplemental, some disaster relief; some flooding was taking place. The Democratic Party said: We have to have this supplemental for this emergency relief and really hammered on a lot of people about that issue until we passed it so that people could get disaster relief.

And we should have given that disaster relief.

Here you have virtually the same situation. We have a chance to actually do it—no more sense of the Senate; no more talking about it; no more just saying we ought to do it. With this bill we do it. We are actually being blocked by a parliamentary maneuver on the Democrat side of the aisle.

I hope the President will enter into this debate and call on Democrat colleagues of ours to say, no, let's have a vote. Let's debate the different sides of this issue of marriage tax penalty relief. There are different policy ways to handle it. Let's have that good debate, but don't tie it up with endless amendments or with what is taking place now, where we are virtually shutting the floor down because we can't get agreement. This is too important to play that sort of politics.

I hope my Democrat colleagues are actually for eliminating the marriage tax penalty. Let us have a spirited debate about their different ideas. I appreciate my colleague from Texas carrying this issue forward. We have to deal with this now. Ahead of the April 15 deadline would be the time to do it. This is the point in time to do it. People filling out their forms are seeing the marriage tax penalty they are paying. Let's tell them hope is on the way; we will be able to get this dealt with.

I appreciate my colleague doing this. I hope we can get the President involved in calling some of our Democrat colleagues to say, let's pass a bill and let's look at this issue on the merits. I know my colleague from Texas will continue to press that issue on the floor and everywhere else she can.

Mrs. HUTCHISON. I thank the Senator from Kansas for making a very good point. He is saying maybe now it is time for the President to step in and show his commitment on this issue. Maybe he can work with the distinguished Democratic minority in saying, I think this is something we ought to do, such as an emergency.

I guarantee Kervin and Marsha Johnson believe it is an emergency, as they are filling out their tax forms this week. Kervin is a D.C. police officer. His wife is a Federal employee. They were married last July. This year they will pay $1,000 more in taxes because they got married 7 months ago.

I guarantee that Eric and Ayla Hemeon believe this is an emergency. Eric is a volunteer firefighter and works for a printing company. Ayla works for a small business. They have been married for 2 years and are expecting their first child in about a month. Last year they paid almost $1,100 in a marriage tax penalty just because they got married and that they would not have paid if they were single. They are filling out their tax forms right now, and they would like to see the Congress give them relief from paying that $1,100 next year so they can buy something for their new baby.

Lawrence and Brendalyn Garrison believe this is an emergency. He is a corrections officer at Lorton prison. She is a teacher in Fairfax County, VA. Last year we estimate they paid nearly $600 in a marriage tax penalty. They are really upset about it. When I talked to them last week, they said: We have been married 25 years and we think you should pass marriage tax penalty relief and make it retroactive.

I think they have a good point. They have been paying the penalty for 25 years. This is an error in the Tax Code that must be corrected.

Jerri Dahl of Arlington, TX, believes this is an emergency. He wrote me a letter and said:

> It is tax time again, and I am not going to let it go by without attempting to do something about what I feel is a terrible injustice to working people. I am not joking when I tell you that my husband and I are seriously contemplating divorce in order not to be penalized financially next year.

I think we have a number of people in this country who believe this is an emergency, who, as they are writing the check to the Government, believe the Senate should act on a bill that would give them relief from a payment they should not have to make. Most people in our country believe they owe a fair share of taxes to the Government. They love this country and they want to do their part, but most people don't want to do more than they think is fair. When a single person in an office is sitting next to a married person in an office and they have the same job and make the same salary and the married person has to pay more in taxes than the single person sitting at the next desk making the same salary, that doesn't pass the test of fairness.

I commend the majority leader for attempting to bring this bill to the floor. I commend my colleague, the Senator from Kansas, the Senator from Missouri, Mr. ASHCROFT, the Senator from Michigan, Mr. ABRAHAM, and the Senator from Delaware, Mr. ROTH. They have been working on this legislation for a long time. Senator ROTH brought the bill forward last year. The President vetoed it and said it was too much. Senator ROTH came back this year. He originally had a different bill—it was a doubling of the 15-percent bracket—but he listened to many of us who said, let's go to 28 percent so people in that middle-income bracket can get relief. That is the middle-income couple who needs that money to be able to do more for their children or to buy their first house or to pay for the car.

The working people of our country deserve better government than they are getting today. They deserve better government than the Democrats shutting down the Senate because they don't want open debate on marriage tax penalty relief.

I hope tomorrow they will change. I hope they will change and say it is OK to discuss this issue. It is OK to have disagreements, but let's keep our eye on the ball. Let's come together, Democrats and Republicans, and correct the inequity in the Tax Code in this country that says a married person and a single person in the same job making the same salary should pay the same taxes.

That is what we are seeking today. I hope the Democrats will come back fresh tomorrow and say: We agree with you. Now is the time to do the responsible thing. Let's correct the Tax Code to say every person working in this country should pay their fair share of taxes but no more. Let's give tax relief to the hard-working married couple who has been paying a penalty for 6 months or a year or 25 years. Let's correct it now because now is the time we can.

As the majority leader said about the gas tax reduction that we also tried to give people today: If not now, when? If not this, how?

Let us be a little more forthcoming in creativity when it comes to helping the hard-working people of this country have the marriage penalty relief they deserve.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. FITZGERALD. Thank you, Mr. President. I compliment my friend and colleague from the State of Texas for all of her hard work and leadership in trying to correct the marriage tax penalty. It is an unfair quirk in our Tax Code that we hope we can finally bring to an end at some point this year.

(The remarks of Mr. FITZGERALD pertaining to the introduction of S. 2398 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mr. CLELAND addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. CLELAND. I thank the Chair.

(The remarks of Mr. CLELAND pertaining to the introduction of S. 2402 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

AVIATION SECURITY

Mr. MCCAIN. Mr. President, I am an original cosponsor of Senator HUTCHISON's bill to improve aviation security. Our colleague from Texas brings unique expertise to this issue as a former member of the National Transportation Safety Board. I want to thank her for her diligence in this area over the past several years as a member of the Commerce Committee Aviation Subcommittee.

Among other things, Senator HUTCHISON's bill would make pre-employment criminal background checks mandatory for all baggage screeners at airports, not just those who have significant gaps in their employment histories. It would require screeners to undergo extensive training requirements, since U.S. training standards fall far short of European standards. The legislation would also seek tighter enforcement against unauthorized access to airport secure areas.

I cannot overemphasize the importance of adequate training and competency checks for the folks who check airline baggage for weapons and bombs. The turnover rate among this workforce is as high as 400 percent at one of the busiest airports in the country. The work is hard, and the pay is low. Obviously, this legislation does not establish minimum pay for security screeners. By asking their employers to invest more substantially in training, however, we hope that they will also work to ensure a more stable and competent workforce.

Several aviation security experts appeared before the Aviation Subcommittee at a hearing last week. They raised additional areas of concern that I expect to address as this bill proceeds through the legislative process. For instance, government and industry officials alike agree that the list of ''disqualifying'' crimes that are uncovered in background checks needs to be expanded. Most of us find it surprising that an individual convicted of assault with a deadly weapon, burglary, larceny, or possession of drugs would not be disqualified from employment as an airport baggage screener.

Fortunately, this bill is not drafted in response to loss of life resulting from a terrorist incident. Even so, it is clear that even our most elementary security safeguards may be inadequate, as evidenced by the loaded gun that a passenger recently discovered in an airplane lavatory during flight.

I look forward to working with Senator HUTCHISON, as well as experts in both government and industry circles, to make sure that any legislative proposal targets resources in the most effective manner. By and large, security at U.S. airports is good, and airport and airline efforts clearly have a deterrent effect. What is also clear, however, is that we cannot relax our efforts as airline travel grows, and weapons technologies become more sophisticated.

''EXXON VALDEZ'' OIL SPILL

Mr. BINGAMAN. Mr. President, the Senate passed S. 711, calendar No. 235, a bill to allow for the investment of joint Federal and State funds from the civil settlement of damages from the *Exxon Valdez* oil spill, on November 19 last year, in the last hours of the First Session.

The bill states that moneys in the settlement fund are eligible for the new investment authority so long as they are allocated in a manner identified in the bill. Specifically, S. 711 provides that $55 million of the funds remaining on October 1, 2002 shall be allocated for habitat protection programs.

The accompanying report, S. Rept. 106–124, contains a provision in the section-by-section analysis, subsection 1(e), stating that, with respect to the $55 million for habitat protection programs, ''[a]dditionally, any funds needed for the administration of the Trust will also be deducted from these monies.'' I was surprised to see this provision in the report because I do not believe that it reflects the committee's intent with respect to the bill.

Mr. MURKOWSKI. I think the committee did speak clearly in the actual legislative language of the bill, which requires that the new investment authority be allocated ''consistent with the resolution of the Trustees adopted March 1, 1999 concerning the Restoration Reserve.'' Among other things, this resolution separates the remaining funds into two distinct ''pots'' of money: a $55 million pot which can be used for habitat acquisition; and a $115 million ''pot'' that will be used for research and monitoring activities.

As the Trustees have explained the resolution to me, the cost of administration for habitat acquisition will come from the $55 million and the cost of administration for the monitoring and research will come from the $115 million. Therefore, I am confident that the actual legislative language of the bill is clear and that this was the committee's intent. This provision was very important to me in drafting this bill because I have always been concerned about the tens-of-millions of dollars the Trustees have spent on administration of the funds.

We prepared a statement to clarify this matter last November. It should have appeared in the RECORD at the point where the bill was passed (S15162–S15163). Regrettably, the statement was mislaid and did not appear where it should have.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Monday, April 10, 2000, the Federal debt stood at $5,761,021,041,671.35 (Five trillion, seven hundred sixty-one billion, twenty-one million, forty-one thousand, six hundred seventy-one dollars and thirty-five cents).

Five years ago, April 10, 1995, the Federal debt stood at $4,869,423,000,000 (Four trillion, eight hundred sixty-nine billion, four hundred twenty-three million).

Ten years ago, April 10, 1990, the Federal debt stood at $3,083,479,000,000 (Three trillion, eighty-three billion, four hundred seventy-nine million).

Fifteen years ago, April 10, 1985, the Federal debt stood at $1,729,371,000,000 (One trillion, seven hundred twenty-nine billion, three hundred seventy-one million).

Twenty-five years ago, April 10, 1975, the Federal debt stood at $510,599,000,000 (Five hundred ten billion, five hundred ninety-nine million) which reflects a debt increase of more than $5 trillion—$5,250,422,041,671.35 (Five trillion, two hundred fifty billion, four hundred twenty-two million, forty-one thousand, six hundred seventy-one dollars and thirty-five cents) during the past 25 years.

ADDITIONAL STATEMENTS

IN RECOGNITION OF EDGAR A. SCRIBNER

● Mr. LEVIN. Mr. President, I rise today to pay tribute to a friend of mine who is also a friend to the working men and women of Michigan, Edgar A. Scribner. Ed recently retired from his position as President of the Metropolitan Detroit AFL–CIO.

Ed Scribner began his working career with the Detroit Free Press in 1950, a career which was interrupted from 1952–1954 when he served his country in Korea with the United States Army. He has always been an active supporter of the rights of workers, and was elected Vice President of Teamster Local Union #372 in 1962. He also served his local as Trustee and President, and was selected for additional leadership positions with Michigan Teamsters Joint Council #43. In 1988, he was first elected President of the Metropolitan Detroit AFL–CIO, a position he has held until this year.

Ed's contribution to community life has truly known no bounds. He has worked tirelessly on behalf of numerous charities and took a leadership role on behalf of United Community Services, metro Detroit's Torch Drive agency. In 1992, duty called Ed in a new direction when he was elected to the Board of Governors of Wayne State University, helping one of the nation's leading urban research universities find new ways to serve metropolitan Detroit.

Through it all, as a labor leader, a humanitarian, and an education leader, Ed's calling card has been his sincerity. Those who know him have come to appreciate the genuine affection he holds for people. While he's never been reluctant to take a stand concerning the big issues of his day, Ed has never forgotten that in the end it's all about people and making their lives better.

Caring about people has been a way of life for Ed Scribner, not just a job. So I have no doubt that even in his retirement, Ed will continue to serve his community in many ways. I am sure that his children, and especially his grandchildren, will keep him at least as busy as his commitments to the many non-profit and educational institutions with which he is currently involved. And I also know that the men and women of the AFL–CIO can count on Ed to continue to stand with them in their ongoing efforts on behalf of the working people of our nation.

Mr. President, I know my colleagues will join me in extending congratulations and best wishes to Ed Scribner, President of the Metropolitan Detroit AFL–CIO, on the occasion of his retirement.●

RECOGNITION OF FRANKLIN MIDDLE SCHOOL PRINCIPAL RICK OTTO

● Mr. GORTON. Mr. President, for the past seven years, the children at

Franklin Middle School in Yakima, Washington have benefitted greatly from the dedication and hard work of their principal, Mr. Rick Otto. He has been credited by his colleagues for turning the school around with his new ideas, helping disadvantaged students, and creating a positive atmosphere. I applaud Principal Otto's work to bring about such important changes and improvements in his school and am proud to present Principal Otto with my next ''Innovation in Education'' Award.

Principal Otto has a distinguished record of service at Franklin Middle School. For many years, he taught technology classes before working as an assistant principal. In 1993, he became the principal and realized that in order to improve Franklin Middle School, the community would have to become more involved. Throughout his tenure, Principal Otto has built a strong relationship with parents, community leaders and residents of the surrounding neighborhoods. The work of Principal Otto and the community has made a tremendous impact resulting in a renewed sense of discipline and higher expectations in student performance.

One of the challenges taken on by Principal Otto was improving the academic achievement of its high-concentration of non-English speaking families as well as helping students traditionally described as disadvantaged. Under Mr. Otto's leadership, Franklin created an ''At-Risk'' program which targets the children who are having trouble in school, gives them more attention in the classroom, and monitors their improvement. In the past five years, 69 percent of the students participating in the ''At-Risk'' program have improved in all areas of their education. The ''At-Risk'' program has also vastly improved the morale of students and staff across the Franklin campus.

I have heard many words of praise from members of the Franklin Middle School community who regard him as a model educator and admire his steadfast dedication to his students. Their words speak more highly of Principal Otto than I, as a United States Senator, ever could.

Clearly, Principal Otto is a leader in the field of education who recognizes the challenges that exist in his school and works each day to meet those challenges and make his students better learners. I applaud Principal Otto and know that the past, present and future children attending Franklin Middle School will be better students because of him.●

RESIGNATION OF LARRY WILKER, KENNEDY CENTER PRESIDENT

● Mr. KENNEDY. Mr. President, a few days ago, the president of the Kennedy Center, Lawrence J. Wilker, announced that he will resign his position at the Center at the end of this year. He plans to launch a new Internet entertainment company, and I know that he will bring the same ability, energy, and enthusiasm to that initiative as he brought to the Kennedy Center.

Larry Wilker has been a superb president for the Kennedy Center over the past decade. He has made outstanding improvements in the Center's facilities and its programming. He has led the Center effectively during a time of significant growth and expansion. One of his most impressive achievements has been the creation of the Millennium Stage, which offers free performances every afternoon at the Center.

I know that Larry Wilker will continue to be a leader in the national performing arts community and an enduring part of the Kennedy Center, and I wish him well in his important and pioneering new undertaking.

Today's Washington Post contains an excellent editorial praising Larry and his many contributions to the Kennedy Center and the arts in the nation. I ask that the editorial may be printed in the RECORD.

The article follows:

[From the Washington Post, April 11, 2000]

A KENNEDY CENTER DEPARTURE

Lawrence Wilker, president of the Kennedy Center since 1991, is taking off for the dotcom world, leaving an institution more vital and deeper in talent than before his arrival. Former chairman James Wolfensohn, who hired Mr. Wilker, did much to set the direction of the center toward showcasing national and regional arts, livelier relations with the local scene and a strong focus on arts education. Under Mr. Wilker and center chairman James Johnson those changes deepened and took institutional hold. Signs of this emphasis range from the hugely popular free ''Millennium State'' events daily at 6 p.m. in the Grand Foyer—catering, as often as not, to a jeans-and-sweaters crowd—to the splashy black-tie gala that marked the unveiling of a refurbished Concert Hall in 1997.

Outreach doesn't accomplish much if the quality isn't there to back it up. That lesson also has reverberated in the Wilker era with the arrival of recognized names such as the Washington Opera's Placido Domingo and the National Symphony Orchestra's Leonard Slatkin. Mr. Wilker's own background in theater production bolstered Kennedy Center sponsorship of the Fund for New American Plays, which distributes as much as $25,000 (gleaned mostly from corporate sources) for production of promising works by young playwrights all over the nation—some of which end up in Washington, some not.

Mr. Wilker says his Internet venture will make arts and entertainment more widely available. His Kennedy Center tenure has been, in large measure, an exercise in that same mission, and one that has achieved success—despite being waged not on the Net but in the clunkier coin of bricks, mortar and federal budget battles.●

THE AMERICAN LUNG ASSOCIATION OF MICHIGAN-GENESEE VALLEY REGION HONORS DR. PETER LEVINE

● Mr. ABRAHAM. Mr. President, I rise today to recognize Dr. Peter Levine, who on April 13, 2000, will be honored by the American Lung Association of Michigan-Genesee Valley Region as its Individual Health Advocate of the Year. Each year, the organization recognizes one individual whose efforts have greatly contributed to supporting the health, education and overall well-being of the Genesee Valley community.

Since 1986, Dr. Levine has served as the Executive Director of the Genesee County Medical Society in Flint, Michigan, which represents over 600 physicians. As Executive Director, Dr. Levine oversees the day-to-day operations of the Medical Society, ranging from the responsibilities of its financial, policy and staffing actions, to its lobbying activities, educational programming and media relations. He also serves as the Executive Director of the Society's three subsidiaries: the Medical Society Foundation, a 501C–3 educational and social policy charitable foundation; the Physicians Programs, Inc.; and the Emergency Medical Centre of Flint, an urgent care center designed to provide a low cost alternative care site for the community at large. The Emergency Medical Centre provides care for approximately 18,000 visitors per year.

Prior to 1986, Dr. Levine served as Program Director for the Greater Flint Area Hospital Assembly. In this capacity, Dr. Levine directed a six-hospital cooperative venture enabling these hospitals to provide better cancer care services to their patients. He developed and implemented strategies for cooperation in research, education, bioethics, resource coordination, standards of care, fiscal strategies, communication with hospital staffs, promotion of member hospitals outside of the region, innovative programming, cancer screening, and computerized tumor registry and data system. He staffed a multi-hospital joint venture to implement Magnetic Resonance Imagery technology in the Flint area, and served as the Executive Director of Community Hospice, Inc., a multi-hospice association designed to foster hospice growth in the region.

Dr. Levine is also a founding board member and volunteer for the Genesee County Free Medical Clinic, and a charter member of the Michigan Hospice Organization Board of Directors. He serves on the Medicare Advisory Board for the Ninth Congressional District of Michigan, sits on the Board of Directors of Health Education Systems, Inc., and is a Consultant to Michigan State Medical Society Committees on Bioethics, on Membership Recruitment and Retention, and on Medical Economics. He is also the State Medical Society's Liaison with Blue Cross/Blue Shield, and a member of its task force on professional liability.

Mr. President, I applaud Dr. Levine for his outstanding work for not only Genesee County, but the State of Michigan. His efforts have contributed to a higher standard of medical care throughout the state. On behalf of the entire United States Senate, I congratulate Dr. Levine on being named

the Individual Health Advocate of the Year by the American Lung Association of Genesee Valley. He is truly deserving of this honor.●

DELAWARE'S MOTHER OF THE YEAR

● Mr. BIDEN. Mr. President, I rise today to honor Mrs. Mary Jane DeMatteis, Delaware's Mother of the Year 2000.

The story of Mrs. DeMatteis is one of strength and devotion. After her loving husband of twenty years passed away, she was left to raise their six children alone. Mrs. DeMatteis used her faith and her love for her children to persevere through the most difficult of times. While maintaining a job in the Delaware court system, she was able to find the time and energy to care for her children and teach them the importance of family and love.

I have had the opportunity to witness the product of Mrs. DeMatteis' many years of commitment to her children. Claire, her daughter, is one of my most senior advisors and her intellect and strength of character is certainly a reflection of the profound influence her mother has had on her life. Today the legacy of Mary Jane DeMatteis continues as her ten grandchildren are graced with the success and love that Mrs. DeMatteis infused into the lives of her children. I am sure that her impact will be felt for countless generations to come.

We all know that being a parent is the most important job in the world. I am extremely proud to recognize this wonderful honor that Mrs. DeMatteis so well deserves.●

THE AMERICAN LUNG ASSOCIATION OF MICHIGAN-GENESEE VALLEY REGION HONORS MOTT COMMUNITY COLLEGE

● Mr. ABRAHAM. Mr. President, I rise to today to recognize Mott Community College, which on April 13, 2000, will be honored by the American Lung Association of Michigan-Genesee Valley Region as its 1999 Corporate Health Advocate of the Year. Mott Community College is being awarded for promoting lung health in the workplace, for encouraging its employees to participate in local non-profit organizations, for demonstrating financial support to these organizations, and for exhibiting an overall dedication to improving the quality of life of residents in the Genesee Valley area.

Mott Community College has a definitive plan to promote lung health in the workplace consistent with the mission of the American Lung Association of Michigan. There is a ban on smoking in all college buildings, the college's health insurance providers offer various educational programs to support employees who want to quit smoking, and smoking cessation material and counseling is available at the annual Mott Community College Health Fair. The college also has a program of assistance available to all students and staff who are disabled or suffering from disease, and has expended millions of dollars to make its campus fully accessible to the whole community.

Mott Community College is by its very nature a community service, but the college works hard to provide more to Genesee County than educational opportunity. Within its educational programs, and particularly in the health sciences, there is an interactive community component: senior nursing students work with area schools to provide health education classes, along with basic health screening, for students; faculty and staff work with the Genesee County Health Department to train teams, working through area churches, to provide citizens with health information; and the community has access to diverse facilities and programs on campus, programs which are all aimed at improving the health of the community.

Mott Community College also hosts many important events where health education is the theme. The annual Mott Community College Health Fair is a popular event which brings health professionals and the community together. The college holds national mental health town meetings, including a recent public forum which Ms. Tipper Gore chaired. On February 5, 2000, the college hosted the first annual ''Family Asthma Day,'' in which three asthma specialists presented informal sessions on the management of asthma. The event also included interactive sessions for adults and children.

Mr. President, for over seventy-five years, Mott Community College has worked to improve the quality of life of residents in the Genesee Valley area. On behalf of the entire United States Senate, I congratulate Mott Community College on being named the Corporate Health Advocate of the Year by the American Lung Association of Michigan-Genesee Valley Region. This award is the representation of the hard work of many people who truly care about the Genesee County community.●

NATIONAL TELECOMMUNICATOR'S WEEK

● Mr. BURNS. Mr. President, I rise today to bring recognition to a very special group of people in our Nation, our public safety communicators. These people are the ones who, hour after hour, stand by ready to dispatch emergency assistance to Americans in times of crisis and often tragedy. In 1992, President George Bush set aside the week of April 9th through the 15th to bring special recognition to all of those who dispatch emergency aid across this great country. Everyday Americans reach for the telephone to dial the numbers 9–1–1, seeking a voice that will bring them the help they so desperately require. A parent holding a child who has suffered a life threatening injury, an elderly person who has no one else to turn to, or a family who has awakened to a home filled with smoke; they are all calling this number just waiting for the voice that will bring them much needed assistance. The men and women who answer the 9–1–1 call are the ones who often make the difference between life and death for thousands of people in this country every single day. Our 9–1–1 dispatchers are on call 365 days a year, 24 hours a day, always there with that calm reassuring voice that puts hope back in the hearts of those in need. It is a great honor for me to bring recognition to these unsung heroes of our country and I hope that you will join me in offering your praise and thanks.●

DR. JAMES BROWN AND THE TENTH ANNIVERSARY OF THE INTERNATIONAL ARMS CONTROL CONFERENCE

● Mr. DOMENICI. Mr. President, I rise today to acknowledge the upcoming Tenth Annual Arms Control Conference taking place in Albuquerque, New Mexico. In recognition of this Tenth Anniversary, I wish to emphasize the tireless efforts of this conference's founder, coordinator, and inspiration, Dr. James Brown.

Dr. Brown's career has long emphasized arms control. Not only has Jim Brown devoted himself to this conference for the past decade, but he has also been a practitioner. He served in several different capacities at the Arms Control and Disarmament Agency, where he helped develop verification regimes for implementation of the UN Security Council Resolution to eliminate Iraq's weapons of mass destruction. He also worked in the Pentagon as a special assistant to the Deputy Undersecretary for Planning and Resources.

His academic résumé is also impressive. Jim was a professor at Southern Methodist University, and a visiting professor at Air University. He was a founding director of the John Tower Center for Political Studies and cotaught courses with Senator Tower for eight years. Jim Brown was also selected as a senior Fulbright Scholar at the University of Ankara. Most notably, he has authored and edited nine volumes of scholarly work and 35 articles on Arms Control.

Dr. James Brown has dedicated many years of his professional life in pursuit of international understanding as a fundamental prerequisite to progress on arms control and disarmament. Every year this conference reflects the culmination of his personal commitment. It is important to acknowledge the unique contribution that this conference has made and continues to make toward achievement of global peace and stability.

The disarmament and non-proliferation work of Sandia National Laboratories and the Cooperative Monitoring Center are greatly enhanced and supported by the annual Arms Control

Conference. This event should serve to underscore Sandia Laboratories' staunch commitment to a safe and stable international security environment.

The success of this annual event owes itself to Jim's reputation, his integrity, his personal relationships with a broad range of policy makers throughout the global arms control community and their trust in him. Jim's diligence has enabled the Albuquerque conference to grow even more in stature each year bringing credit on Sandia, the Department of Energy and the State of New Mexico.

Mr. President, New Mexico is fortunate to have Dr. Brown as a citizen.●

RECOGNITION OF MR. DARVIN ECKLUND, FOUNDER OF THE CEDAR HEIGHTS ENVIRONMENTAL RESOURCES LEARNING CENTER

● Mr. GORTON. Mr. President, in a continuing effort to recognize excellence in education I would like to award Darvin Ecklund of the Cedar Heights Environmental Resources Learning Center in Port Orchard, Washington with an 'Innovation in Education' Award. Two years ago, Mr. Ecklund, a Natural Resources teacher at Cedar Heights Junior High, created an after school center that focuses on environmental activities and teaches students the importance of rehabilitating our local natural resources. I think Mr. Ecklund's concept is a remarkable after school option for junior high students as an alternative, safe environment where they can learn and have fun at the same time.

The focus of the Cedar Heights Environmental Resources Learning Center aims to stimulate kids toward saving the environment around them. Recently, the Center renovated local ponds and developed plant life to be used in future rehabilitation projects. Children learn to identify common and scientific names of plants and wildlife. To date, over six hundred salmon have been raised in this Center! This is a truly remarkable way to integrate science into children's lives with a hands on approach.

We all know that we live in a busy world where sometimes kids end up waiting for their parents to return from work. I cannot think of a better way to see kids spend a few hours after-school, as well as getting parents involved in their children's after-school activities. Currently, there are over one hundred kids participating in this program. High school students are also part of Mr. Ecklund's staff and help organize activities and provide assistance as well.

Mr. Ecklund has also found a way for kids at the Cedar Heights Environmental Resources Learning Center to develop a relationship with the retirement community across the street. The Center offers retirees an educational as well as relaxing place to come and share time with the students. The Center has made the paths around the Environmental Center wheel-chair accessible. After hearing this, I was encouraged that this community has found a way to connect young people not only to the environment, but to their elders. I applaud Mr. Ecklund for creating such an innovative program that connects older and younger students to helping the environment and spending time with seniors.

Ms. Pat Green, Principal of Cedar Heights Junior High, said the following about Mr. Ecklund: ''He is passionate about the environment and teaching kids how to raise fish as a sustainable resource. The kids are learning hands-on science in action!''

Mr. Pat Oster, Assistant Principal of Cedar Heights Junior High commends Mr. Ecklund's efforts, describing him as, ''a very caring and energetic person who devotes generous time to the many students he interacts with on a daily basis.''

I have been a long supporter of preserving the environment. I am impressed by the originality of this program and hope other after-school centers will follow in the footsteps of the Cedar Heights Environmental Resources Learning Center. This is truly science in action!●

MRS. KATHERINE G. HEIDEMAN'S 90TH BIRTHDAY

● Mr. ABRAHAM. Mr. President, I rise to recognize Mrs. Katherine Grayson Graham Heideman, resident of Hancock, MI, who today is celebrating her 90th birthday. It is my pleasure to honor her not only for having reached this landmark birthday, which is quite an accomplishment in itself, but also, and I think more importantly, for having lived her life in a manner truly worthy of commendation.

Mrs. Heideman was born in Audubon, Iowa, the daughter of Katherine Grayson Brown and James Melville Graham. She was the youngest of six daughters. After attending high school in Audubon, she headed out west to continue her education, first receiving a B.A. from the University of California-Los Angeles in 1931, and then in 1934 earning an M.A. from the University of Southern California. For the next twenty years, Mrs. Heideman taught English literature classes to intermediate students in four different states: California, Michigan, Illinois, and the District of Columbia.

On July 6, 1934, Katherine married Bert Heideman. The couple remained together until in 1991, when Mr. Heideman passed away. They had three children together, Eric, Bert, and Eric. The eldest child unfortunately died just six months after he was born, and Mr. and Mrs. Heideman named their third child in his honor and memory.

In 1958, Mrs. Heideman became the first woman to be named Houghton County, Michigan, Superintendent of Schools. She served in this capacity for four years, then spent twelve years as Superintendent of the Copper Country Intermediate School System, which includes Houghton, Baraga, and Keweenaw counties. During these years, Mrs. Heideman was a pioneer in developing special education initiatives. All of her efforts culminated in 1974, when the Heideman Bill, HB5013, was passed into law in the State of Michigan. This law made it possible for an intermediate school district to own and operate a school for handicapped children.

In 1982, Mrs. Heideman was elected to the Hancock City Council, and there she has continued to fight not only for the rights of disabled individuals, but also for the environment and the historic preservation of Houghton county. She is the author of a resolution forbidding any nuclear or toxic waste to be transported through the city of Hancock, and of a resolution condemning the dumping of iron ore tailings into Lake Superior. Mrs. Heideman was a charter member of the Hancock Historic Preservation Commission, and continues to be a strong voice in the efforts to retain the city's old world charm. She has played an instrumental role in the attempt to get the city of Hancock recognized as being the Finnish American culture center of the United States. And, due to her efforts, a sister city relationship was formed with the citizens of Porvoo, Finland. A candidate seven times, she now begins her eighteenth year representing the first ward.

Mr. President, I applaud Mrs. Heideman for her selfless dedication to improving the quality of life for individuals not only in the city of Hancock, but the entire State of Michigan. She is a remarkable woman and a true role model. On behalf of the entire United States Senate, I wish Mrs. Heideman a happy ninetieth birthday, and best of luck in the future.●

MESSAGES FROM THE PRESIDENT

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

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

At 10:31 a.m., a message from the House of Representatives, delivered from Ms. Niland, one of its reading clerks, announced that the House has agreed to the following concurrent resolutions, in which it requests the concurrence of the Senate:

H. Con. Res. 228. Concurrent resolution honoring the members of the Armed Forces and Federal civilian employees who served the Nation during the Vietnam era and the families of those individuals who lost their lives or remain unaccounted for or were injured during that era in Southeast Asia or elsewhere in the world in defense of United States national security interests.

H. Con. Res. 277. Concurrent resolution authorizing the use of the Capitol grounds for the Greater Washington Soap Box Derby.

H. Con. Res. 280. Concurrent resolution authorizing the 2000 District of Columbia Special Olympics Law Enforcement Torch Run to be run through the Capitol Grounds.

H. Con. Res. 282. Concurrent resolution declaring the ''Person of the Century'' for the 20th century to have been the American G.I.

The message also announced that the House has passed the following bill, with amendments, in which it requests the concurrence of the Senate:

S. 777. An act to require the Department of Agriculture to establish an electronic filing and retrieval system to enable the public to file all required paperwork electronically with the Department and to have access to public information on farm programs, quarterly trade, economic, and production reports, and other similar information.

The message further announced that the House disagrees to the amendment of the Senate to the concurrent resolution (H. Con. Res. 290) establishing the congressional budget for the United States Government for fiscal year 2001, revising the congressional budget for the United States Government for fiscal year 2000, and setting forth appropriate budgetary levels for each of fiscal years 2002 through 2005, and agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon; and appoints the following Members as the managers of the conference on the part of the House: Mr. KASICH, Mr. CHAMBLISS, Mr. SHAYS, Mr. SPRATT, and Mr. HOLT.

ENROLLED BILL SIGNED

At 4:05 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

S. 1287. An act to provide for the storage of spent nuclear fuel pending completion of the nuclear waste repository, and for other purposes.

The enrolled bill was signed subsequently by the President pro tempore (Mr. THURMOND).

MEASURES REFERRED

The following concurrent resolutions were read, and referred as indicated:

H. Con. Res. 228. Concurrent resolution honoring the members of the Armed Forces and Federal civilian employees who served the Nation during the Vietnam era and the families of those individuals who lost their lives or remain unaccounted for or were injured during that era in Southeast Asia or elsewhere in the world in defense of United States national security interests; to the Committee on the Judiciary.

H. Con. Res. 277. Concurrent resolution authorizing the use of the Capitol grounds for the Greater Washington Soap Box Derby; to the Committee on Rules and Administration.

H. Con. Res. 280. Concurrent resolution authorizing the 2000 District of Columbia Special Olympics Law Enforcement Torch Run to be run through the Capitol Grounds; to the Committee on Rules and Administration.

H. Con. Res. 282. Concurrent resolution declaring the ''Person of the Century'' for the 20th century to have been the American G.I.; 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–8406. A communication from the Secretary of Labor, transmitting, pursuant to law, the annual report on the fiscal year 1998 operations of the Office of Workers' Compensation Programs; to the Committee on Health, Education, Labor, and Pensions.

EC–8407. A communication from the Acting Assistant General Counsel for Regulations, Office of Postsecondary Education, Department of Education transmitting, pursuant to law, the report of a rule entitled ''Final Regulations-Teacher Quality Enhancement Grants Program'', received April 6, 2000; to the Committee on Health, Education, Labor, and Pensions.

EC–8408. A communication from the Executive Director, Congressional Members, and the Executive Director, Presidential Members, Census Monitoring Board transmitting, pursuant to law, a report entitled ''Field Observations of the New York and Dallas Regional and Local Census Offices, Alaska Enumeration, and Household Matching Training''; to the Committee on Governmental Affairs.

EC–8409. A communication from the Administrator, General Services Administration transmitting a draft of proposed legislation entitled ''Federal Property Asset Management Reform Act of 2000''; to the Committee on Governmental Affairs.

EC–8410. A communication from the Assistant General Counsel for Regulatory Law, Department of Energy, transmitting, pursuant to law, the report of a rule entitled ''Assistance to Foreign Atomic Energy Activities'' (RIN1992–AA24), received March 30, 2000; to the Committee on Foreign Relations.

EC–8411. A communication from the Senior Banking Counsel, Department of the Treasury transmitting, pursuant to law, the report of a rule entitled ''Financial Subsidiaries'' (RIN1505–AA77), received March 27, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC–8412. A communication from the Assistant General Counsel for Regulations, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled ''Single Family Mortgage Insurance; Appraiser Roster Removal Procedures'' (RIN2502–AH29) (FR–4429–F–03), received April 5, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC–8413. 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 ''Fenhexamid; Pesticide Tolerances'' (FRL # 6553–7), received April 7, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8414. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, a report entitled ''Assigning Values to Non-Detected/Non-Quantified Pesticide Residues''; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8415. A communication from the Associate Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture transmitting, pursuant to law, the report of a rule entitled ''Marketing Order Regulating the Handling of Spearmint Oil Produced in the Far West; Decreased Assessment Rate'' (Docket Number FV00–985–4 IFR), received April 7 , 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8416. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Section 29, Nonconventional Source Fuel Credit/Inflation Adjustment Factor/Reference Price for Calendar Year 1999'' (Notice 2000–23), received April 7, 2000; to the Committee on Finance.

EC–8417. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Charitable Split-Dollar Insurance Reporting Requirements'' (Notice 2000–24), received April 6, 2000; to the Committee on Finance.

EC–8418. A communication from the Acting Assistant Secretary, Import Administration, International Trade Administration, Department of Commerce transmitting, pursuant to law, the report of a rule entitled ''Amended Regulation Concerning the Revocation of Antidumping and Countervailing Duty Orders'' (RIN0625–AA54), received April 6, 2000; to the Committee on Finance.

EC–8419. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class E Airspace; Andres-Murphy, NC; Docket No. 00–ASO–4 (4–3/4–3)'' (RIN2120–AA66) (2000–0081), received April 3, 2000; to the Committee on Commerce, Science, and Transportation.

EC–8420. A communication from the Secretary of the Commission, Federal Trade Commission transmitting, pursuant to law, the report of a rule entitled ''Antitrust Guidelines for Collaborations Among Competitors'', received April 7, 2000; to the Committee on Commerce, Science, and Transportation.

EC–8421. A communication from the Deputy Chief, Industry Analysis Division, Common Carrier Bureau, Federal Communications Commission transmitting, pursuant to law, the report of a rule entitled ''Local Competition and Broadband Reporting'' (FCC 00–114) (CC Doc. 99–301), received April 6, 2000; to the Committee on Commerce, Science, and Transportation.

EC–8422. A communication from the General Counsel, Department of Commerce transmitting a draft of proposed legislation relative to the establishment of the National Marine Sanctuary Foundation; to the Committee on Commerce, Science, and Transportation.

EC–8423. 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 ''Notice of Acceptability'' (FRL # 6575–7), received April 7, 2000; to the Committee on Environment and Public Works.

EC–8424. 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 ''Revisions to the Interim Enhanced Surface Water Treatment Rule

(IESWTR), the Stage 1 Disinfectants and Disinfection Byproducts Rule (Stage 1DBPR), and Revisions to State Primacy Requirements to Implement the Safe Drinking Water Act (SDWA) Amendments'' (FRL # 6575–9), received April 7, 2000; to the Committee on Environment and Public Works.

EC–8425. 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 ''Withdrawal of Certain Federal Human Health and Aquatic Life Water Quality Criteria Applicable to Rhode Island, Vermont, the District of Columbia, Kansas and Idaho'' (FRL # 6576–2), received April 7, 2000; to the Committee on Environment and Public Works.

EC–8426. A communication from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''Voluntary Submission of Performance Indicator Data'' (NRC Regulatory Issue Summary 2000–08), received April 6, 2000; to the Committee on Environment and Public Works.

EC–8427. A communication from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''Use of Risk-Informed Decisionmaking in License Amendment Reviews'' (NRC Regulatory Issue Summary 2000–07), received April 6 , 2000; to the Committee on Environment and Public Works.

EC–8428. A communication from the Director, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Endangered and Threatened Wildlife and Plants; Threatened Status for the Santa Ana Sucker'' (RIN1018–AF34), received April 6, 2000; to the Committee on Environment and Public Works.

EC–8429. 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 Air Quality Implementation Plans; Massachusetts; Revised VOC Rules'' (FRL # 6574–7A), received April 6, 2000; to the Committee on Environment and Public Works.

EC–8430. 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 ''Interim Final Determination that State has Corrected the Plan Deficiency and Stay of Sanctions; Phoenix PM–10 Nonattainment Area , Arizona'' (FRL # 6575–2), received April 6, 2000; to the Committee on Environment and Public Works.

EC–8431. 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 ''Transportation Conformity Amendment: Deletion of Grace Period'' (FRL # 6574–7), received April 6, 2000; to the Committee on Environment and Public Works.

EC–8432. A communication from the Administrator, General Services Administration, transmitting an informational copy of a lease prospectus for the Department of the Interior; to the Committee on Environment and Public Works.

EC–8433. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, a report entitled ''Enforcement Alert Newsletter: Volume 3, Number 2''; to the Committee on Environment and Public Works.

EC–8434. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, a report entitled ''Enforcement Alert Newsletter: Volume 3, Number 3''; to the Committee on Environment and Public Works.

EC–8435. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, a report entitled ''Enforcement Alert Newsletter: Volume 3, Number 4''; to the Committee on Environment and Public Works.

EC–8436. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, a report entitled ''Interim Guidance for Enforcing the TSCA 402 Abatement Rule 'Firm and Lead Abatement Professional Certification Requirements' ''; to the Committee on Environment and Public Works.

REPORT OF COMMITTEE

The following report of committee were submitted:

By Mr. HATCH, from the Committee on the Judiciary, with an amendment in the nature of a substitute and an amendment to the title:

S. 2045. A bill to amend the Immigration and Nationality Act with respect to H–1B nonimmigrant aliens (Rept. No. 106–260).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

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

By Mr. GRAHAM:

S. 2383. A bill to amend the Immigration and Nationality Act to provide temporary protected status to certain unaccompanied alien children, to provide for the adjustment of status of aliens unlawfully present in the United States who are under 18 years of age, and for other purposes; to the Committee on the Judiciary.

By Mr. TORRICELLI:

S. 2384. A bill to direct the Secretary of Transportation to require the use of dredged material in the construction of federally funded transporation projects; to the Committee on Environment and Public Works.

By Mr. TORRICELLI:

S. 2385. A bill to direct the Secretary of the Army to establish a program to market dredged material; to the Committee on Environment and Public Works.

By Mrs. FEINSTEIN (for herself, Mrs. HUTCHISON, Mr. BAUCUS, Mr. MURKOWSKI, Mr. CLELAND, Mr. DURBIN, Ms. LANDRIEU, Mr. SMITH of Oregon, Mr. LAUTENBERG, Mr. JOHNSON, Mr. KENNEDY, Mr. EDWARDS, Mr. CAMPBELL, Mr. ABRAHAM, Mr. KERRY, Mr. FEINGOLD, Mr. SANTORUM, Mr. LEAHY, Mr. INHOFE, Mr. WELLSTONE, Mr. BINGAMAN, Mr. MOYNIHAN, Mr. HATCH, Mr. SNOWE, Mr. HAGEL, Mr. BIDEN, Mr. MACK, Mr. GRASSLEY, Mr. ASHCROFT, Mr. BRYAN, Mrs. MURRAY, Mrs. BOXER, Ms. MIKULSKI, Mr. REID, Mr. BREAUX, Mr. DODD, Mr. LIEBERMAN, Mr. KERREY, Mr. DASCHLE, Mr. JEFFORDS, and Mr. ROTH):

S. 2386. A bill to extend the Stamp out Breast Cancer Act; to the Committee on Government Affairs.

By Mr. LEAHY (for himself, Mr. JEFFORDS, Mr. KENNEDY, Mr. KERRY, Mr. DURBIN, and Mr. WELLSTONE):

S. 2387. A bill to improve global health by increasing assistance to developing nations with high levels of infectious disease and premature death, by improving children's and women's health and nutrition, by reducing unintended pregnancies, and by combating the spread of infectious disease, particularly HIV/AIDS, and for other purposes; to the Committee on Foreign Relations.

By Mr. HOLLINGS (by request):

S. 2388. A bill to authorize appropriations for Fiscal Year 2001 for certain maritime programs of the Department of Transportation, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. ROTH:

S. 2389. A bill to provide additional assistance for fire and emergency services, and for other purposes; to the Committee on Environment and Public Works.

By Mr. DEWINE (for himself, Mr. WARNER, Mr. HUTCHINSON, Mr. SESSIONS, Mr. HELMS, and Mr. ABRAHAM):

S. 2390. A bill to establish a grant program that provides incentives for States to enact mandatory minimum sentences for certain firearms offenses, and for other purposes; to the Committee on the Judiciary.

By Mr. ROTH:

S. 2391. A bill to suspend temporarily the duty on (S)-6-chloro-3,4-dihydro-4-cyclopropylethynyl-4-trifluoromethyl-2(1H)-quinazolinone; to the Committee on Finance.

By Mr. ROTH:

S. 2392. A bill to suspend temporarily the duty on (S)-6-chloro-3,4-dihydro-4-E-cyclopropylethynyl-4-trifluoromethyl-2(1H)-quinazolinone; to the Committee on Finance.

By Mr. DURBIN (for himself and Mr. FEINGOLD):

S. 2393. A bill to prohibit the use of racial and other discriminatory profiling in connection with searches and detentions of individuals by the United States Customs Service personnel, and for other purposes; to the Committee on Finance.

By Mr. MOYNIHAN (for himself, Mr. KENNEDY, Mr. SCHUMER. Mr. HELMS, Mr. KERREY, Mrs. BOXER, Mr. INOUYE, Mr. SANTORUM, Mr. TORRICELLI, Mr. JOHNSON, Mrs. FEINSTEIN, Mr. SMITH of Oregon, Mr. KERRY, Mr. DEWINE, Mr. EDWARDS, Mr. CLELAND, Mr. LIEBERMAN, Mr. LEVIN, Mr. SARBANES, Mr. WELLSTONE, Mr. REED, Mrs. MURRAY, Ms. MIKULSKI, and Mr. SPECTER):

S. 2394. A bill to amend title XVIII of the Social Security Act to stabilize indirect graduate medical education payments; to the Committee on Finance.

By Mr. MOYNIHAN (by request):

S. 2395. A bill to promote economic development and stability in Southeast Europe by providing countries in that region with additional trade benefits; to the Committee on Finance.

By Mr. BENNETT:

S. 2396. A bill to authorize the Secretary of the Interior to enter into contracts with the Weber Basin Water Conservancy District, Utah, to use Weber Basin Project facilities for the impounding, storage, and carriage of nonproject water for domestic, municipal, industrial, and other beneficial purposes; to the Committee on Energy and Natural Resources.

By Mr. HUTCHINSON (for himself, Mr. THURMOND, Mr. SESSIONS, Mr. CRAIG, Mr. SMITH of New Hampshire and Mr. INHOFE):

S. 2397. A bill to amend title 10, United States Code, to deny Federal educational assistance funds to local educational agencies that deny the Department of Defense access to secondary school students or directory information about secondary school students for military recruiting purposes, and for other purposes; to the Committee on Armed Services.

By Mr. FITZGERALD (for himself, Mr. SCHUMER, Mr. DURBIN, Mr. SANTORUM, Mr. SPECTER, Ms. MIKULSKI, Mr. SARBANES, and Mr. KERREY):

S. 2398. A bill to amend the Public Health Service Act to revise and extend the programs relating to organ procurement and transplantation; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DURBIN (for himself and Mr. LEVIN):

S. 2399. A bill to amend title XVIII of the Social Security Act to revise the coverage of immunosuppressive drugs under the Medicare program; to the Committee on Finance.

By Mr. ALLARD:

S. 2400. A bill to direct the Secretary of the Interior to convey certain water distribution facilities to the Northern Colorado Water Conservancy District; to the Committee on Energy and Natural Resources.

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

S. 2401. A bill to provide jurisdictional standards for imposition of State and local business activity, sales, and use tax obligations on interstate commerce, and for other purposes; to the Committee on Finance.

By Mr. CLELAND (for himself, Mr. LEVIN, and Mr. BINGAMAN):

S. 2402. A bill to amend title 38, United States Code, to enhance and improve educational assistance under the Montgomery GI Bill in order to enhance recruitment and retention of members of the Armed Forces, and for other purposes; to the Committee on Veterans' Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Ms. COLLINS (for herself, Mr. MOYNIHAN, Mr. GREGG, Mr. KYL, Mr. LEAHY, and Mrs. HUTCHISON):

S. Res. 285. A resolution expressing the sense of the Senate that there should be parity among the countries that are parties to the North American Free Trade Agreement with respect to the personal exemption allowance for merchandise purchased abroad by returning residents, and for other purposes; to the Committee on Finance.

By Mr. CLELAND:

S. Con. Res. 103. A concurrent resolution honoring the members of the Armed Forces and Federal civilian employees who served the Nation during the Vietnam era and the families of those individuals who lost their lives or remain unaccounted for or were injured during that era in Southeast Asia or elsewhere in the world in defense of United States national security interests; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. GRAHAM:

S. 2383. A bill to amend the Immigration and Nationality Act to provide temporary protected status to certain unaccompanied alien children, to provide for the adjustment of status of aliens unlawfully present in the United States who are under 18 years of age, and for other purposes; to the Committee on the Judiciary.

ALIEN CHILDREN PROTECTION ACT OF 2000

Mr. GRAHAM. Mr. President, for many weeks, we have been dealing with the tragedy of Elian Gonzalez. If this tragedy teaches us anything, it is that the U.S. immigration laws have not been constructed in a manner that accounts for the special needs of our Nation's most precious resource—I also say our world's most precious resource—our children.

Yesterday, CNN-USA Today released a Gallup Poll on the Elian Gonzalez tragedy. That poll said by a 2-to-1 margin Americans believe Elian Gonzalez should live with his father in Cuba rather than with relatives in the United States. But that same poll, also by a 2-to-1 margin, found that Americans disapprove of the way the Government has handled this case. That disapproval of the way in which the Government has handled this case could be a disapproval of hundreds of cases if they had the same notoriety as Elian.

I come this afternoon to introduce legislation that will require the Federal Government to dramatically improve its treatment of the thousands of unaccompanied children who arrive in the United States each year.

Many of us are parents. I personally have been blessed with four beautiful daughters and 10 wonderful grandchildren. We all know the special joy a child brings to our lives. We know that bond across generations that relationship between a parent or a grandparent and a child brings. We all want to pour all of the history, all of our personal experience into safeguarding and into paving the way in the best interests of our children.

The Bible tells us to take this responsibility seriously. In the book of Proverbs, it imparts this wisdom:

Train up a child in the way he should go, and when he is old he will not depart from it.

We all have that responsibility to train up a child.

As that passage from Proverbs suggests, we have a responsibility to protect and nurture all of our children. Their future—our planet's future—depends on it.

Unfortunately, U.S. law prevents us from carrying out that responsibility with respect to some of this planet's most vulnerable children.

Each year, there are about 5,000 unaccompanied children who are detained by the U.S. Immigration and Naturalization Service. Some children come to this country seeking asylum, others hope to be reunified with families, and others seek nothing but a better life. While many of these children ultimately are deported or voluntarily returned home, some have legitimate claims which merit our attention.

Regardless of the outcome of their cases, in most instances, these children must endure the rigors of an immigration system that is anything but child friendly. Unfortunately, many children in INS custody end up spending time in jail-like settings while their cases are pending. They have no one to guide them through complex immigration law and procedure.

Moreover, immigration laws are technical and inflexible and do not permit compassion or frequently even common wisdom to enter into the equation when determining the fate of a child.

I will give some examples. Six Chinese children were detained by the INS last year in Oregon. Though charged with no crime, they were sent to a juvenile detention facility for 8 months where they were exposed to violent youthful offenders who had committed crimes such as murder and drug trafficking. One of the group, a 15-year-old girl, was forced to remain at the jail for several weeks after she had been granted asylum, even though she had relatives living in New York.

Such innocent children should not have to endure exposure to hardened juveniles and criminals as part of their experience with the U.S. immigration process.

Equally compelling is the story of a Kosovar Albanian boy who was suffering from severe depression. He was held in a juvenile correctional facility for over 6 months during his immigration proceedings. The INS provided psychiatric care but by a professional who spoke only English. After a mental episode, the boy was placed in the maximum security section of the jail rather than being provided with appropriate care. The INS even balked at placing the boy in foster care after he was granted asylum, thus further delaying his stay in an inappropriate facility.

The Federal Government's insensitivity to child immigrants is also illustrated by a recent case of two children from the Caribbean. Their mother is a legal, permanent resident in the United States, but she had left her minor children behind with the belief they would soon follow. The mother promptly applied for visas for her children. Yet the children were required to wait in their home country for months and, in some cases, even years before they could even get an interview at the local U.S. Embassy to pave the way for reunification with their mother.

These are just three examples of children who were improperly treated as a result of our current immigration laws. Many of these cases are the result of INS's inherent conflict of interest: Children are detained and frequently deported by the same agency that is responsible for caring for them and protecting their legal rights. This system does not work well enough, and it needs improvement. Children are entitled to receive care from child welfare authorities who will act in their best interest and who are trained to protect children's rights.

Indeed, there is an irony. The Federal Government requires States to place

children in facilities that are separate and apart from adult correctional facilities. The INS should at least abide by the same standard with respect to alien children.

To address these problems, my legislation takes four actions: First, it requires that INS place children in its custody in a facility appropriate for children; in other words, no jails. These facilities are required to provide for the health, welfare, and educational needs of children.

Two, provide children in INS custody with a guardian ad litem to champion that child's best interest. Notably, this guardian would not be associated with the INS in order to eliminate any conflict of interest.

Three, give the Attorney General the flexibility and the authority in extraordinary cases to evaluate a child's case on the basis of what is in the best interest of the child.

Four, to direct the General Accounting Office to conduct a study and report back to Congress regarding whether and to what extent U.S. diplomatic officials are fulfilling their obligation to reunify on a priority basis children in foreign countries whose parents are legally present in the United States.

With these changes in the law, children will no longer be forced to struggle through the immigration process alone under the adverse conditions to which they are currently exposed. The INS will have the flexibility to treat children in its custody with greater compassion and common sense.

I hope the recent attention which has and will continue to surround the Elian Gonzalez tragedy will encourage us to shield all our children from the vagaries of U.S. immigration law. Our future generations deserve to be protected, not persecuted or prosecuted. They deserve to be inspired, not incarcerated. They deserve to have decisions about their future made consistent with what is in their best interest, not confused by conflicts of interest.

I conclude with hope that this Congress will give attention to an issue which affects not one child but thousands of children who are in the custody of the United States and whose treatment reflects our fundamental American values of justice and concern for their rights.

Mr. President, I ask unanimous consent that the bill and three newspaper articles and editorials on the subject of ''INS Treats Children Shamefully'' be printed in the RECORD.

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

S. 2383

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 ''Alien Children Protection Act of 2000''.

SEC. 2. USE OF APPROPRIATE FACILITIES FOR THE DETENTION OF ALIEN CHILDREN.

(a) IN GENERAL.—Except as provided in subsection (b), in the case of any alien under 18 years of age who is awaiting final adjudication of the alien's immigration status and who does not have a parent, guardian, or relative in the United States into whose custody the alien may be released, the Attorney General shall place such alien in a facility appropriate for children not later than 72 hours after the Attorney General has taken custody of the alien.

(b) EXCEPTION.—The provisions of subsection (a) do not apply to any alien under 18 years of age who the Attorney General finds has engaged in delinquent behavior, is an escape risk, or has a security need greater than that provided in a facility appropriate for children.

(c) DEFINITION.—In this section, the term ''facility appropriate for children'' means a facility, such as foster care or group homes, operated by a private nonprofit organization, or by a local governmental entity, with experience and expertise in providing for the legal, psychological, educational, physical, social, nutritional, and health requirements of children. The term ''facility appropriate for children'' does not include any facility used primarily to house adults or delinquent minors.

SEC. 3. ADJUSTMENT TO PERMANENT RESIDENT STATUS.

Section 245 of the Immigration and Nationality Act (8 U.S.C. 1255) is amended by adding at the end the following:

''(l)(1) The Attorney General may, in the Attorney General's discretion, adjust the status of an alien under 18 years of age who has no lawful immigration status in the United States to that of an alien lawfully admitted for permanent residence if—

''(A)(i) the alien (or a parent or legal guardian acting on the alien's behalf) has applied for the status; and

''(ii) the alien has resided in the United States for a period of 5 consecutive years; or

''(B)(i) no parent or legal guardian requests the alien's return to the country of the parent's or guardian's domicile, or with respect to whom the Attorney General finds that returning the child to his or her country of origin would subject the child to mental or physical abuse; and

''(ii) the Attorney General determines that it is in the best interests of the alien to remain in the United States notwithstanding the fact that the alien is not eligible for asylum protection under section 208 or protection under section 101(a)(27)(J).

''(2) The Attorney General shall make a determination under paragraph (1)(B)(ii) based on input from a person or entity that is not employed by or a part of the Service and that is qualified to evaluate children and opine as to what is in their best interest in a given situation.

''(3) Upon the approval of adjustment of status of an alien under paragraph (1), the Attorney General shall record the alien's lawful admission for permanent residence as of the date of such approval, and the Secretary of State shall reduce by one the number of visas authorized to be issued under sections 201(d) and 203(b)(4) for the fiscal year then current.

''(4) Not more than 500 aliens may be granted permanent resident status under this subsection in any fiscal year.''.

SEC. 4. ASSIGNMENT OF GUARDIANS AD LITEM TO ALIEN CHILDREN.

(a) ASSIGNMENT.—Whenever a covered alien is a party to an immigration proceeding, the Attorney General shall assign such covered alien a child welfare professional or other individual who has received training in child welfare matters and who is recognized by the Attorney General as being qualified to serve as a guardian ad litem (in this section referred to as the ''guardian''). The guardian shall not be an employee of the Immigration and Naturalization Service.

(b) RESPONSIBILITIES.—The guardian shall ensure that—

(1) the covered alien's best interests are promoted while the covered alien participates in, or is subject to, the immigration proceeding; and

(2) the covered alien understands the proceeding.

(c) REQUIREMENTS ON THE ATTORNEY GENERAL.—The Attorney General shall serve notice of all matters affecting a covered alien's immigration status (including all papers filed in an immigration proceeding) on the covered alien's guardian.

(d) DEFINITION.—In this section, the term ''covered alien'' means an alien—

(1) who is under 18 years of age;

(2) who has no lawful immigration status in the United States and is not within the physical custody of a parent or legal guardian; and

(3) whom no parent or legal guardian requests the person's return to the country of the parent's or guardian's domicile or with respect to whom the Attorney General finds that returning the child to his or her country of origin would subject the child to physical or mental abuse.

SEC. 5. SENSE OF CONGRESS.

Congress commends the Immigration and Naturalization Service for its issuance of its ''Guidelines for Children's Asylum Claims'', dated December 1998, and encourages and supports the Service's implementation of such guidelines in an effort to facilitate the handling of children's asylum claims.

SEC. 6 GENERAL ACCOUNTING OFFICE REPORT.

The General Accounting Office shall prepare a report to Congress regarding whether and to what extent U.S. Embassy and consular officials are fulfilling their obligation to reunify, on a priority basis, children in foreign countries whose parent or parents are legally present in the United States.

[From the St. Petersburg Times, Mar. 8, 2000]

INS TREATS CHILDREN SHAMEFULLY

Reaching the U.S. mainland usually is no easy feat for illegal immigrants fleeing their homelands. Whether crossing the ocean by boat or trudging miles across desert, immigrants nearly always face a journey that is dangerous and traumatic. For the children of these immigrants, who often have no say in their parents' decision to flee to the United States, that trauma too often is compounded once they arrive—by an American immigration system that treats kids like criminals.

The Immigration and Naturalization Service says children detained by the agency must be moved to a safe, kid-friendly environment within 72 hours of their initial detention, unless they are suspected criminals or considered a flight risk. Advocates for these children say that rule rarely is enforced. Instead, immigrant children typically are separated from their loved ones and locked in juvenile detention facilities, often before the INS has a chance to determine the family's status.

Because of a worsening space crunch at INS facilities, nearly 1,000 of the 4,000 children detained by the INS within the past year have been remanded to secure, jail-like facilities where many have remained for months. The children typically wear prison uniforms, and many are forced to mingle with the teenage convicts also housed in the facilities. Unlike the convicts, immigrant children get no legal representation, and no adult guardians are appointed to protect their interests.

This shameful treatment of children is a symptom of the broader problems plaguing U.S. immigration policy. It is a system that

allows legal U.S. residents to be detained indefinitely on the basis of secret evidence. It is a system that no longer gives judges discretion in deportation cases. And it is a system that even the INS's own chief has described as slow, inefficient and poorly managed.

The INS is expected to issue new rules that will require jails housing non-criminal INS detainees to meet specific standards of care. Immigrant advocates hope the new rules will give detainees the right to make phone calls, meet with lawyers and prevent guards from subjecting them to arbitrary strip searches.

Even if those rules pass, they should be only the first of many reforms initiated by the INS and Congress to ensure that all detainees—especially children—are treated more humanely by the U.S. government.

[From the Seattle Post-Intelligencer, Mar. 21, 2000]

IMMIGRATION LAW BUSTS UP FAMILIES

(By Llewelyn G. Pritchard)

Llewelyn G. Pritchard is a Seattle attorney at Helsell Fetterman. He is chairman of the American Bar Association Advisory Committee to the Immigration Pro Bono Development and Bar Activation Project. He is a former member of the boards of the Washington State Bar Association and the American Bar Association.

Lately we have been bombarded with media stories about immigrant families being ripped apart due to draconian measures undertaken by the U.S. Immigration and Naturalization Service.

There is the Atlanta story about the German mother of two who, having applied for citizenship, faces deportation instead because years ago she admitted to pulling another girl's hair over the affections of a boy.

There is the Falls Church, Va., mom who called police after repeatedly being beaten by her husband. She was arrested for biting him after he sat on her. She faces deportation and separation from her children, all of whom were born in the United States.

But we don't have to look beyond he boundaries of Washington to hear terrible tales.

There is the case of Emma Hay. This Puyallup mother of four—all U.S. citizens—is being deported. Her crime was to answer the telephone for a visiting relative who said he didn't speak English well enough to talk to the caller.

By simply saying her relative ''couldn't help the caller today, but could help tomorrow,'' Hay was caught in a drug sting and charged with ''using a communications facility to facilitate the distribution of cocaine.'' Although she claimed she wasn't aware of her cousin's activities, she pleaded guilty and was convicted on federal drug charges. She got no jail time, and was placed on probation for three years, which she successfully completed.

After living in our state for more than 20 years and running a restaurant, Hay now faces deportation. While the original incident earned her a probationary sentence because she agreed to plead guilty, it has now become a deportable offense.

Hay was grabbed by the INS upon returning from a vacation, all because the tough 1996 Illegal Immigration Reform and Immigrant Responsibility Act has tipped the legal scales against non-citizens * * *. This draconian law reclassifies past infractions and makes them deportable offenses even in cases where no prison time has been served or where there is evidence of rehabilitation.

This law also widely expanded the definition of aggravated felony. Non-citizens convicted of ''aggravated felonies'' are now not only deportable, but are also ineligible for a waiver from deportation or even judicial review.

Woe to the immigrant who applies to become a citizen only to be trapped in the INS web, as in the case of the German mother in Atlanta, or who seeks to re-enter the country as Hay did.

So now Hay sits in a Louisiana jail, thousands of miles away from her lawyer and her children, awaiting deportation. Her 20-year-old daughter has quit school to support the family.

What's the benefit of justice to her, her family or our country? There is none under this new act.

The INS has the fastest growing prison population in the United States. There are more than 17,000 immigrants detained, with predictions of 23,000 by year's end. Most detainees do not have legal representation, even though the INS adopted standards in 1998 allowing lawyer access in federal INS facilities.

The majority, or 60 percent, are warehoused in state and local jails, at great cost to our overburdened prison budget. Those folks are far away from immigration lawyers and have no guarantee of legal access. Even those in federal INS facilities are in remote areas and access is often difficult.

We should be outraged. This can't be happening in America. Newcomers live in all our communities, work at our sides, attend our churches and our schools. They are our neighbors and our friends.

But there is some good news.

The 60,000 member American Bar Association Section of Litigation, which will meet in Seattle in early April, announced that it will adopt our ABA immigration project as one of its pro bono efforts, pairing up with lawyers with detainees around the country.

Their efforts will help some of the most defenseless in our country. I applaud and welcome them in this worthy fight.

We must make certain that the basic premise and promise of our country is not forgotten: ''Justice for all.''

[From the Miami Herald, Jan. 9, 2000]

THE LITTLEST REFUGEES MERIT BETTER TREATMENT FROM INS

Immigration and Naturalization Service Commissioner Doris Meissner projects uncommon compassion. ''Both U.S. and international law recognize the unique relationship between parent and child,'' she said in announcing her decision to return 6-year-old Elian Gonzalez to his father in Cuba. ''Family reunification has long been a cornerstone of both American Immigration law and INS practice.''

Unfortunately her agency doesn't always practice what she preaches. Case in point: Two children, ages 8 and 10, were repatriated to Haiti while their mother, desperate with worry not knowing what had happened to them, was brought to Miami for medical care.

Yvena Rhinvil and her children were among some 400 passengers on the boat from Haiti that ran aground off Key Biscayne on New Years Eve. They were trying to enter the United States illegally. Both the Coast Guard and INS now say that they didn't know about the children. Had it known, INS says it would have tried to keep the kids with their mother.

But Ms. Rhinvil says she spoke of her kids both to an interpreter before being taken off the ship and once again on land. What mother wouldn't?

KIDS DON'T COME FIRST

If indeed the INS didn't know, it should have known before it sent the children back. Nobody asked, which is inexcusable. Fortunately an aunt watched Ms. Rhinvil's children. But who knows if there were other unaccompanied youths aboard that boat?

The problem is that the INS is not equipped either by mission or staffing to look out for the welfare of children. First and foremost it is an enforcement agency, charged with protecting our borders. Both policy and practice reflect it.

Another case: A 15-year-old Chinese girl remained in a Portland, Ore., juvenile jail more than six weeks after being granted asylum and after an uncle in New York had agreed to take her. She and five other teens fled China in April, only to spend eight months in a criminal facility.

Unfortunately, locking up minors such as these teens is not an exception. That's because INS practices regarding children vary widely by their nationality and INS district. Even though international law and common decency dictate that refugee children be detained only as a last measure and only for a short time, detention in criminal juvenile facilities happens regularly in some districts. Without caretakers and most often without legal advisers, what hope can detained children have of knowing or demanding their legal rights?

LITTLE PROTECTION

For the most part, the Florida INS District treats minors better than most. Unaccompanied children without U.S. relatives are often placed with Catholic Charities facilities such as Boystown. Children who arrive with parents are typically placed in a hotel until the family is deported or released from detention.

Ideally all minors could be released to caring relatives, and the INS frequently does this. Yet without the intervention of child-welfare authorities, there is little protection from abuse. The INS mandates such intervention only when the child is from China or India because of the track record of child servant-slaves. Yet Haitian children, too, have been known to be sold into servitude.

Capricious and inconsistent treatment of children simply is unacceptable when last year alone the INS had some 5,300 minors in its custody.

By Mrs. FEINSTEIN (for herself, Mrs. HUTCHISON, Mr. BAUCUS, Mr. MURKOWSKI, Mr. CLELAND, Mr. DURBIN, Ms. LANDRIEU, Mr. SMITH of Oregon, Mr. LAUTENBERG, Mr. JOHNSON, Mr. KENNEDY, Mr. EDWARDS, Mr. CAMPBELL, Mr. ABRAHAM, Mr. KERRY, Mr. FEINGOLD, Mr. SANTORUM, Mr. LEAHY, Mr. INHOFE, Mr. WELLSTONE, Mr. BINGAMAN, Mr. MOYNIHAN, Mr. HATCH, Ms. SNOWE, Mr. HAGEL, Mr. BIDEN, Mr. MACK, Mr. GRASSLEY, Mr. ASHCROFT, Mr. BRYAN, Mrs. MURRAY, Mrs. BOXER, Ms. MIKULSKI, Mr. REID, Mr. BREAUX, Mr. DODD, Mr. LIEBERMAN, Mr. KERREY, Mr. DASCHLE, Mr. JEFFORDS, and Mr. ROTH):

S. 2386. A bill to extend the Stamp out Breast Cancer Act; to the Committee on Governmental Affairs.

BREAST CANCER RESEARCH STAMP REAUTHORIZATION ACT OF 2000

Mrs. FEINSTEIN. Mr. President, I rise to introduce the bill entitled the Breast Cancer Research Stamps Reauthorization Act of 2000. I am pleased that Senator KAY BAILEY HUTCHISON has joined me as the lead cosponsor.

The Breast Cancer Research stamp is the first stamp in our nation's history

dedicated to raising funds for a special cause. Since the stamp's issuance in the summer of 1998, the U.S. Postal Service has sold 164 million Breast Cancer Research stamps—raising over $12 million for breast cancer research. In addition, the stamp has focused public awareness on the devastating disease and has stood out as a beacon of hope and strength around which breast-cancer survivors can rally.

Unfortunately, without congressional action, the Breast Cancer Research stamp will expire on July 28, 2000. The Breast Cancer Research Stamp Reauthorization Act of 2000 would permit the sale of the Breast Cancer Research stamp for 2 additional years. The stamp would continue to cost 40 cents and sell as a first class stamp. The extra money collected will be directed to breast cancer research at the National Institutes of Health and the Department of Defense.

A Breast Cancer Research stamp remains just as necessary today as 2 years ago. Breast cancer is the most commonly diagnosed cancer among women in every major ethnic group in the United States. More than 2 million women are living with breast cancer in America, 1 million of whom have yet to be diagnosed.

Breast cancer continues to be the number one cancer killer of women between the ages of 15 and 54. This year alone, 182,800 women will be diagnosed with breast cancer, and 40,800 women will die from the disease. The disease claims another woman's life every 15 minutes in the United States.

Thanks to breakthroughs in cancer research, more and more people are becoming cancer survivors rather than cancer victims. According to the American Association for Cancer Research, 8 million people are alive today as a result of cancer research. The bottom line is that every dollar we continue to raise will save lives.

I am pleased to report that this reauthorization bill has over 39 original cosponsors and broad support within the health community.

Let me just repeat a couple of the glowing comments from the many groups in support of this bill. It shows the truly astounding impact of this stamp.

The Susan G. Komen Foundation writes:

> The Breast Cancer Research stamp has not only raised millions of dollars by providing a convenient and innovative mechanism for public participation in the [battle against breast cancer], but it has also focused public awareness on this devastating disease.

Betsy Mullen of Women's Information Network—Against Breast Cancer adds:

> This bill, if passed will provide an innovative, simple and now proven way for individuals to make a substantial contribution to fund federal cancer research and to continue to be a part of what has become an effective public-private partnership.

The American Association of Health Plan attests:

> We've heard from our physicians about women who have scheduled examinations or mammograms after purchasing the stamp or receiving a card or letter posted with it.

Oliver Goldsmith, chairman of the Southern California Permanente Medical Group, writes:

> The Breast Cancer Research stamp captures the essence of innovation, volunteerism and partnership that are such an integral aspect of our country's history and spirit. This vital legislation will give all of us the opportunity to continue to work together to eradicate breast cancer. The American people can realistically continue to raise millions of dollars a year to fund cutting edge research to end this rampant disease that claims the lives of all too many breast cancer victims in this country and around the world.

Other supporters of the Breast Cancer Stamp Reauthorization Act of 2000 include the American Cancer Society, the American Medical Association, the Y-Me National Breast Cancer Organization, Leadership America, the National Association of Women's Health, the American Cancer League, the American College of Surgeons, Friends of Cancer Research, the California Nurses Association, the Association of Reproductive Health Care Professionals, and many others.

I urge my colleagues to join me in enacting this important legislation.

By Mr. LEAHY (for himself, Mr. JEFFORDS, Mr. KENNEDY, Mr. KERRY, Mr. DURBIN, and Mr. WELLSTONE):

S. 2387. A bill to improve global health by increasing assistance to developing nations with high levels of infectious disease and premature deaths, by improving children's and women's health and nutrition, by reducing unintended pregnancies, and by combating the spread of infectious diseases, particularly HIV/AIDS, and for other purposes; to the Committee on Foreign Relations.

GLOBAL HEALTH ACT OF 2000

Mr. LEAHY. Mr. President, today the Foreign Operations Subcommittee held its third hearing on global health since 1997. Our first hearing was the first of its kind in the Congress, when we highlighted how disease outbreaks and impoverished public health systems half a world away directly threaten Americans. Since then, the interest in these issues in the Congress, the Administration, the media and the public has skyrocketed.

Today, there are about a dozen pieces of legislation pending which deal with some aspect of global health, the President has proposed major increases in funding and policy initiatives to encourage the pharmaceutical companies to invest in new vaccines against HIV/AIDS, malaria, TB, and other major killers, and the World Health Organization is setting the pace for us all to tackle these challenges with new energy and new resources.

This sea change is a reflection of the magnitude of the challenges and opportunities, as well as a recognition of the essential role the United States must play in global health.

There is no need to recite at length what has spurred this interest, but I do want to cite a couple of illustrative facts:

In America, each year we spend over $4,000 per person on health care.

In the countries where 2 billion of the world's people live in desperate poverty, only $3 to $5 per person per year is spent on health care.

It would cost just $15 per person per year to address most of the urgent health needs of those 2 billion people.

With that $15 per person, we could prevent or cure the many millions of deaths caused by tuberculosis, malaria, pneumonia, diarrheal diseases, measles, HIV/AIDS, and pregnancy related diseases.

That is the challenge we face. The benefits to the world, and to the United States, should be obvious. In an increasingly interdependent world, reducing the threats posed by infectious diseases and poor reproductive health, and the social and economic consequences of poverty and disease, is absolutely key to our own future security and prosperity.

The Congress has become increasingly seized with these issues. However, while I strongly support most of the bills that have been introduced—and I am a cosponsor of Senator KERRY's ''Vaccines for the New Millennium Act,'' they have tended to focus narrowly on the eradication of specific diseases and the development of new vaccines.

These are admirable and important goals, but I have always believed that global health consists of a broader set of issues that must be addressed together. Our primary challenge is to provide the resources to enable developing countries to build the capacity—both human and infrastructure, to support effective public health systems. That was the motivation for my infectious disease initiative three years ago, which since then has provided an additional $175 million to support programs in surveillance, anti-microbial resistance, TB, and malaria.

Today, in an effort to build on that initiative, I am introducing new legislation to authorize an additional $1 billion to support five key components of global health. The ''Global Health Act of 2000,'' targets HIV/AIDS; other deadly infectious diseases such as TB, malaria, and measles; children's health; women's health; and family planning.

Together, these five groups of issues account for over 80 percent of the disproportionate burden of disease and death borne by the 2 billion people living in the world's poorest countries. This legislation, an identical version of which Congressman JOSEPH CROWLEY has introduced in the House, has the strong support of the Global Health Council, the world's largest consortium of private and public companies and organizations, agencies and governments, involved in public health.

We have the technology to do this. The key missing ingredient is political will, and resources.

We can, and we must, recognize that we need to think in terms of far larger amounts of money if we are serious about global health. Every dollar of the additional $1 billion called for in my legislation, which is approximately double the amount we currently spend on these activities, is justified and urgently needed. And the payoff would be enormous, both in terms of lives saved and in future health care cost savings.

Senator MCCONNELL, the chairman of the Foreign Operations Subcommittee, has been a strong supporter of global health, and I will be working in the Appropriations Committee to obtain the funds we need to achieve these goals.

By Mr. ROTH;

S. 2389. A bill to provide additional assistance for fire and emergency services, and for other purposes; to the Committee on Environment and Public Works.

21ST CENTURY FIRE AND EMERGENCY SERVICES ACT OF 2000

● Mr. ROTH. Mr. President, firefighters and EMS personnel are truly our nation's first responders. When the tragic images of natural or manmade disasters flash across our TV screens, there is one image that stands alone. The American firefighter is always there to rescue the family from a burning building, always there in the wake of a natural disaster, and is always there should a terrorist strike in our nation's heartland. These scenes are played out around our country on a daily basis. And while we see these images on TV as just a part of our society today, what is not realized is the cost our first responders bear.

The 1.2 million men and women that serve in our nation's 32,000 fire departments do so with little fanfare, and often with little or no pay. Our nation's first responders ask very little of us, but, thankfully, they are always there when we need them.

That is why I have introduced the 21st Century Fire and Emergency Services Act which is a companion to the House-passed legislation. This legislation is an important step forward for the fire and EMS community.

Every year I hear from fire departments in Delaware who are looking to acquire state-of-the-art equipment to enhance their performance on a fire scene, or attempting to secure funding to train personnel in arson detection. I also hear from fire personnel seeking funds to create all-important fire prevention programs at local elementary schools. These are just a few examples. The point is that for all too many departments, after the general operating expenses are calculated, there is no funding for this equipment or special program. Funds raised through chicken dinners, bingo and bake sales can only go so far.

Back home, the Delaware Volunteer Firemen's Association is sending out the call for help. My legislation establishes two grant programs at the Federal Emergency Management Agency. The first is an $80 million competitive grant program for volunteer and paid fire and emergency services departments. With these 50/50 matching grants, I believe this legislation will give departments throughout our country an opportunity to have the thermal imaging camera or the health and wellness program needed to help them do their jobs even better.

Second, this bill establishes a $10 million burn research grant program through FEMA. Under this program, safety organizations, hospitals, and governmental and nongovernmental entities that are responsible for burn research, prevention, or treatment are eligible for competitive grants to continue their important work.

Finally, this bill recognizes the contributions of volunteer firefighters by providing $10 million to fully fund the USDA's Volunteer Fire Assistance Program. This program allows the nearly 28,000 rural fire departments nationwide to apply for cost-share grants for training, equipping and organizing their personnel. These rural fire departments represent the first line of defense for rural areas coping with fires and other emergencies.

Personally, I am excited about the technology that is available to first responders today, and I am committed to working to ensure that every department in Delaware and throughout the country has the tools it needs to make us all safer in our homes and communities. Let's not wait for the next disaster to hear the call.

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. 2389

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 ''21st Century Fire and Emergency Services Act of 2000''.

SEC. 2. DEFINITIONS.

In this Act:

(1) AGENCY.—The term ''Agency'' means the Federal Emergency Management Agency.

(2) BURN PROGRAM.—The term ''burn program'' means the Burn Services Grant Program established by section 3(a).

(3) DIRECTOR.—The term ''Director'' means the Director of the Agency.

(4) FIRE PROGRAM.—The term ''fire program'' means the ''Fire Services Grant Program'' established under section 4(a).

SEC. 3. BURN SERVICES GRANT PROGRAM.

(a) ESTABLISHMENT.—There is established within the Agency a grant program to be known as the ''Burn Services Grant Program''.

(b) COMPETITIVE GRANTS.—The Director may make a grant under the burn program, on a competitive basis, to—

(1) a safety organization that has experience in conducting burn safety programs, for the purpose of assisting the organization in conducting or augmenting a burn prevention program;

(2) a hospital that serves as a regional burn center, for the purpose of conducting acute burn care research; or

(3) a governmental or nongovernmental entity, for the purpose of providing after-burn treatment and counseling to individuals that are burn victims.

(c) PROGRAM OFFICE.—The Director shall establish within the Agency an office to—

(1) establish criteria for use by the Director in awarding grants under the burn program; and

(2) administer grants awarded under the burn program.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $10,000,000, to remain available until expended.

SEC. 4. FIRE SERVICES GRANT PROGRAM.

(a) ESTABLISHMENT.—The Director shall establish within the Agency a grant program known as the ''Fire Services Grant Program'' to award grants to volunteer, paid, and combined volunteer-paid departments that provide fire and emergency medical services.

(b) USE OF FUNDS.—A grant awarded under the fire program may be used to—

(1) acquire—

(A) personal protective equipment required for firefighting personnel by the Occupational Safety and Health Administration; and

(B) other personal protective equipment for firefighting personnel;

(2) acquire additional firefighting equipment, including equipment for communication and monitoring;

(3) establish wellness and fitness programs for firefighting personnel to reduce the number of injuries and deaths related to health and conditioning problems;

(4) promote professional development of fire code enforcement personnel;

(5) integrate computer technology to improve records management and training capabilities;

(6) train firefighting personnel in—

(A) firefighting;

(B) emergency response; and

(C) arson prevention and detection;

(7) enforce fire codes;

(8) fund fire prevention programs and public education programs on—

(A) arson prevention and detection; and

(B) juvenile fire setter intervention; and

(9) modify fire stations, fire training facilities, and other facilities to protect the health and safety of firefighting personnel.

(c) APPLICATIONS.—An applicant for a grant awarded under the fire program shall submit to the Director an application that includes—

(1) a demonstration of the financial need of the applicant;

(2) evidence of a commitment by the applicant to provide matching funds from non-Federal sources for the project that is the subject of the application in an amount that is at least equal to the amount of funds requested in the application;

(3) a cost-benefit analysis linking the funds requested to improvements in public safety; and

(4) a commitment by the applicant to provide information to the National Fire Incident Reporting System for the period for which the grant is received.

(d) AUDITS.—The Director shall conduct audits of grant recipients to ensure that grant funds are used for the purposes for which the grant is awarded.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $80,000,000, to remain available until expended.

SEC. 5. COOPERATIVE FORESTRY ASSISTANCE.

The Secretary of Agriculture shall use the funds, facilities, and authorities of the Commodity Credit Corporation to carry out paragraphs (1) through (3) of section 10(b) of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2106(b)), not to exceed $10,000,000, to remain available until expended.●

By Mr. DEWINE (for himself, Mr. WARNER, Mr. HUTCHINSON, Mr. SESSIONS, Mr. HELMS, and Mr. ABRAHAM):

S. 2390. A bill to establish a grant program that provides incentives for States to enact mandatory minimum sentences for certain firearms offenses, and for other purposes; to the Committee on the Judiciary.

PROJECT EXILE: THE SAFE STREETS AND NEIGHBORHOODS ACT OF 2000

● Mr. DEWINE. Mr. President, I come to the floor today because I am troubled. Guns are falling into the wrong hands. It's killing our children. It's killing our friends and our neighbors. It's creating mayhem in communities across America. That's why I'm introducing Project Exile: The Safe Streets and Neighborhoods Act of 2000.

It's no secret that gun control measures are very controversial and are subject to a great deal of debate—as they should be. But, in the heat of that debate, we must not lose sight of the real issue—gun violence. There is nothing controversial about protecting our children, our families and our communities by keeping guns out of the wrong hands—the hands of armed criminals—not law-abiding citizens, Mr. President, but criminals.

The Safe Streets and Neighborhoods Act offers a simple, commonsense approach to fighting gun violence. My bill would provide $100 million in grants over 5 years to those states agreeing to impose mandatory minimum 5-year jail sentences on criminals who use or possess an illegal gun. As an alternative, a state can also qualify for the grants by turning armed criminals over for federal prosecution under existing firearms laws. Therefore, a state has the option of having armed felons prosecuted in state or federal courts. Qualifying states can use their grants for any purpose that would strengthen the ability of their criminal or juvenile justice systems to deal with violent criminals.

Back in 1991, the Federal Government implemented a program to aim antigun violence efforts at the root of the problem—at criminals. This program—known as project Triggerlock—directed every U.S. attorney to coordinate with federal, state, and local investigators to bring federal weapons charges against armed criminals. Sentences for these prosecutions wee generally more severe than they would have been under state laws. The program was hugely successful. In fact, simply by making gun prosecutions a federal priority, starting in 1991, Project Triggerlock took away over 2,000 guns from violent felons in just 18 months.

Tragically, Mr. President, despite the success of Project Triggerlock, the current administration has not aggressively prosecuted all armed criminals. Between 1992 and 1998, for example, the number of gun cases filed for prosecution dropped from 7,048 to about 3,807—that's a 46-percent decrease. As a result, the number of federal criminal convictions for firearms offenses have fallen dramatically.

Even worse, some federal firearms laws are almost never enforced by this administration. While Brady law background checks have stopped nearly 300,000 prohibited purchasers of firearms from buying guns, less than one-tenth of one percent have been prosecuted. Similarly, federal criminal prosecutions for possession of a firearm on school grounds numbered just eight in 1998, despite the fact that 6,000 individuals were caught carrying guns to school. There's something wrong with this picture, Mr. President, something terribly wrong.

I believe most Americans would agree that we should take guns out of the hands of armed criminals. I believe that most Americans would agree that criminals who possess a firearm or use a firearm during the commission of a violent crime or a serious drug trafficking offense should face severe penalties. And, Mr. President, I also believe that most Americans would favor legislation that offers a single, noncontroversial, commensense approach to fighting gun violence.

So, today, I, along with my colleagues, introduce Project Exile: The Safe Streets and Neighbors Act, which builds on the previous success of programs like Project Triggerlock and offers the kind of practical solution we need to thwart gun crimes.

This approach works, Mr. President. For example, in 1997, Virginia revived Project Triggerlock under the name ''Project Exile.'' Specifically, the city of Richmond and the U.S. attorney implemented a program based on one simple principle: any criminal caught with a gun serves a minimum mandatory sentence of 5 years in federal prison. Period. End of story. As a result, gun-toting criminals are being prosecuted six times faster, and serving sentences up to four times longer than they otherwise would under state law. Moreover, the homicide rate in Richmond already has dropped 40 percent.

It is clear that programs like Project Triggerlock and Virginia's Project Exile work, while at the same time being very simple. But still, federal gun prosecutions have declined considerably during this administration because it has not emphasized these programs. Why? I have repeatedly questioned Attorney General Reno and her deputies about this decline, and their standard response is that the Department of Justice is focusing on so-called ''high-level'' offenders, instead of ''low-level'' offenders who commit a crime with a gun. With all due respect, I consider that response to be bureaucratic nonsense. One thing I learned as Greene County Prosecutor in my home state of Ohio is that any criminal who commits a crime with a gun is a high-level offender. And, I'm willing to bet that any citizen who has ever been a victim of a gun-crime would agree.

Furthermore, the idea that there are a lot of so-called ''low-level'' offenders, who commit only one crime with a gun, is just plain wrong. The average armed criminal commits 160 crimes a year; that is an average of three crimes per week. These people are, by themselves, walking crime waves.

Along the same lines, Attorney General Reno recently said that she would aggressively prosecute armed criminals, but only if they commit a violent crime. Again, that type of law enforcement policy just does not make sense. Current law prohibits felons from possessing guns—we should enforce the law. We should aggressively prosecute armed criminals before they use those guns to injure and kill people.

We need to take all of these armed criminals off the streets. That is how we will prevent crime and save lives. Why wait for armed criminals to commit more heinous crimes before we prosecute them to the full extent of the law? Why wait when we can do something that will make a difference now, before another Ohioan—or any American—becomes a victim of gun violence.

Every state should have the opportunity to implement Project Exile in their high-crime communities. The bill that we are introducing today will make this proven, commonsense approach to reducing gun violence available to every state. Programs like Project Triggerlock and Project Exile will take guns out of the hands of violent criminals. They will make our neighborhoods safer. They will save lives.

We can take concrete steps toward making our streets and neighborhoods safer from armed criminals by passing the ''Safe Streets and Neighborhoods Act.'' I urge my colleagues on both sides of the aisle to support and pass this legislation. It's time to protect our children and our families. It's time to get guns out of the wrong hands. It's time we take back our neighborhoods and our communities from the criminals and take action to stop gun crimes.●

By Mr. ROTH:

S. 2391. A bill to suspend temporarily the duty on (S)-6-chloro-3,4-dihydrol - 4 - cyclopropyethynyl-4-trifluoromethyl-2(1H)-quinazolinone; to the Committee on Finance.

S. 2392. A bill to suspend temporarily the duty on (S)-6-chloro-3,4-dihydro-4E-cyclopropyethynyl - 4 - trifluoro–methyl-2(1H)-quinazolinone; to the Committee on Finance.

LEGISLATION TO TEMPORARILY REDUCE TARIFFS ON HIV-COMBATING DRUGS

Mr. ROTH. Mr. President, I rise today to introduce two bills, each of

which would temporarily suspend the tariff collected on imports of two HIV-combating drugs, thus lowering their price for HIV-infected consumers in the United States.

The two drugs are DPC 961 and DPC 083. They have been selected from hundreds of candidates to have superior attributes relative to currently marketed similar drugs. As such, their combined potency, excellent resistance profile, lower protein binding, and longer plasma half life increases the probability that these drugs will successfully treat both HIV patients who have not previously had a similar treatment as well as those HIV patients who have already developed resistance to currently available agents. According to publicly available information, there is no other HIV treatment in clinical trials that is expected to be able to treat most patients with resistance to currently available agents. DPC 961 and DPC 083 are also expected to have the advantage of once daily therapy.

In addition, it is my expectation that the revenue impact of these measures will be determined by the Congressional Budget Office to be de minimus. There is no manufacturer of these drugs in the United States. It is my hope that these measures will win the unanimous support of my colleagues.

By Mr. DURBIN (for himself and Mr. FEINGOLD):

S. 2393. A bill to prohibit the use of racial and other discriminatory profiling in connection with searches and detentions of individuals by the United States Customs Service personnel, and for other purposes; to the Committee on Finance.

THE REASONABLE SEARCH STANDARDS ACT

• Mr. DURBIN. Mr. President, I rise today to introduce the Reasonable Search Standards Act. This act prohibits racial or other discriminatory profiling by Customs Service personnel. Representative JOHN LEWIS from Georgia has introduced similar legislation in the House.

Two years ago, I requested a GAO study of the U.S. Customs Service's procedures for conducting inspections of airport passengers. The need for this study grew out of an investigation report by Renee Ferguson of WMAQ–TV in Chicago and several complaints from African-American women in my home state of Illinois who were strip-searched at O'Hare Airport for suspicion of carrying drugs. No drugs were found and the women felt that they had been singled out for these highly intrusive searches because of their race. These women, approximately 100 of them, have filed a class action suit in Chicago.

The purpose of the GAO study was to review Customs' policies and procedures for conducting personal searches of airport passengers and to determine the internal controls in place to ensure that airline passengers are not inappropriately targeted or subjected to personal searches.

Approximately 140 million passengers entered the United States on international flights during fiscal years 1997 and 1998. Because there is no data available on the gender, race and citizenship of this traveling population, GAO was not able to determine whether specific groups of passengers are disproportionately selected to be searched.

However, once passengers are selected for searches, GAO was able to evaluate the likelihood that people with various race and gender characteristics would be subjected to searches that are more personally intrusive, such as strip-searches and x-rays, rather than simply being frisked or patted down.

The GAO study revealed some very troubling patterns in the searches conducted by U.S. Customs Service inspectors.

GAO found disturbing disparities in the likelihood that passengers from certain populations groups, having been selected for some form of search, would be subjected to the more intrusive searches including strip-searches or x-ray searches. Moreover, that increased likelihood of being intrusively searched did not always correspond to an increased likelihood of actual carrying contraband.

Because of the intrusive nature of strip-searches and x-ray searches, it is important that the Customs Service avoid any discriminatory bias in forcing passengers to undergo these searches.

GAO found that African-American women were much more likely to be strip-searched than most other passengers. This disproportionate treatment was not justified by the rate at which these women were found to be carrying contraband. Certain other groups also experienced a greater likelihood of being strip-searched relative to their likelihood of being found carrying contraband.

Specifically, African-American women were nearly 3 times as likely as African-American men to be strip-searched, even though they were only half as likely to be found carrying contraband. Hispanic-American and Asian-American women were also nearly 3 times as likely as Hispanic-American and Asian-American men to be strip-searched, even though they were 20 percent less likely to be found carrying contraband.

In addition, African-American women were 73 percent more likely than White-American women to be strip-searched in 1998 and nearly 3 times as likely to be strip-searched in 1997, despite only a 42 percent higher likelihood of being found carrying contraband. Moreover, among non-citizens, White men and women were more likely to be strip-searched than Black and Hispanic men and women, despite lower rates of being found carrying contraband.

As with strip-searches, x-rays are personally intrusive and it is of particular concern that the Customs Service avoid any discriminatory bias in requiring x-ray searches of passengers suspected of carrying contraband.

GAO found that African-Americans and Hispanic-Americans were much more likely to be x-rayed than other passengers. This disproportionate treatment was not justified by the rate at which these passengers were found to be carrying contraband.

Specifically, GAO found that African-American women were nearly 9 times as likely as White-American women to be x-rayed even though they were half as likely to be carrying contraband. African-American men were nearly 9 times as likely as White-American men to be x-rayed, even though they were no more likely than White-American men to be carrying contraband. Moreover, Hispanic-American women and men were nearly 4 times as likely as White-American women and men to be x-rayed, even though they were only a little more than half as likely to be carrying contraband. And among non-citizens, Black women and men were more than 4 times as likely as White women and men to be x-rayed, even though Black women were only half as likely and Black men were no more likely to be found carrying contraband.

For these reasons, I am introducing the Reasonable Search Standards Act. This bill is a direct response to the concerns raised by the GAO report. The bill prohibits Customs Service personnel from selecting passengers for searches based in whole or in part on the passenger's actual or perceived race, religion, gender, national origin, or sexual orientation.

To ensure that a sound reason exists for selecting someone to be searched, the bill requires Customs Service personnel to document the reasons for searching a passenger before the passenger is searched. The only exception to this requirement is when the Customs official suspects that the passenger is carrying a weapon.

The bill also requires all Customs Service personnel to undergo periodic training on the procedures for searching passengers, with a particular emphasis on the prohibition on profiling. The training shall include a review of the reasons given for searches, the results of the searches and the effectiveness of the criteria used by Customs to select passengers for searches.

Finally, the bill calls for an annual study and report on detentions and searches of individuals by Customs Service personnel. The report shall include the number of searches conducted by Customs Service personnel, the race and gender of travelers subjected to the searches, the type of searches conducted—including pat down searches and intrusive non-routine searches—and the results of these searches.

With this proposed legislation, I call on the Congress of the United States to act, to make a commitment giving all persons entering and leaving our borders, regardless of gender, race, color,

religion, or ethnic background, the right to be treated fairly.

Lyndon B. Johnson once said, ''I am a free man, an American, a United States Senator, and a Democrat, in that order.'' I am also all of these, in that order.

As a man, I am saddened that, in this new millennium, women and minorities are disproportionately selected for intrusive searches at our nation's borders.

As an American, I am deeply troubled by the thought that any citizen, or non-citizen, might be detained and stripped or x-rayed because of their gender or the color of their skin.

As a United States Senator, I am proposing legislation to prohibit racial or other inappropriate profiling and establish statutory procedures to track and prevent disproportionate search rates. This approval reflects our nation's basic posture of common sense and common justice.

I implore my colleagues to examine this issue from the viewpoint of the nation and its entire people. In the immortal words of John F. Kennedy, ''The rights of every man are diminished when the rights of one man are threatened.''●

(By Mr. MOYNIHAN (for himself, Mr. KENNEDY, Mr. SCHUMER, Mr. HELMS, Mr. KERREY, Mrs. BOXER, Mr. INOUYE, Mr. SANTORUM, Mr. TORRICELLI, Mr. JOHNSON, Mrs. FEINSTEIN, Mr. SMITH of Oregon, Mr. KERRY, Mr. DEWINE, Mr. EDWARDS, Mr. CLELAND, Mr. LIEBERMAN, Mr. LEVIN, Mr. SARBANES, Mr. WELLSTONE, Mr. REED, Mrs. MURRAY, Ms. MIKULSKI, and Mr. SPECTER):

S. 2394. A bill to amend title XVIII of the Social Security Act to stabilize indirect graduate medical education payments; to the Committee on Finance.

THE TEACHING HOSPITAL PRESERVATION ACT OF 2000

● Mr. MOYNIHAN. Mr. President, today I am introducing a bill—The Teaching Hospital Preservation Act of 2000—that would provide much needed financial support for America's 144 accredited medical and osteopathic schools and 1,250 graduate medical education (GME) teaching institutions. Teaching hospitals are national treasures; these institutions are the very best in the world. Yet, today they find themselves in a precarious financial situation as market forces reshape the health care delivery system in the United States.

Markets do not provide for public goods such as teaching hospitals. Everyone benefits from public goods but no one has any incentive to pay. It follows, therefore that for the most part teaching hospitals have to be paid for by the public either indirectly through tax exemption or directly through expenditure.

The legislation I am introducing is similar to S. 1023—The Graduate Medical Education Payment Restoration Act of 1999—a bill I introduced during the first session. Congressman RANGEL is introducing an identical bill in the House today.

My particular interest in this subject began in 1994, when the Finance Committee took up the President's Health Security Act. I was Chairman of the Committee at the time. In January of that year, I asked Dr. Paul Marks, M.D., President of Memorial Sloan-Kettering Cancer Center in New York City, if he would arrange a ''seminar'' for me on health care issues. He agreed, and gathered a number of medical school deans together one morning in New York.

Early on in the meeting, one of the seminarians remarked that the University of Minnesota might have to close its medical school. In an instant I realized I had heard something new. Minnesota is a place where they open medical schools, not close them. How, then, could this be? The answer was that Minnesota, being Minnesota, was a leading state in the growth of competitive health care markets, in which managed care organizations try to deliver services at lower costs. In this environment, HMOs and the like do not send patients to teaching hospitals, absent which you cannot have a medical school.

We are, my friends, in the midst of a great era of discovery in medical science—an era which might end prematurely if we are not careful with our finances. It is certainly not a time to close medical schools. This great era of medical discovery is occurring right here in the United States, not in Europe like past ages of scientific discovery. And it is centered in New York City. Progress over the past 60 years has been remarkable: images of the inside of the human body based on the magnetic resonance of bodily tissues; laser surgery; micro surgery for reattaching limbs; and organ transplantation, among other wonders. Physicians are now working on a gene therapy that might eventually replace bypass surgery. I can hardly imagine what might be next.

The growth of managed for-profit care, which does not fund public goods, combined with reductions in Medicare support for GME, is having a deleterious effect on the financial position of teaching hospitals. The Medicare program is the nation's largest explicit financier of GME, with annual payments of about $5.4 billion in 1999. However, because of payment reductions set forth by the Balanced Budget Act (BBA) of 1997, Medicare support is eroding as well—down from $6.3 billion in 1997. According to the Medicare Payment Advisory Commission, between 1997 and 1998, the margins for major teaching hospital have been slashed by more than half, and are at their lowest point of the century. And this is an average; individual hospitals have fared far worse.

With declining margins and many hospitals operating in the red, the mission of these fine institutions is in jeopardy. The teaching hospitals that we know and depend on today—including those in my state of New York—may not be able to continue their work, or even to survive. If this is to happen, we could face what Walter Reich has called ''the dumbing down of American medicine.''

Last year, we forestalled some cuts enacted in the BBA by passing the Balanced Budget Refinement Act (BBRA) of 1999, however, this legislation provided only short-term relief and does not go for enough. To ensure that this precious public resource is maintained and the United States continues to lead the world in quality health care, my bill, the Teaching Hospital Preservation Act of 2000 would maintain critically required funding.

The Teaching Hospital Preservation Act of 2000, with a total of 23 cosponsors, would freeze the scheduled reductions to the indirect portion of GME funding. Under the BBA, the indirect payment adjustor was scheduled to be reduced from 7.7 percent to 5.5 percent by FY 2001. Last year, the BBRA slowed the cuts by holding the indirect payment adjuster at 6.5 percent in FY 2000, 6.25 percent in FY 2001 and 5.5 percent in FY 2002 and thereafter. BBRA restored about $500 million—over 5 years—in funding for teaching hospitals. The bill I introduce today would maintain the indirect payment adjuster at 6.5 percent. In total, this bill restores about another $2 billion over 5 years in GME funding for teaching hospitals.

This bill would protect our nation's teaching hospitals and ensure that the United States will continue to be in the forefront of developing new cures, new medical technology, and training of the worlds finest medical professionals. Without this bill, the state of our nation's teaching hospitals and the delivery of health care will remain in jeopardy.

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. 2394

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 ''Teaching Hospital Preservation Act of 2000''.

SEC. 2. REVISION OF REDUCTION OF INDIRECT GRADUATE MEDICAL EDUCATION PAYMENTS.

Section 1886(d)(5)(B)(ii) of the Social Security Act (42 U.S.C. 1395ww(d)(5)(B)(ii)) (as amended by section 111(a) of the Medicare, Medicaid, and SCHIP Balanced Budget Refinement Act of 1999 (113 Stat. 1501A–329), as enacted into law by section 1000(a)(6) of Public Law 106–113) is amended—

(1) in subclause (IV), by adding ''and'' at the end; and

(2) by striking subclauses (V) and (VI) and inserting the following:

''(V) on or after October 1, 2000, 'c' is equal to 1.6.''.●

• Mr. KENNEDY. Mr. President, the Teaching Hospital Preservation Act that we are introducing today will restore much-needed support for the nation's teaching hospitals by freezing the Medicare Indirect Medical Education adjustment at 6.5 percent. The so-called IME payments under Medicare go to teaching hospitals to help defray their added costs of caring for the sickest patients, training physicians, and providing an environment in which clinical research can flourish. Under current law, the IME payments will be reduced from their current level of 6.5 percent to 6.25 percent for fiscal year 2001 and 5.5 percent for fiscal year 2002 and future years. If these reductions take place, they will have a devastating impact on the nation's teaching hospitals.

Enactment of this relief is essential to complete the task we began last year in the Balanced Budget Restoration Act of 1999. Across the country, teaching hospitals continue to suffer severe financial losses. According to the Association of American Medical Colleges, even with enactment of last year's measure, the typical teaching hospital will still lose more that $40 million in Medicare payments between 1998 and 2002. At the most recent meeting of the Medicare Payment Advisory Committee, it was reported that the margins of major teaching hospitals dropped from 5.1 percent in 1997 to 2.3 percent in 1998. Notwithstanding major efforts by the leadership of this institutions to reduce their costs, there is every reason to believe this ominous trend is continuing.

In Boston, teaching hospitals lost $22 million just in the first quarter of the current fiscal year, and Boston is far from alone. The financial problems of the nation's pre-eminent teaching hospitals around the country are well-known. Cutbacks in care for patients, research, and teaching have already been implemented by many of these respected institutions, and are being considered by many others. These teaching hospitals are the backbone of our health care system, and Congress should not stand silent in the face of these distressing developments.

Teaching hospitals are facing substantially higher costs for drugs, labor, medical devices and new technologies. The tight labor market is pushing wages higher and higher. Despite these heavy financial pressures. Medicare is scheduled to impose serious cutbacks in its reimbursements to teaching hospitals. The result of this shortfall may well be disastrous for these indispensable institutions.

A significant part of the problem was caused by the excessive and unintended Medicare reductions required by the Balanced Budget Act of 1997. Last year's Balanced Budget Restoration Act delayed reductions in the IME adjustment. That relief was an important first step, but it was only a first step. The legislation we are introducing today will ensure that Medicare support for teaching hospitals remains at its current level.

The pre-eminence of American academic medicine is at stake. The nation's teaching hospitals provide the highest quality health care to the sickest patients. They ensure the highest quality physicians training, and an unparalleled research capability. In addition, teaching hospitals are the safety net for 44 percent of the uninsured, despite comprising only 6 percent of all hospitals. They perform a vast array of services to their communities, from neighborhood health programs to drug treatment programs to well baby clinics. All of these programs are in jeopardy if the currently scheduled cutbacks take place. We cannot afford to let teaching hospitals fail. I urge my colleagues to join us in enacting this important bill this year.•

By Mr. BENNETT:

S. 2396. A bill to authorize the Secretary of the Interior to enter into contracts with the Weber Basin Water Conservancy District, Utah, to use Weber Basin Project facilities for the impounding, storage, and carriage of nonproject water for domestic, municipal, industrial, and other beneficial purposes; to the Committee on Energy and Natural Resources.

LEGISLATION REGARDING THE WEBER BASIN WATER CONSERVANCY DISTRICT

Mr. BENNETT. Mr. President, I am pleased to take a step in addressing the long-term water needs of Summit County, Utah. The bill I am introducing today, to make a necessary technical correction, authorizes the Secretary of the Interior to enter into contracts with the Weber Basin Water Conservancy District. This legislation would permit non-federal water intended for domestic, municipal, industrial, and other uses to utilize federal facilities of the original Weber Basin Project for various purposes such as storage and transportation.

In this case, the Smith Morehouse Dam and Reservoir was constructed by the Weber Basin Water Conservancy District in the early 1980's using local funding resources in order to create a supply of non-federal project water. However, it has been determined that there is currently a need to deliver approximately 5,000 acre feet of this non-federal Smith Morehouse water in conjunction with approximately 5,000 acre feet of federal Weber Basin project water to the Snyderville Basin area of Summit County, Utah and to Park City, Utah.

In 1996, the Weber Basin Water Conservancy District entered into aMemorandum of Understanding and Agreement to deliver this water approximately 14 miles from Weber Basin Weber River sources within a certain time frame and dependent upon the execution of an Interlocal Agreement with Park City and Summit County. The Warren Act requires that legislation be enacted to enable the District to move ahead with this agreement with Summit County and Park City to deliver the water utilizing Weber Basin Project facilities built by the Bureau of Reclamation.

There is an immediate need for the delivery of water to this area. The Utah State Engineer halted the approval of new groundwater developments in the area last year. At the same time, Summit County is experiencing tremendous growth; in fact it is one of the highest growth areas in the state. Within the areas to be served, taxed by the Weber Basin District, there is a definite public need for an adequate, reliable, and cost effective water delivery project in order to meet the future demands of this area.

Since there is precedent allowing the wheeling of non-federal water through federal facilities, my colleagues should realize that this is a non-controversial piece of legislation. Therefore, I hope that Congress will move quickly to pass this legislation next session and I look forward to working closely with my colleagues on the Committee on Energy and Natural Resources to move it quickly.

By Mr. FITZGERALD (for himself, Mr. SCHUMER, Mr. DURBIN, Mr. SANTORUM, Mr. SPECTER, Ms. MIKULSKI, Mr. SARBANES, and Mr. KERREY):

S. 2398. A bill to amend the Public Health Service Act to revise and extend the programs relating to organ procurement and transplantation; to the Committee on Health, Education, Labor, and Pensions.

ORGAN TRANSPLANTATION FAIRNESS ACT OF 2000

Mr. FITZGERALD. Thank you, Mr. President.

Mr. President, I rise today to introduce the Organ Transplantation Fairness Act of 2000.

I thank my original cosponsors on this bill: Senators SCHUMER, DURBIN, SANTORUM, SPECTER, MIKULSKI, SARBANES, and KERREY.

Our Nation's organ procurement and transplant system is in serious need of change.

We could be saving more lives through organ transplants in this country than we are at the present time.

The purpose of our bill and the goals of our bill are threefold.

First, we want to increase the amount of organs that are being donated all across the country.

There are many more people who need to receive organs to remain alive. They need organ transplants, and there are not a sufficient number of people donating those organs. This bill attempts to address that issue.

Second, we want to bring greater fairness to how we allocate scarce organs after they are donated.

Right now those organs are not allocated in the best possible way. And because of problems in our allocation system, people are dying unnecessarily. We could be saving more lives.

The third goal of the bill is to seek to implement many of the recommendations of the Institute of Medicine in

their 1999 report entitled ''Organ Procurement and Transplantation.''

In attempting to improve the system of organ procurement transplants in this country, we have picked out many of the Institute of Medicine's recommendations, and we tried to enact them into law. Our system is saving many more lives than it used to.

Organ transplantation is fairly new to this country. If you go back 20 years or so, there were very few organs being transplanted. But now many more people are benefiting and going on to live healthy lives thanks to people who have donated organs, and thanks to successful transplants. But as many lives as our system has saved, we are not saving as many lives as we could.

I have a chart to demonstrate this. As of today, there are over 68,000 American patients waiting for a life-saving organ transplant.

In 1998, the most recent statistics available, over 4,800 people died while on that organ transplant waiting list.

That means about 13 people a day are dying in this country while waiting to get an organ that can be transplanted into their bodies.

I said earlier that we are not saving as many lives as we could save.

Let me demonstrate why that is the case, and why we know we are not saving enough lives.

According to the Department of Health and Human Services, in 1998, some 71 percent of livers were transplanted to patients in the least urgent medical status categories. But at the same time that we were transplanting those livers into patients in the least urgent medical status categories, in the same year, 1,300 patients died while waiting for a liver.

How can it be that we are transplanting livers into patients who aren't in the most critically ill categories, while at the same time people in the most critical condition were dying for lack of a liver transplant?

The reason for that is we have a system in our country that is based on where you live. Whether you live or die because of an organ transplant may depend not on how sick you are but on where you live in this country.

Let's examine this a little bit more closely.

There is a private not-for-profit corporation in this country that has been given the authority to be in charge of our Nation's organ transplant and procurement network. They have set up a series of regions. They divided the whole country into regions. There are organs that are available within those regions. But if you live outside one of the regions where an organ is available, you are not liable to get one of the organs when it comes up.

As a Senator from Illinois, I think the simplest thing for me to do in illustrating this problem is to use Illinois as an example. Most of Illinois is in organ procurement organization district 29. You can have a patient who lives in northern Illinois, just a few miles from the border of Wisconsin, and this patient could need a liver transplant. He or she could be in status 1 medical condition, which means he or she is in the most critical category and in need of a liver transplant immediately. A liver may become available just over the border in region 37, the Wisconsin network. But that liver can't be sent to the person in Illinois because that person in Illinois is in region 29—not 37.

If a liver becomes available from a donor in Wisconsin, they will first look to see if they have a very critically ill person who needs a liver transplant in region 37. If they don't find such a person, then they will go to somebody who is in a less urgent situation who doesn't need the liver as quickly as that other person in Illinois. Thus, somebody who may be in status 2, or even what they call status 3 medical condition, which isn't as critical as status 1, could get the liver transplant up in Wisconsin. But that person a few miles south of the border who needs the liver immediately, because he or she happens to live in Illinois, cannot get it. If an organ doesn't become available in that region in which he or she lives, that person may not survive.

There is a saying in the real estate industry by the real estate brokers and agents. When you go to them, they always tell you that everything and the value of your home depends on ''location, location, location.'' I bet not many Americans realize that in some cases if you are in need of a liver transplant or a heart transplant, your chances of survival are going to depend on your location, your location, your location.

The purpose of our bill is to try to open this system up, and instead of directing the organs to the people depending on where they live, instead of determining whether people are going to live or die simply based on accidents of geography, we try to bring sense to this whole system. We try to get organs to people in the most critical need of those organs as soon as possible. We would hope to get those to the sickest people as soon as possible—the sickest people who have the chance of going on and having a successful transplant.

There comes a point when your organs are so damaged and you are so sick that it could be that a transplant would no longer help you. Certainly, we have to be careful to make sure that we get the organs to those who are the sickest but who still have a good chance of surviving an organ transplant.

In addition, attempting to get the organs to the sickest patients first, making that our Nation's public policy, we would like to encourage a broader sharing of organs.

The Institute of Medicine's report suggested that each of these areas should contain at least 9 million people. That is the minimum level for optimal sharing to get the organs out and save the most lives. We want to make sure we broaden these networks.

It isn't possible in all cases for all organs to be shared nationally. With the heart, for example, a heart cannot last much more than 4 hours after it has been given by a donor. It has to be transplanted quickly. Other organs, such as kidneys, my understanding is we can preserve them for over 24 hours, or even longer, and in that circumstance it would be possible to have more nationwide sharing to get those organs allocated to the people who need them the most.

Another important provision of our legislation is to take a strong stand for the proposition that the private not-for-profit corporation that now runs the whole Nation's organ procurement and transplant network should have some public accountability. Members may have heard that a bill passed by the House of Representatives provides no public accountability for this private corporation that has life or death control over at least 68,000 Americans. There is no accountability in that bill. They wouldn't be accountable to elected officials. They could not be regulated by the Department of Health and Human Services. If people had a complaint with how that organization was being run, there would be little or no recourse. I guess you could knock on their doors at their corporate headquarters in Richmond, VA, and ask them to listen to you, but they wouldn't have to. They are private not-for-profit corporations with no responsibility to make sure the best public policy goals of this country are achieved.

I don't think that is right. I think we want this corporation to be publicly accountable to make sure that it is meeting the objectives of the laws that are on the books and serving the public interest.

In addition, the Organ Transplantation Fairness Act of 2000 would create a national organ transplant advisory board. It implements the recommendations of the Institute of Medicine in this regard by creating an advisory board that reviews the organ procurement and transplantation network policies and advises the Secretary of our Department of Health and Human Services.

We also put in place a process, based on sound medical criteria, for the certification and recertification of what they call OPOs—organ procurement organizations. It requires the OPOs that fail to meet performance criteria to file a corrected plan, and they will have 3 years to implement such a plan. We have to have a way of making sure the organ procurement organizations in this country are doing a good, professional job. There has to be some accountability of those organizations.

One of the most important issues, of course, is encouraging more organ donations. Earlier this morning I had the opportunity to meet in my office with several individuals who had actually been the recipients of donated organs. Those transplants they had had saved

their lives. One of them was a constituent of mine. His name was Kent Schlink from Peoria, IL. When Kent was in his late twenties, he had to have a heart transplant to correct a defect he had in his heart dating from his early childhood. He was very sick. He was on the waiting list for quite some time. He ultimately had a heart transplant at St. Francis Hospital in Peoria, IL, that saved his life. His life was saved at a time when he had a 6-month-old child. He has gone on to have another child. To see him talk about the joy to be with his young kids drives home what a gift people who donate organs make—a gift of life.

We also had the opportunity to meet in my office with Britney Green, a young girl whom I believe is 13 years old. She had a liver transplant when she was 3 years old. She is currently on a waiting list for a new heart. She has had a very tough road to hoe, but she is a bright and cheerful young lady. She is very supportive and hopes we can improve the system in this country.

Finally, I wish to mention one other young man who impressed me. His name is Danny Canal. Danny is 14 years old, and he is an incredibly bright, wonderful young man. He is a transplant recipient who actually had a four-organ transplant, if you can believe that. Not only did he have four organs transplanted, he actually had two sets of those organs before the third set began functioning properly. This wonderful young kid who has been saved by these organ transplants probably wouldn't have had to have so many organs transplanted into him, because he originally only needed a transplant of a small intestine. Unfortunately, it took so long, he was on the waiting list for the transplant of that intestine so long that his other organs started to fail, to the point where he had to have his pancreas and other organs replaced. Then there were problems and it took three times before they got that right. He is a wonderful young man. It was a very moving experience to hear his story.

We need to encourage more people to donate organs so there can be more Danny Covals and Kent Schlinks and Britney Greens whose lives can be saved in this country. Our bill does a lot to address that. We seek to establish a grant program to assist organ procurement organizations and other not-for-profit organizations in developing and expanding programs aimed at increasing organ donation rates.

We create a congressional donor medal to honor living organ donors and organ donor families, and give credit to the tremendous gift they are giving by giving an organ. We establish a system of support for State programs to increase organ donation, and we provide some financial support to pay for nonmedical travel expenses of living donors.

We have long had a transplant policy in this country that it was against public policy, against the law to pay people for donating organs. That creates many medical and ethical issues. I agree with that prohibition against paying people for donating organs. Everybody who does it is doing it just for the internal reward of helping somebody else. They are not doing it for any financial gain. However, I think it is appropriate that we could at least help defray some of the nonmedical travel expenses of the living donors. Most health insurance policies do, in fact, now in this country cover the medical expenses associated with donating the organ.

The bill also bans lobbying by the organ procurement and transplant network administrator. That is the private not-for-profit corporation in Richmond, VA. We prohibit that firm which administers the program under contract with the Department of Health and Human Services from using fees that it collects from transplant patients to lobby Members of Congress. That firm is collecting, I believe, $375 from every person who is on an organ donor waiting list in the country. We want to make sure those fees are helping to match organs with patients so that more people can be saved. We do not think they need to be using those funds to lobby Members of Congress.

Finally, one of the things the bill does is it actually comes in and abolishes State laws that are on the books in several States that are referred to as organ hoarding laws. Several States now, I regret to say, have enacted laws saying organs donated within their State borders cannot be given to people outside of their States. One of those States is the State of Wisconsin, that borders on my State of Illinois.

I love Wisconsin. I think it is one of the most beautiful States in our country. Every summer my family and I go up and we vacation in northern Wisconsin. We enjoy their fishing and beautiful forests and the wildlife there. But I disagree with the law they have on the books that says if somebody in Wisconsin donates an organ, it cannot save a life in Illinois. I know Walter Payton, if he could have had an organ donated from a Green Bay Packer fan, would have gladly accepted it.

We do not need to be engaging in the Balkanization of our country. We do not need to have these kinds of barriers erected between States. We are, in the end, one nation, one giant state. This Balkanization has no place in our country. A report from the Institute of Medicine and other reports have indicated the statutes on the books in these several States greatly diminish the effectiveness and equity of a national organ transplant policy. We need to make sure that is no longer allowed.

The other thing I point out is many of the people from Wisconsin may come down and get listed on a transplant list at a hospital in Chicago. Then the effect of that law, passed by the Wisconsin legislature, would be to deny their own resident of the State of Wisconsin the ability to get the transplant at maybe a very renowned hospital in Chicago, or even one they go to in New York or another big State. That is inappropriate. It is not good public policy. Our bill would very firmly say that those laws would no longer be allowed in the States, and I think we would be on our way toward developing a much better national policy.

With that, Mr. President, I ask unanimous consent that the text of my bill be printed in the RECORD.

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

S. 2398

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 ''Organ Transplantation Fairness Act of 2000''.

SEC. 2. FINDINGS.

(a) IN GENERAL.—Congress makes the following findings:

(1) It is in the public interest to maintain and continually improve a national network to ensure the fair and effective distribution of organs among patients on the national waiting list irrespective of their place of residence or the location of the transplant program with which they are listed, and to ensure quality and facilitate collaboration among network members and individual medical practitioners participating in the network activities.

(2) The Organ Procurement and Transplantation Network (referred to in this section as the ''Network'') was created in 1984 by the National Organ Transplant Act (Public Law 98–507) in order to facilitate an equitable allocation of organs among all patients on a national basis.

(3) The Federal Government should continue to provide Federal oversight of the Network and is responsible for protecting the public's health care interest and ensuring that the policies of the Network meet the goals established by this Act.

(4) The responsibility for developing, establishing, and maintaining medical criteria and standards for organ procurement and transplantation should be a function of the Network, and the Secretary of Health and Human Services should provide oversight to ensure compliance with this Act and other applicable laws.

(5) The network should be operated by a private organization under contract with the Department of Health and Human Services.

(6) The Federal Government is responsible for ensuring that the efforts of the Network serve patients and donor families in the procurement and distribution of organs.

(7) The Federal Government should take immediate action to improve organ donation rates and increase the number of organs available for transplantation.

(8) There is a significant disparity between the number of organ donors and the number of individuals waiting for organ transplants, and it is in the public's best interest to have a system of organ allocation that ensures that transplant candidates with similar severity of illness have similar likelihood of transplantation irrespective of their place of residence or the location of the transplant program with which they are listed.

(b) SENSE OF CONGRESS REGARDING ORGAN DONATION.—It is the sense of Congress that—

(1) the factors that impact organ donation rates are complex and require a multifaceted approach to increase organ donation rates;

(2) the Federal Government should lead the national effort to increase organ donation

and develop programs with the transplant community to research and implement a best practices approach to increasing organ donation; and

(3) a generous contribution has been made by each individual who has donated an organ to save a life.

SEC. 3. ORGAN PROCUREMENT ORGANIZATIONS.

Section 371 of the Public Health Service Act (42 U.S.C. 273) is amended to read as follows:

''SEC. 371. ORGAN PROCUREMENT ORGANIZATIONS.

''(a) AUTHORITY OF THE SECRETARY.—The Secretary may make grants to, and enter into contracts with, qualified organ procurement organizations described in subsection (b), and other nonprofit private entities, for the purpose of carrying out special projects designed to increase the number of organ donors.

''(b) QUALIFIED ORGANIZATIONS.—

''(1) REQUIREMENTS.—A qualified organ procurement organization for which grants may be made under subsection (a) is an organization that, as determined by the Secretary, will carry out the functions described in paragraph (2), and that—

''(A) is a nonprofit entity;

''(B) has accounting and other fiscal procedures (as specified by the Secretary) necessary to ensure the fiscal stability of the organization;

''(C) has an agreement with the Secretary to be reimbursed under title XVIII of the Social Security Act for the procurement of kidneys;

''(D) notwithstanding any other provision of law, has met the other requirements of this subsection and has been certified or recertified by the Secretary as meeting the performance standards to be a qualified organ procurement organization through a process that—

''(i) granted certification or recertification within the previous 4 years with such certification in effect as of October 1, 2000, and remaining in effect through the earlier of—

''(I) January 1, 2002; or

''(II) the completion of recertification under the requirements of clause (ii); or

''(ii) is set forth in regulations prescribed by the Secretary not later than January 1, 2002, that—

''(I) require recertifications of qualified organ procurement organizations not more frequently than once every 4 years;

''(II) rely on outcome and process performance measures that are based on available, practical empirical evidence of organ donor potential or other related factors in each service area of qualified organ procurement organizations;

''(III) use multiple outcome measures as part of the certification process;

''(IV) provide for the filing and approval of a corrective action plan by a qualified organ procurement organization if the Secretary notifies the organ procurement organization that it has failed to meet the performance measures after the first 2 years of the 4 year certification period, which corrective action plan shall apply for the 3 years following approval of such plan;

''(V) provide for a qualified organ procurement organization to appeal a decertification to the Secretary on substantive and procedural grounds;

''(E) has procedures to obtain payment for nonrenal organs provided to transplant centers;

''(F) has a defined service area that is of sufficient size to assure maximum effectiveness in the procurement of organs;

''(G) has a director and other such staff, including the organ donation coordinators and organ procurement specialists necessary to effectively obtain organs from donors in its service area; and

''(H) has a board of directors or an advisory board that—

''(i) is composed of—

''(I) members who represent hospital administrators, intensive care or emergency room personnel, tissue banks, and voluntary health organizations in its service area;

''(II) members who represent the public residing in such area;

''(III) a physician with knowledge, experience, or skill in the field of histocompatibility or an individual with a doctorate degree in biological science with knowledge, experience, or skill in the field of histocompatibility;

''(IV) a physician with knowledge or skill in the field of neurology; and

''(V) from each transplant center in its service area, a member who is a surgeon who has practicing privileges in such center and who performs organ transplant surgery;

''(ii) has the authority to recommend policies for the procurement of organs and the other functions described in paragraph (2); and

''(iii) has no authority over any other activity of the organization.

''(2) FUNCTIONS.—An organ procurement organization shall—

''(A) have effective agreements, to identify potential organ donors, with all of the hospitals and other health care entities in its service area that have facilities for organ donation;

''(B) conduct and participate in systematic efforts, including professional education, to acquire all usable organs from potential donors;

''(C) arrange for the acquisition and preservation of donated organs and provide quality standards for the acquisition of organs which are consistent with the standards adopted by the Organ Procurement and Transplantation Network under section 372(b)(2)(F), including arranging for testing with respect to preventing the acquisition of organs that are infected with the etiologic agent for acquired immune deficiency syndrome;

''(D) arrange for the appropriate tissue typing of donated organs;

''(E) assist the Organ Procurement and Transplantation Network in the equitable distribution of organs among patients on a national basis;

''(F) provide or arrange for the transportation of donated organs to transplant centers;

''(G) have arrangements to coordinate its activities with transplant centers in its service area;

''(H) participate in the Organ Procurement and Transplantation Network established under section 372;

''(I) have arrangements to cooperate with tissue banks for the retrieval, processing, preservation, storage, and distribution of tissues as may be appropriate to assure that all usable tissues are obtained from potential donors;

''(J) evaluate annually the effectiveness of the organization in acquiring potentially available organs; and

''(K) assist hospitals in establishing and implementing protocols for assuring that all deaths and imminent deaths are reported to the appropriate organ procurement organization.''.

SEC. 4. ORGAN PROCUREMENT AND TRANSPLANTATION NETWORK.

Section 372 of the Public Health Service Act (42 U.S.C. 274) is amended to read as follows:

''SEC. 372. ORGAN PROCUREMENT AND TRANSPLANTATION NETWORK.

''(a) IN GENERAL.—The Secretary shall by regulation provide for the establishment and operation of an Organ Procurement and Transplantation Network that meets the requirements of subsection (b).

''(b) REQUIREMENTS.—

''(1) IN GENERAL.—The Organ Procurement and Transplantation Network shall carry out the functions described in paragraph (2) and shall—

''(A) be operated by a private entity under contract with the Department of Health and Human Services; and

''(B) have a board of directors—

''(i) not more than 50 percent of which members are transplant surgeons or transplant physicians;

''(ii) at least 25 percent of which members are transplant candidates, transplant recipients, organ donors, and family members; and

''(iii) that includes representatives of organ procurement organizations, voluntary health associations, and the general public; and

''(iv) that shall establish an executive committee and other committees, whose chairpersons shall be selected to ensure continuity of the board.

''(2) FUNCTIONS.—The Organ Procurement and Transplantation Network shall—

''(A) establish and maintain one or more lists derived from a national list of individuals who need organ transplants;

''(B) establish a national system, through the use of computers and in accordance with established medical criteria, to match organs and individuals included on such lists;

''(C) establish membership criteria for hospitals, for performing organ transplants, and for individual members;

''(D) maintain a 24-hour telephone service to facilitate matching organs with individuals included in such lists;

''(E) allocate organs so that transplant candidates with similar severity of illness have similar likelihood of receiving a transplant irrespective of their place of residence or the location of the transplant program with which they are listed;

''(F) adopt and use standards of quality for the acquisition and transportation of donated organs, including standards for preventing the acquisition of organs that are infected with the etiologic agent for acquired immune deficiency syndrome;

''(G) prepare and distribute, on a national basis, samples of blood sera from individuals who are included on such lists in order to facilitate matching the compatibility of such individuals with organ donors;

''(H) coordinate, as appropriate, the transportation of organs from organ procurement organizations to transplant centers;

''(I) provide information to physicians and other health professionals and the general public regarding organ donation;

''(J) collect, analyze, and publish data concerning organ donation and transplants;

''(K) provide data to the Secretary in order to permit the Secretary to carry out the Secretary's responsibilities under this part, and to the Scientific Registry maintained pursuant to section 373;

''(L) respond in a timely fashion and to the extent permitted, to requests for data from researchers and investigators;

''(M) carry out studies and demonstration projects for the purpose of improving procedures for organ procurement and allocation;

''(N) work actively to increase the supply of donated organs;

''(O) submit to the Secretary an annual report containing information on the comparative costs and patient outcomes at each transplant center affiliated with the Organ Procurement and Transplantation Network; and

''(P) submit to the Secretary an annual report containing such financial information,

as determined by the Secretary, to be necessary to evaluate the cost of operating the Organ Procurement and Transplantation Network.

''(3) AVAILABILITY OF PATIENT LISTING FEES AND PARTICIPATION FEES.—

''(A) IN GENERAL.—Any fees described in subparagraph (B) that are collected by the Organ Procurement and Transplantation Network—

''(i) shall be available to the Organ Procurement and Transplantation Network, without fiscal year limitation, for use in carrying out the functions of the Organ Procurement Transplantation Network under this section; and

''(ii) shall not be used for any activity (including lobbying or other political activity) that is not authorized under this section.

''(B) COVERED FEES.—Subparagraph (A) applies with respect to the following:

''(i) Listing fees.

''(ii) Fees imposed as a condition of being a participant in the Organ Procurement and Transplantation Network.

''(C) CONSTRUCTION.—No provision of this paragraph may be construed to prohibit the Organ Procurement and Transplantation Network from—

''(i) collecting fees other than the fees described in subparagraph (B); or

''(ii) using fees covered by clause (i) for an activity covered by subparagraph (A)(ii) or other activity.

''(c) ORGAN ALLOCATION.—

''(1) DEVELOPMENT OF POLICIES.—The Organ Procurement and Transplantation Network shall develop organ-specific policies (including combinations of organs, such as for kidney-pancreas transplants), subject to the review of and approval by the Secretary, for the equitable allocation of cadaveric organs to individuals on the national waiting list.

''(2) LISTING CRITERIA.—Standardized minimum listing criteria for including individuals on the national list shall be established and, to the extent possible, shall—

''(A) contain explicit thresholds for the listing of a patient;

''(B) avoid futile transplants or the wasting of organs;

''(C) be expressed through objective and measurable medical criteria; and

''(D) be reviewed periodically and revised as appropriate.

''(3) REQUIREMENTS RELATING TO TRANSPLANT CANDIDATES.—Where appropriate for the specific organ, transplant candidates shall—

''(A) be grouped by status categories from most to least medically urgent with—

''(i) sufficient categories to avoid grouping together individuals with substantially different medical urgency;

''(ii) explicit thresholds for differentiating among patients; and

''(iii) explicit standards for the movement of individuals among the status categories;

''(B) be expressed through objective and measurable medical criteria; and

''(C) be reviewed periodically and revised as appropriate.

''(4) REQUIREMENTS FOR ALLOCATION POLICIES AND PROCEDURES.—Organ allocation policies and procedures shall be established in accordance with sound medical judgment and shall—

''(A) be designed and implemented to allocate organs among transplant candidates—

''(i) in order of decreasing medical urgency status;

''(ii) over the largest geographic area practicable in a manner consistent with organ viability so that neither place of residence nor place of listing shall be a major determinant; and

''(iii) so as to maintain organ viability and avoid organ wastage; and

''(B) be reviewed periodically and revised as appropriate.

''(5) POLICIES WHERE MEDICAL URGENCY IS NOT AN APPROPRIATE MEASUREMENT.—Where medical urgency is not an appropriate measurement for organ allocation, policies and procedures shall be established in accordance with sound medical judgment.

''(d) AUTHORITY OF THE SECRETARY.—The policies and rules established by the Organ Procurement and Transplantation Network that are to be enforceable shall be subject to review and approval by the Secretary. The Secretary shall—

''(1) in consultation with the Organ Procurement and Transplantation Network, develop mechanisms to promote and review compliance with the requirements of this section;

''(2) establish and approve all fees, dues, or similar costs charged to support the operation of the Organ Procurement and Transplantation Network;

''(3) establish procedures for receiving from interested persons critical comments relating to the manner in which the Organ Procurement and Transplantation Network is carrying out the duties of the Network under subsection (b); and

''(4) take such action, as determined by the Secretary, to enforce the requirements of this section as well as the requirements under title XVIII of the Social Security Act.

''(5) if the Organ Procurement and Transplantation Network fails to submit a policy on a matter which the Secretary determines should be enforced under this section or section 1138 of the Social Security Act, or the Organ Procurement and Transplantation Network submits a policy that the Secretary determines is inconsistent with the goals of this Act, submit to the board of directors or advisory board of the Organ Procurement and Transplantation Network the Secretary's version of such policy.

''(e) NATIONAL TRANSPLANT ADVISORY BOARD.—

''(1) ESTABLISHMENT.—The Secretary shall, by regulation, provide for the establishment of a National Organ Transplant Advisory Board (referred to in this subsection as the 'Board').

''(2) MEMBERSHIP.—The Board shall carry out the functions described in paragraph (3) and shall be comprised of individuals that—

''(A) include a broad spectrum of representatives of the medical and scientific community, including transplant surgeons, transplant physicians, epidemiologists, and health service researchers, as well as representatives from organ procurement organizations and the community of transplant patients, family members and donor families;

''(B) are selected by the Secretary;

''(C) serve terms of not less than 3 years.

''(3) FUNCTIONS.—The Board shall assist the Secretary in ensuring that the Organ Procurement and Transplantation Network is grounded on the best available medical science and is effective and equitable as possible and shall—

''(A) at the request of the Secretary, review the policies and rules of the Organ Procurement and Transplantation Network;

''(B) advise and propose to the Secretary policies, rules, and regulations affecting organ procurement and transplantation;

''(C) at the request of the Secretary, review and consider policies and regulations affecting organ transplantation developed by the Secretary;

''(D) advise the Secretary with respect to comments received by the Secretary under subsection (d)(3);

''(E) meet at the request of the Secretary, but not less than 2 times each year; and

''(F) elect a Chairperson and Vice-chairperson as well as any other officers as determined appropriate by the Board.

''(4) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this subsection, there are authorized to be appropriated $1,000,000 for each of the fiscal years 2000 through 2005.''.

SEC. 5. SCIENTIFIC REGISTRY.

Section 373 of the Public Health Service Act (42 U.S.C. 274a) is amended to read as follows:

''SEC. 373. SCIENTIFIC REGISTRY.

''The Secretary shall, by grant or contract, develop and maintain a scientific registry of the recipients of organ transplants. The registry shall include such information concerning patients and transplant procedures as the Secretary determines to be necessary to an ongoing evaluation to the scientific and clinical status of organ transplantation. The registry shall also include such information concerning both donors and patients in transplants involving living donors. The Secretary shall prepare for inclusion in the report under section 376 an analysis of information derived from the registry.''.

SEC. 6. ADMINISTRATION.

Section 375 of the Public Health Service Act (42 U.S.C. 274c) is amended to read as follows:

''SEC. 375. ADMINISTRATION.

''The Secretary shall designate and maintain an identifiable administrative unit in the Public Health Service to—

''(1) administer this part and coordinate with organ procurement activities under title XVIII of the Social Security Act;

''(2) administer and coordinate programs, as determined by the Secretary, to increase organ donation rates;

''(3) provide technical assistance to organ procurement organizations, the Organ Procurement and Transplantation Network established under section 372, and other entities in the health care system involved in organ donations, procurements, and transplants; and

''(4) provide information—

''(A) to patients, their families, and their physicians about transplantation; and

''(B) to patients and their families about resources available nationally and in each State, and the comparative costs and patient outcomes at each transplant center affiliated with the Organ Procurement and Transplantation Network, in order to assist the patients and families with the costs associated with transplantation.''.

SEC. 7. ADDITIONAL AMENDMENTS.

Part H of title III of the Public Health Service Act (42 U.S.C. 273 et seq.) is amended—

(1) in section 374 (42 U.S.C. 274b)—

(A) in subsection (b)(1), by striking ''and may not exceed $100,000'' and inserting ''and other organizations for the purpose of increasing the supply of transplantable organs''; and

(B) in subsection (b)(2), by striking the second sentence;

(2) in section 376 (42 U.S.C. 274d), by striking ''Committee on Energy and Commerce'' and inserting ''Committee on Commerce''; and

(3) by striking section 377 (42 U.S.C. 274f).

SEC. 8. PAYMENT OF TRAVEL AND SUBSISTENCE EXPENSES INCURRED TOWARD LIVING ORGAN DONATION.

Part H of title III of the Public Health Service Act (42 U.S.C. 273 et seq.) is amended by inserting after section 376 the following section:

''SEC. 376A. TRAVEL AND SUBSISTENCE PAYMENTS FOR LIVING ORGAN DONATION.

''(a) IN GENERAL.—The Secretary may make awards of grants or contracts to

States, transplant centers, qualified organ procurement organizations under section 371, or other public or private entities for the purpose of—

''(1) providing for the payment of travel and subsistence expenses incurred by individuals toward making living donations of their organs (referred to in this section as 'donating individuals'); and

''(2) in addition, providing for the payment of such incidental nonmedical expenses that are so incurred as the Secretary determines by regulation to be appropriate.

''(b) ELIGIBILITY.—

''(1) IN GENERAL.—Payments under subsection (a) may be made for the qualifying expenses of a donating individual only if—

''(A) the State in which the donating individual resides is a different State than the State in which the intended recipient of the organ resides; and

''(B) the annual income of the intended recipient of the organ does not exceed $35,000 (as adjusted for fiscal year 2002 and subsequent fiscal years to offset the effects of inflation occurring after the beginning fiscal year 2001).

''(2) CERTAIN CIRCUMSTANCES.—Subject to paragraph (1), the Secretary may in carrying out subsection (a) provide as follows:

''(A) The Secretary may consider the term 'donating individuals' as including individuals who in good faith incur qualifying expenses toward the intended donation of an organ but with respect to whom, for such reason as the Secretary determines to be appropriate, no donation of the organ occurs.

(B) The Secretary may consider the term 'qualifying expenses' as including the expenses of having one or more family members of donating individuals accompany the donating individuals for purposes of subsection (a) (subject to making payment for only such types of expenses as are paid for donating individuals).

''(c) LIMITATION ON AMOUNT OF PAYMENT.—

''(1) IN GENERAL.—With respect to the geographic area to which a donating individual travels for purposes of section (a), if such area is other than the covered vicinity for the intended recipient of the organ, the amount of qualifying expenses for which payments under such subsection are made may not exceed the amount of such expenses for which payment would have been made if such area had been the covered vicinity for the intended recipient, taking into account the costs of travel and regional differences in the cost of living.

''(2) COVERED VICINITY.—For purposes of this section, the term 'covered vicinity' with respect to an intended recipient of an organ from a donating individual, means the vicinity of the nearest transplant center to the residence of the intended recipient that regularly performs transplants of that type of organ.

''(d) RELATIONSHIP TO PAYMENTS UNDER OTHER PROGRAMS.—An award may be made under subsection (a) only if the applicant agrees that the award will not be expended to pay the qualifying expenses of a donating individual to the extent that payment has been made, or can reasonably be expected to be made, with respect to such expenses—

''(1) under any State compensation program, under an insurance policy, or under any Federal or State health benefits program; or

''(2) by an entity that provides health services on a prepaid basis.

''(e) DEFINITIONS.—In this section:

''(1) COVERED VICINITY.—The term 'covered vicinity' has the meaning given such term in subsection (c)(2).

''(2) DONATING INDIVIDUAL.—The term 'donating individual' has the meaning indicated for such term in subsection (a)(1), subject to subsection (b)(2)(A).

''(3) QUALIFYING EXPENSES.—The term 'qualifying expenses' means the expenses authorized for purposes of subsection (a), subject to subsection (b)(2)(B).

''(f) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there is authorized to be appropriated $5,000,000 for each of fiscal years 2000 through 2005.''.

SEC. 9. PROGRAMS AND DEMONSTRATION PROJECTS TO INCREASE ORGAN DONATION.

Part H of title III of the Public Health Service Act (42 U.S.C. 273 et seq.) is amended by inserting after section 377 the following:

''SEC. 377A. INITIATIVES TO INCREASE ORGAN DONATION.

''(a) PUBLIC AWARENESS.—The Secretary shall (directly or through grants or contracts) carry out a program to educate the public with respect to organ donation.

''(b) STUDIES AND DEMONSTRATIONS.—The Secretary may make grants to public and nonprofit entities for the purpose of carrying out studies and demonstration projects with respect to increasing rates of organ donation. The Secretary shall—

''(1) give priority to those studies and demonstration projects that are founded upon a best practices approach to increasing organ donation consent rates;

''(2) give priority to those geographic areas with lower organ donation consent rates, especially among minorities;

''(3) provide assistance to qualified organ procurement organizations described under section 371 to implement programs and projects, that as determined by Secretary through studies and demonstration projects, have proven to be effective in increasing organ donation rates; and

''(4) provide assistance to the study and consideration of presumed consent as an opportunity to increase organ donation rates.

''(c) GRANTS TO STATES.—The Secretary may make grants to states for the purpose of carrying out public education and outreach programs designed to increase the number of organ donors within the State. To be eligible, each State shall—

''(1) submit an application to the Secretary, in such form as prescribed by the Secretary; and

''(2) establish yearly benchmarks for improvement in organ donation rates in the State.

''(d) CONGRESSIONAL MEDAL.—

''(1) DESIGN.—The Secretary shall design a bronze medal with suitable emblems, devices, and inscriptions, to be determined by the Secretary, to commemorate organ donors and their families.

''(2) ELIGIBILITY.—Any organ donor, or the family of any organ donor, shall be eligible for a medal under this subsection.

''(3) REQUIREMENTS.—The Secretary shall direct the Organ Procurement and Transplantation Network, established under section 372, to—

''(A) establish an application procedure requiring the relevant organ procurement organizations, described in section 371, through which an individual or their family made an organ donation, to submit documentation supporting the eligibility of that individual or their family to receive a medal; and

''(B) determine through the documentation provided, and, if necessary, independent investigation, whether the individual or family is eligible to receive a medal.

''(4) DELIVERY.—The Secretary shall make suitable arrangements as necessary with the Secretary of the Treasury to strike and deliver the medals described in paragraph (3).

''(5) PRESENTATION.—The Secretary shall provide for the presentation to the relevant organ procurement organizations all medals struck pursuant to this section to individuals or families that, in accordance with paragraph (3), the Organ Procurement and Transplantation Network has determined eligible to receive medals.

''(6) LIMITATION.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), only 1 medal may be presented to a family under paragraph (5). Such medal shall be presented to the donating family member, or in the case of a deceased donor, the family member who signed the consent form authorizing, or who otherwise authorized, the donation of the organ involved.

''(B) ADDITIONAL MEDALS.—In the case of a family in which more than 1 member is an organ donor, an additional medal may be presented to each such organ donor or their family.

''(7) DUPLICATES.—The Secretary or the Organ Procurement and Transplantation Network may provide duplicates of a medal—

''(A) to any recipient of a medal under paragraph (4) under such regulation as the Secretary may issue; and

''(B) the cost of which shall be sufficient to cover the costs of such duplicates.

''(8) NATIONAL MEDALS.—The medals struck pursuant to this subsection are national medals for purposes of section 5111 of title 31, United States Code.

''(9) APPLICABILITY OF PROVISIONS.—No provision of law governing procurement or public contracts shall be applicable to the procurement of goods or services necessary for carrying out the provisions of this subsection.

''(10) FUNDING.—

''(A) AGREEMENTS.—The Secretary of the Treasury may enter into an agreement with the Organ Procurement and Transplantation Network to collect funds to offset expenditures relating to the issuance of medals authorized under this subsection.

''(B) PAYMENT AND LIMITATION.—

''(i) PAYMENT.—Except as provided in clause (ii), all funds received by the Organ Procurement and Transplantation Network under this paragraph shall be promptly paid to the Secretary of the Treasury.

''(ii) LIMITATION.—Not more than 5 percent of any funds received under this paragraph may be used to pay administrative costs incurred by the Organ Procurement and Transplantation Network as a result of an agreement established under this subsection.

''(C) DEPOSITS AND EXPENDITURES.—Notwithstanding any other provision of law—

''(i) all amounts received by the Secretary of the Treasury under paragraph (10)(A)(i) shall be deposited in the Numismatic Public Enterprise Fund, as described in section 5134 of title 31, United States Code; and

''(ii) the Secretary of the Treasury shall charge such fund with all expenditures relating to the issuance of medals authorized under this subsection.

''(D) START-UP COSTS.—A one-time amount of not to exceed $55,000 shall be provided by the Secretary to the Organ Procurement and Transplantation Network to cover initial start-up costs to be paid back in full within 3 years of the date of enactment of this section from funds received under this subsection.

''(11) DEFINITION.—For the purposes of this section, the term 'organ' means the human kidney, liver, heart, lung, pancreas, and any other human organ (other than corneas and eyes) specified by regulation by the Secretary.

''(12) EFFECTIVE DATE.—This subsection shall be effective for the 5-year period beginning on the date of the enactment of this section.

''(e) ANNUAL REPORT TO CONGRESS.—The Secretary shall submit to the Congress an annual report on the activities carried out under this section, including provisions describing the extent to which the activities have affected the rate of organ donation.

''(f) AUTHORIZATION OF APPROPRIATIONS.—

''(1) IN GENERAL.—For the purpose of carrying out this section, there are authorized to be appropriated $10,000,000 for fiscal year 2000, and such sums as may be necessary for each of the fiscal years 2001 through 2005. Such authorization of appropriations is in addition to any other authorizations of appropriations that are available for such purpose.

''(2) PUBLIC AWARENESS.—Of the amounts appropriated under paragraph (1) for a fiscal year, the Secretary may not obligate more than $2,000,000 for carrying out subsection (a).''.

SEC. 10. AUTHORIZATION OF APPROPRIATIONS.

Section 378 of the Public Health Service Act (42 U.S.C. 274g) is amended to read as follows:

''SEC. 378. AUTHORIZATION OF APPROPRIATIONS FOR ORGAN PROCUREMENT AND TRANSPLANTATION NETWORK.

''For the purpose of providing for the Organ Procurement and Transplantation Network under section 372, and for the Scientific Registry under section 373, there are authorized to be appropriated $4,000,000 for fiscal year 2000, and such sums as may be necessary for each of fiscal years 2001 through 2005.''.

SEC. 11. PREEMPTION.

Part H of title III of the Public Health Service Act (42 U.S.C. 273 et seq.) is amended by inserting after section 378 the following:

''SEC. 378A. PREEMPTION.

''No State or political subdivision of a State shall establish or continue in effect any law, rule, regulation, or other requirement that would restrict in any way the ability of any transplant hospital, organ procurement organization, or other entity to comply with the organ allocation policies of the Network under this part.''.

SEC. 12. EFFECTIVE DATE.

The amendments made by this Act shall take effect on October 1, 2000, or upon the date of enactment of this Act, whichever occurs later.

By Mr. DURBIN (for himself and Mr. LEVIN):

S. 2399. A bill to amend title XVIII of the Social Security Act to revise the coverage of immunosuppressive drugs under the Medicare program; to the Committee on Finance.

COMPREHENSIVE IMMUNOSUPPRESSIVE DRUG COVERAGE FOR TRANSPLANT PATIENTS ACT OF 2000

• Mr. DURBIN. Mr. President, I rise to make a few remarks concerning this bill I am introducing today, which will help many Medicare beneficiaries who have had organ transplants.

Every year, over 4,000 people die waiting for an organ transplant. Currently, over 62,000 Americans are waiting for a donor organ. It is this scarcity that has fueled the current controversy over organ allocation.

Given that organs are extremely scarce, Federal law should not compromise the success of organ transplantation. Yet that is exactly what current Medicare policy does, because Medicare denies certain transplant patients coverage for the drugs needed to prevent rejection.

Medicare does this in three different ways. Firstly, Medicare has time limits on coverage of immunosuppressive drugs. Permanent Medicare law only provides immunosuppressive drug coverage for 3 years with expanded coverage totaling 3 years and 8 months between 2000 and 2004. However, 61 percent of patients receiving a kidney transplant after someone has died still have the graft intact 5 years after transplantation. 76.6 percent of patients receiving a kidney from a live donor still have their transplant intact after 5 years post transplantation. For livers, the graft survival rate after 5 years is 62 percent. For hearts, the 5 year graft survival rate is 67.7 percent. So many Medicare beneficiaries lose coverage of the essential drugs that are needed to maintain their transplant.

Secondly, Medicare does not pay for anti-rejection drugs for Medicare beneficiaries, who received their transplants prior to becoming a Medicare beneficiary. So for instance, if a person received a transplant at age 64 through their health insurance plan, when they retire and rely on Medicare for their health care they will no longer have immunosuppressive drug coverage.

Thirdly, Medicare only pays for anti-rejection drugs for transplants performed in a Medicare approved transplant facility. However, many beneficiaries are completely unaware of this fact and how it can jeopardize their future coverage of immunosuppressive drugs. To receive an organ transplant, a person must be very ill and many are far too ill at the time of transplantation to be researching the intricate nuances of Medicare coverage policy.

The bill that I am introducing today, the ''Comprehensive Immunosuppressive Drug Coverage for Transplant Patients of 2000 Act'' would remove these short-sighted limitations. The bill sets up a new, easy to follow policy: All Medicare beneficiaries who have had a transplant and need immunosuppressive drugs to prevent rejection of their transplant, would be covered as long as such anti-rejection drugs were needed.

I am introducing this bill on behalf of some of the constituents that I have met who are unfortunately very adversely affected by the current gaps in Medicare coverage.

Richard Hevrdejs was a Chicago attorney in private practice until 1993. Unfortunately, he suffered a debilitating heart attack that year, which left him unable to work and on disability. In 1997, suffering from congestive heart failure, he was placed on a Heart-Mate machine at the University of Illinois Medical Center (UIC). In April of 1998, he received a heart transplant at UIC but because UIC was not at the time a Medicare approved facility for heart transplants, Medicare will not cover his immunosuppressive drugs. Richard was near death when he had his transplant and was in no condition to research the intricacies of Medicare coverage policies. His drug costs are now around $25,000 per year. He gets some assistance from the drug company medical assistance plans and he has a Medigap policy that provides a little assistance. But for the most part, he is forced to watch all his savings dwindle because of Medicare's coverage gaps.

Anita Milton is from Morris, Illinois. In 1995, she became so disabled that she was no longer able to work and was forced onto disability. The following year, her lungs gave up and she had to have a bilateral lung transplant. Because Medicare s not available for 2 years after a person becomes eligible for disability, Anita was not on Medicare when she had the transplant. Today, the huge bills for the transplant remain at collection agencies. Because Anita was not on Medicare when she received her transplant, she does not receive Medicare coverage for the antirejection drugs that she needs. She receives $940 in disability payments per month. She is now on Medicaid but due to the spend down requirements in Illinois, she must spend $689 on drug costs to get Medicaid converge for her drugs. In effect, she gets coverage every month. Anita cannot afford her anti-rejection drugs and she tried to scale back on them. This caused her to nearly reject the transplant. Consequently, she has lost a third of her lung capacity permanently. As Anita said at a Town Hall meeting in Chicago in January ''these Medicare and Medicaid rules make no sense.''

I am introducing this bill on the same day that another bill the ''Organ Transplant Act of 2000'', which I am an original cosponsor is also being introduced. The ''Organ Transplant Fairness Act'' also seeks to change another aspect of Federal law to improve the Nation's organ allocation system. The two bills are good companions. It makes little sense to improve the organ allocation system to maximize the success of organ transplantation and increase the number of lives saved, if we do not at the same time reduce the ways that Medicare jeopardizes transplants by denying transplant patients the anti-rejection drugs they need to maintain their transplant.

Mr. President, I ask unanimous consent that a copy of the bill the ''Comprehensive Immunosuppresive Drug Coverage for Transplant Patients of 2000'' be printed in the RECORD.

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

S. 2399

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 ''Comprehensive Immunosuppressive Drug Coverage for Transplant Patients Act of 2000''.

SEC. 2. REVISION OF COVERAGE OF IMMUNOSUPPRESSIVE DRUGS UNDER THE MEDICARE PROGRAM.

(a) REVISION.—

(1) IN GENERAL.—Section 1861(s)(2)(J) of the Social Security Act (42 U.S.C. 1395x(s)(2)(J))

(as amended by section 227(a) of the Medicare, Medicaid, and SCHIP Balanced Budget Refinement Act of 1999 (113 Stat. 1501A–354), as enacted into law by section 1000(a)(6) of Public Law 106–113) is amended by striking '', to an individual who receives'' and all that follows before the semicolon at the end and inserting ''to an individual who has received an organ transplant''.

(2) CONFORMING AMENDMENTS.—

(A) Section 1832 of the Social Security Act (42 U.S.C. 1395k) (as amended by section 227(b) of the Medicare, Medicaid, and SCHIP Balanced Budget Refinement Act of 1999 (113 Stat. 1501A–354), as enacted into law by section 1000(a)(6) of Public Law 106–113) is amended—

(i) by striking subsection (b); and

(ii) by redesignating subsection (c) as subsection (b).

(B) Subsections (c) and (d) of section 227 of the Medicare, Medicaid, and SCHIP Balanced Budget Refinement Act of 1999 (113 Stat. 1501A–355), as enacted into law by section 1000(a)(6) of Public Law 106–113, are repealed.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to drugs furnished on or after the date of enactment of this Act.

(b) EXTENSION OF CERTAIN SECONDARY PAYER REQUIREMENTS.—Section 1862(b)(1)(C) of the Social Security Act (42 U.S.C. 1395y(b)(1)(C)) is amended by adding at the end the following: ''With regard to immunosuppressive drugs furnished on or after the date of enactment of the Comprehensive Immunosuppressive Drug Coverage for Transplant Patients Act of 2000, this subparagraph shall be applied without regard to any time limitation.''.●

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

S. 2401. A bill to provide jurisdictional standards for imposition of State and local business activity, sales, and use tax obligations on interstate commerce, and for other purposes; to the Committee on Finance.

THE NEW ECONOMY TAX SIMPLIFICATION ACT

● Mr. GREGG. Mr. President, I rise today with Senator KOHL to introduce the New Economy Tax Simplification Act or NETSA. Electronic commerce is reshaping our society. In many ways, the strong economic conditions we currently enjoy are a result of the convenience, lower costs, and global connections provided by the internet. The question for us as a nation is how to manage this new enterprise so that it continues to benefit our nation's economy, particularly in regard to the taxation of e-commerce.

So far, the government's hands-off approach is working. Our nation's unemployment and inflation rates are at record lows and higher paying jobs are being created at a tremendous rate. Many financial experts attribute the record low inflation rates to the Internet. A University of Texas study found that the Internet economy grew an astounding 68% rate in the past 12 months.

Another sign of the good times is the surplus revenue flowing into federal and state treasuries all over the nation. The federal government's budget is balanced for the first time in a generation and the 50 states ended 1998 with a collective surplus of $11 billion. States are seeing revenue increases of more than 5 percent a year through the 1990's. This hardly seems like a compelling rationale for levying taxes on the Internet. Yet a heated debate is raging between those who want to keep the internet free of taxes and state and local governments who seek to impose widespread taxes on internet sales.

The Advisory Commission on Electronic Commerce (ACEC), set up by Congress last year to develop recommendations on Internet taxes, recently concluded its final meeting but failed to reach the required supermajority to make any formal recommendations. Notably, it did agree by a simple majority vote to extend the current moratorium on Internet taxes for five years.

The Commission is set to deliver it's report to Congress tomorrow. It will recommend that we extend the internet tax moratorium for another five years and I fully support this. The Commission will also ask Congress to establish nexus safeguards—to make clear when a State or municipality has the power to levy taxes. Our legislation establishes these important nexus safeguards.

Currently, online sales are governed by the very same tax rules that govern mail order sales. The existing rules of the road are based upon two prior Supreme Court decisions—National Bellas Hess case in 1967, and the Quill case in 1992. Both decisions established the power of state tax authority to be limited by nexus—or the scope of a company's connection to the taxing state.

Local sales taxes are incredibly complex. There are 7,600 different tax jurisdictions across the country—within these systems about 600–700 rate changes occur per year. There are 46 different sets of rules (45 states and the District of Columbia have state sales tax). If forced to comply with these rules, companies would be filing 425 tax returns each month or 5,100 a year.

The Gregg/Kohl bill, the New Economy Tax Simplification Act (NETSA), codifies these mail order tax rules as outlined in the Quill decision, updating this decision for the 21st century.

Sales/use tax nexus rules are court-based, and income tax nexus rules are based upon a 1950s federal statute that applies only to tangible goods. The Gregg/Kohl plan would codify nexus standards across the board. This legislation would update and strengthen the nexus standards for the 21st Century economy—ensuring that intangible sales, web pages and servers do not cause nexus. It maintains current constitutional principles and keeps state powers within their jurisdictions, and does not try to pre-empt a state's tax authority within its own borders.

I ask unanimous consent that the full 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. 2401

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 ''The New Economy Tax Simplification Act (NETSA)''.

SEC. 2. JURISDICTIONAL STANDARDS FOR THE IMPOSITION OF STATE AND LOCAL BUSINESS ACTIVITY, SALES, AND USE TAX OBLIGATIONS ON INTERSTATE COMMERCE.

Title I of the Act entitled ''An Act relating to the power of the States to impose net income taxes on income derived from interstate commerce, and authorizing studies by congressional committees of matters pertaining thereto'', approved on September 14, 1959 (15 U.S.C. 381 et seq.), is amended to read as follows:

''TITLE I—JURISDICTIONAL STANDARDS

''SEC. 101. IMPOSITION OF STATE AND LOCAL BUSINESS ACTIVITY, SALES, AND USE TAX OBLIGATIONS ON INTERSTATE COMMERCE.

''(a) IN GENERAL.—No State shall have power to impose, for any taxable year ending after the date of enactment of this title, a business activity tax or a duty to collect and remit a sales or use tax on the income derived within such State by any person from interstate commerce, unless such person has a substantial physical presence in such State. A substantial physical presence is not established if the only business activities within such State by or on behalf of such person during such taxable year are any or all of the following:

''(1) The solicitation of orders or contracts by such person or such person's representative in such State for sales of tangible or intangible personal property or services, which orders or contracts are approved or rejected outside the State, and, if approved, are fulfilled by shipment or delivery of such property from a point outside the State or the performance of such services outside the State.

''(2) The solicitation of orders or contracts by such person or such person's representative in such State in the name of or for the benefit of a prospective customer of such person, if orders or contracts by such customer to such person to enable such customer to fill orders or contracts resulting from such solicitation are orders or contracts described in paragraph (1).

''(3) The presence or use of intangible personal property in such State, including patents, copyrights, trademarks, logos, securities, contracts, money, deposits, loans, electronic or digital signals, and web pages, whether or not subject to licenses, franchises, or other agreements.

''(4) The use of the Internet to create or maintain a World Wide Web site accessible by persons in such State.

''(5) The use of an Internet service provider, on-line service provider, internetwork communication service provider, or other Internet access service provider, or World Wide Web hosting services to maintain or take and process orders via a web page or site on a computer that is physically located in such State.

''(6) The use of any service provider for transmission of communications, whether by cable, satellite, radio, telecommunications, or other similar system.

''(7) The affiliation with a person located in the State, unless—

''(A) the person located in the State is the person's agent under the terms and conditions of subsection (d); and

''(B) the activity of the agent in the State constitutes substantial physical presence under this subsection.

''(8) The use of an unaffiliated representative or independent contractor in such State for the purpose of performing warranty or repair services with respect to tangible or intangible personal property sold by a person located outside the State.

''(b) DOMESTIC CORPORATIONS; PERSONS DOMICILED IN OR RESIDENTS OF A STATE.—The provisions of subsection (a) shall not apply to the imposition of a business activity tax or a duty to collect and remit a sales or use tax by any State with respect to—

''(1) any corporation which is incorporated under the laws of such State; or

''(2) any individual who, under the laws of such State, is domiciled in, or a resident of, such State.

''(c) SALES OR SOLICITATION OF ORDERS OR CONTRACTS FOR SALES BY INDEPENDENT CONTRACTORS.—For purposes of subsection (a), a person shall not be considered to have engaged in business activities within a State during any taxable year merely by reason of sales of tangible or intangible personal property or services in such State, or the solicitation of orders or contracts for such sales in such State, on behalf of such person by one or more independent contractors, or by reason of the maintenance of an office in such State by one or more independent contractors whose activities on behalf of such person in such State consist solely of making such sales, or soliciting orders or contracts for such sales.

''(d) ATTRIBUTION OF ACTIVITIES AND PRESENCE.—For purposes of this section, the substantial physical presence of any person shall not be attributed to any other person absent the establishment of an agency relationship between such persons that—

''(1) results from the consent by both persons that one person act on behalf and subject to the control of the other; and

''(2) relates to the activities of the person within the State.

''(e) DEFINITIONS.—For purposes of this title—

''(1) BUSINESS ACTIVITY TAX.—The term 'business activity tax' means a tax imposed on, or measured by, net income, a business license tax, a business and occupation tax, a franchise tax, a single business tax or a capital stock tax, or any similar tax or fee imposed by a State.

''(2) INDEPENDENT CONTRACTOR.—The term 'independent contractor' means a commission agent, broker, or other independent contractor who is engaged in selling, or soliciting orders or contracts for the sale of, tangible or intangible personal property or services for more than one principal and who holds himself or herself out as such in the regular course of his or her business activities.

''(3) INTERNET.—The term 'Internet' means collectively the myriad of computer and telecommunications facilities, including equipment and operating software, which comprise the interconnected world-wide network of networks that employ the Transmission Control Protocol/Internet Protocol, or any predecessor or successor protocols to such Protocol.

''(4) INTERNET ACCESS.—The term 'Internet access' means a service that enables users to access content, information, electronic mail, or other services offered over the Internet, and may also include access to proprietary content, information, and other services as a part of a package of services offered to users.

''(5) REPRESENTATIVE.—The term 'representative' does not include an independent contractor.

''(6) SALES TAX.—The term 'sales tax' means a tax that is—

''(A) imposed on or incident to the sale of tangible or intangible personal property or services as may be defined or specified under the laws imposing such tax; and

''(B) measured by the amount of the sales price, cost, charge, or other value of or for such property or services.

''(7) SOLICITATION OF ORDERS OR CONTRACTS.—The term 'solicitation of orders or contracts' includes activities normally ancillary to such solicitation.

''(8) STATE.—The term 'State' means any of the several States, the District of Columbia, or any territory or possession of the United States, or any political subdivision thereof.

''(9) USE TAX.—The term 'use tax' means a tax that is—

''(A) imposed on the purchase, storage, consumption, distribution, or other use of tangible or intangible personal property or services as may be defined or specified under the laws imposing such tax; and

''(B) measured by the purchase price of such property or services.

''(10) WORLD WIDE WEB.—The term 'World Wide Web' means a computer server-based file archive accessible, over the Internet, using a hypertext transfer protocol, file transfer protocol, or other similar protocols.

''(f) APPLICATION OF SECTION.—This section shall not be construed to limit, in any way, constitutional restrictions otherwise existing on State taxing authority.

''SEC. 102. ASSESSMENT OF BUSINESS ACTIVITY TAXES.

''(a) LIMITATIONS.—No State shall have power to assess after the date of enactment of this title any business activity tax which was imposed by such State or political subdivision for any taxable year ending on or before such date, on the income derived for activities within such State that affect interstate commerce, if the imposition of such tax for a taxable year ending after such date is prohibited by section 101.

''(b) COLLECTIONS.—The provisions of subsection (a) shall not be construed—

''(1) to invalidate the collection on or before the date of enactment of this title of any business activity tax imposed for a taxable year ending on or before such date; or

''(2) to prohibit the collection after such date of any business activity tax which was assessed on or before such date for a taxable year ending on or before such date.

''SEC. 103. TERMINATION OF SUBSTANTIAL PHYSICAL PRESENCE.

''If a State has imposed a business activity tax or a duty to collect and remit a sales or use tax on a person as described in section 101, and the person so obligated no longer has a substantial physical presence in that State, the obligation to pay a business activity tax or to collect and remit a sales or use tax on behalf of that State applies only for the period in which the person has a substantial physical presence.

''SEC. 104. SEPARABILITY.

''If any provision of this title or the application of such provision to any person or circumstance is held invalid, the remainder of this title or the application of such provision to persons or circumstances other than those to which it is held invalid, shall not be affected thereby.''.●

Mr. KOHL. Mr. President, today Senator GREGG and I are introducing legislation, the New Economy Tax Simplification Act, to ask government to step out of the way of the growing Internet economy and take a middle ground approach to taxation of Internet commerce. Our legislation does not stop any one State from forcing Internet companies within its borders to collect the sales taxes collected by any other business within its borders. But it does stop every one of the over 7000 local taxing jurisdictions from imposing every one of their unique rules, regulations, and rates on every business that sells over the Internet or through the mail.

We are not here today to ask for special treatment for companies that sell on the Internet. We simply want to make sure that businesses that are tackling the market with 21st century technology are not bled to death by the Byzantine local tax system.

All companies—regardless of whether they now sell over the Internet or not—benefit from the economic boom and consumer convenience provided by computer commerce. If you don't sell over the Internet now; you probably buy there. If you don't work for a company whose economic fortune is tied to Internet sales or information, your spouse, child, or neighbor probably does. If you haven't invested in one of these successful Internet businesses, they have probably invested in you: in the charities in your community, in the jobs that are growing our economy everywhere; in the State programs financed by the taxes these companies rightly pay to the States in which they have a physical presence.

Our bill provides a clear set of standards for businesses operating across state lines through mail-order sales or the Internet. And—very significantly—it also protects the rights of state and local officials to determine tax policy within their own jurisdictions.

Some have called for a complete ban on sales taxes on Internet goods. Still others have claimed that companies should collect sales taxes on all of their products without regard to the point of sale or the state or residence of the consumer.

We strike a balance between these two extremes. Just as my Wisconsin constituents should not have to pay local sales taxes for schools and sewers in Texas, Nebraska, or New York; it also makes sense that a Wisconsin business should not be forced to collect taxes to support fire and police protection in the other states. Businesses should collect the sales taxes that support the government services they receive.

But the main reason I am here today is to protect against a Federal red tape nightmare that would prevent the very growth that we all wish to promote. There are over 7,000 tax jurisdictions in this country, all with their own tax rates, exemptions, audit requirements and appeals procedures. Requiring compliance with all those jurisdictions would mean learning and complying with 46 sets of rules. Under this scenario, companies would have to file more than 425 tax returns every month. That amounts to approximately 5100 tax returns every year.

Internet and mail order companies, as well as traditional main street stores who are developing or using Internet services, serve consumers who like the convenience of phone or Internet shopping or who are unable to leave their homes to shop. They offer

greater convenience and greater choice. And they offer small specialty businesses the chance to grow into successful big businesses.

Our bill will allow these vital markets to continue to flourish—free from a tangle of tax red tape. It will also allow state and local officials to continue to collect taxes as they see fit within their own jurisdictions. We believe it strikes the proper balance, and we look forward to convincing our colleagues that it is worthy of their support.

By Mr. CLELAND:

S. 2402. A bill to amend title 38, United States Code, to enhance and improve educational assistance under the Montgomery GI bill in order to enhance recruitment and retention of members of the Armed Forces, and for other purposes; to the Committee on Veterans' Affairs.

HELPING OUR PROFESSIONALS EDUCATIONALLY (HOPE) ACT OF 2000

Mr. CLELAND. Mr. President, I come before you today to introduce legislation that addresses the educational needs of our men and women in uniform and their families. I call this measure the HOPE Act of 2000: HOPE, Helping Our Professionals Educationally—that is, our military professionals.

The great Stephen Ambrose, the marvelous historian of World War II, the author of ''D-Day'' and other books, has said the GI bill is the single best piece of legislation ever passed by the Federal Government.

Last year, Time magazine named the American GI as the Person of the Century—how appropriate. That alone is a powerful statement about the high value of our military personnel. They are recognized around the world for their dedication and commitment to fight for our country and for peace in the world. This past century has been the most violent one in modern memory. The American GI has fought in the trenches during the first World War, the beaches at Normandy, in the hills of Korea, in the jungles of Vietnam, in the deserts of the Persian Gulf, and most recently in the valleys of the Balkans.

During that period, the face of our military and the people who fight our wars has changed dramatically. The traditional image of the single, mostly male, drafted, and ''disposable'' soldier is now gone. Today we are fielding the force for the 21st century. This new force is a volunteer force, filled with men and women who are highly skilled, married, and definitely not disposable. Gone are the days when quality of life for a GI meant a beer in the barracks and a 3-day pass. Now, we know we have to recruit a soldier but retain a family.

We have won the cold war. This victory has further changed the world and our military. The new world order has given way to a new world disorder. United States is responding to crises around the globe—whether it be strategic bombing or humanitarian assistance—and our military is often seen as our most effective response and our best ambassadors. In order to meet these challenges, we are retooling our forces to be lighter, leaner, and meaner. This is a positive move. Along with this lighter force, our military professionals must be highly educated and highly trained.

Our Nation is currently experiencing the longest continuous peacetime economic growth in our history. This economic expansion has been a boon for our country. However, there has been a downside to this growing economy insofar as our Armed Forces are concerned. With the enticement of quick prosperity in the civilian sector it is more difficult than ever to recruit and retain our highly skilled forces.

In fiscal year 1999, the Army missed it recruiting goals by 6291 recruits, while the Air Force missed its goal by 1,732 recruits. Pilot retention problems persist for all services; for fiscal year 1999 the Air Force ended up 1,200 pilots short and the Navy ended 500 pilots short. We have other problems. The Army is having problems retaining captains, while the Navy faces manning challenges for surface warfare officers and special warfare officers. It is estimated that $6 million is spent to train a pilot. We as a nation cannot afford to continually train our people, only to lose them to the private sector. It is unarguably far better to retain than retrain.

There is hope that we are now beginning to address these challenges. Last year was a momentous one for our military personnel. The Senate passed legislation that significantly enhances the quality of life for our military personnel. I am the Ranking Democrat on the Armed Service, Committee. The Senate, with my vote and support, passed legislation that significantly enhances the quality of life for our military personnel from retirement reform to pay raises. This Congress is on record supporting our men and women in uniform. However, more must be done.

In talking with our military personnel on my visits to the military bases in Georgia and around the world, we know that money alone is not enough. One of the things I would like to do is focus on education as a wonderful addition to the positive incentives we offer people to come into the military and stay in the military. Education, as a matter of fact, is the No. 1 reason service members come into the military. Unfortunately it is also the No. 1 reason why its members are leaving. We have to restructure our educational program in the military. We have to have a new GI bill. We have to provide hope to our military people, hope that the military can become the greatest university they will ever encounter.

Last year the Senate began to address this issue by supporting improved education benefits for military members and their families but we encountered some concerns in the House. Since last year, we have gone back and studied this issue further. In reviewing the current Montgomery GI bill—named after the wonderful Representative from Mississippi, Congressman Sonny Montgomery—we found several disincentives and conflicts among the education benefits offered by the services. These conflicts make the GI bill, which is actually an earned benefit, less attractive than it could be.

My legislation will improve and enhance the current educational benefits and create the GI bill for the 21st century.

One of the most important provisions of my legislation would give the Service Secretaries the ability to authorize a service member to transfer his or her basic MGIB benefits, educationally, to family members. Many service members tell us that they really want to stay in the service, but do not feel that they can stay and provide an education for their families. This proposed change will give them an opportunity to stay in the service and still provide an education for their spouses and children. It will give the Service Secretaries a very powerful retention tool by allowing them to authorize transfer of basic GI bill benefits, that are earned through the service of the service man or woman, anytime after 6 years of service.

To encourage members to stay longer, the transferred benefits could not be used until completion of at least 10 years of service. I believe that the services can use this much like a reenlistment bonus to retain valuable service members. It can be creatively combined with reenlistment bonuses to create a very powerful and cost effective incentive for highly skilled military personnel to stay in the Service. In talking with service members upon their departure from the military, we have found that family considerations play a crucial role in the decision of a member to continue their military career.

I found in discussions with military families and service members that at the 8- to 10- to 12-year mark when young service members are beginning to make a choice about whether to stay in the military, that choice is driven not so much by their own choice to serve the country—obviously they want to serve the country and stay in the military—that choice is more and more driven by family needs, whether their spouse is employed or whether their spouse would like to gain an extra degree or whether they need to create a college fund for their kids.

Reality dictates that we must address the needs of the family in order to retain our soldiers, sailors, airmen, and marines.

My legislation would also give the Secretaries the authority to authorize the Veterans' Educational Assistance Program, known as VEAP. Those

VEAP participants and those active duty personnel who did not enroll in Montgomery GI bill to participate in the current GI bill program. The VEAP participants would contribute $1,200, and those who did not enroll in the Montgomery GI bill would contribute $1,500. The services would pay any additional costs of the benefits of this measure.

Another enhancement made by my proposal to the current GI bill extends the period in which the members of Reserve Components can utilize the program. I was shocked to find out that currently, Reserve members lose their education benefits when they leave the service or after 10 years of service. Amazing, they have no benefits when they leave service. My legislation will permit them to use the benefits up to 5 years after their separation from the military. This will encourage them to stay in the Reserves for a full career.

It is obvious we are calling upon our reservists and our guards men and women more and more to fulfill our commitments around the globe. This will, I think, fulfill this Nation's commitment, certainly to our reservists, for an improvement in their educational opportunities.

Other provisions of this legislation would allow the Service Secretaries to pay 100 percent tuition assistance or enable service members to use the GI bill to cover any unpaid tuition and expenses when the services do not pay 100 percent of tuition.

This will allow a service member an additional incentive to use the GI bill in service. Education begets education.

I believe this is a necessary next step for improving education benefits for our military members and their families. We have to offer them credible choices. If we offer them such options and treat the members and their families properly, we will show them our respect for their service and dedication, which they expect. Maybe then we can turn around our current sad retention statistics. This GI bill is an important retention tool for the services.

We must continue to focus our resources on retaining our personnel based on their actual life needs, particularly their need for an educational opportunity. This bill gives them hope.

ADDITIONAL COSPONSORS

S. 682

At the request of Mr. HELMS, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 682, a bill to implement the Hague Convention on Protection of Children and Co-operation in Respect of Intercounty Adoption, and for other purposes.

S. 729

At the request of Mr. CRAIG, the name of the Senator from North Carolina (Mr. HELMS) was added as a cosponsor of S. 729, a bill to ensure that Congress and the public have the right to participate in the declaration of national monuments on federal land.

S. 1016

At the request of Mr. DEWINE, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. 1016, a bill to provide collective bargaining for rights for public safety officers employed by States or their political subdivisions.

S. 1116

At the request of Mr. NICKLES, the name of the Senator from Louisiana (Mr. BREAUX) was added as a cosponsor of S. 1116, a bill to amend the Internal Revenue Code of 1986 to exclude income from the transportation of oil and gas by pipeline from subpart F income.

S. 1507

At the request of Mr. CAMPBELL, the name of the Senator from Alaska (Mr. MURKOWSKI) was added as a cosponsor of S. 1507, a bill to authorize the integration and consolidation of alcohol and substance programs and services provided by Indian tribal governments, and for other purposes.

S. 1638

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

S. 1642

At the request of Mr. COCHRAN, the name of the Senator from Arkansas (Mrs. LINCOLN) 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. 1729

At the request of Mr. CAMPBELL, the names of the Senator from Wisconsin (Mr. KOHL), the Senator from Wisconsin (Mr. FEINGOLD), and the Senator from North Dakota (Mr. DORGAN) were added as cosponsors of S. 1729, a bill to amend the National Trails System Act to clarify Federal authority relating to land acquisition from willing sellers for the majority of the trails, and for other purposes.

S. 1738

At the request of Mr. JOHNSON, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 1738, a bill to amend the Packers and Stockyards Act, 1921, to make it unlawful for a packer to own, feed, or control livestock intended for slaughter.

S. 1755

At the request of Mr. DORGAN, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 1755, a bill to amend the Communications Act of 1934 to regulate interstate commerce in the use of mobile telephones.

S. 1855

At the request of Mr. MURKOWSKI, the name of the Senator from Missouri (Mr. BOND) was added as a cosponsor of S. 1855, a bill to establish age limitations for airmen.

S. 1941

At the request of Mr. DODD, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. 1941, a bill to amend the Federal Fire Prevention and Control Act of 1974 to authorize the Director of the Federal Emergency Management Agency to provide assistance to fire departments and fire prevention organizations for the purpose of protecting the public and firefighting personnel against fire and fire-related hazards.

S. 1946

At the request of Mr. INHOFE, the name of the Senator from Georgia (Mr. CLELAND) was added as a cosponsor of S. 1946, a bill to amend the National Environmental Education Act to redesignate that Act as the ''John H. Chafee Environmental Education Act,'' to establish the John H. Chafee Memorial Fellowship Program, to extend the programs under that Act, and for other purposes.

S. 1998

At the request of Mr. MCCAIN, the name of the Senator from Arizona (Mr. KYL) was added as a cosponsor of S. 1998, a bill to establish the Yuma Crossing National Heritage Area.

S. 2018

At the request of Mrs. HUTCHISON, the name of the Senator from Pennsylvania (Mr. SANTORUM) was added as a cosponsor of S. 2018, 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. 2062

At the request of Mr. DEWINE, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. 2062, a bill to amend chapter 4 of title 39, United States Code, to allow postal patrons to contribute to funding for organ and tissue donation awareness through the voluntary purchase of certain specially issued United States postage stamps.

S. 2082

At the request of Mr. DEWINE, the name of the Senator from Vermont (Mr. JEFFORDS) was added as a cosponsor of S. 2082, a bill to establish a program to award grants to improve and maintain sites honoring Presidents of the United States.

S. 2084

At the request of Mr. LUGAR, the names of the Senator from Ohio (Mr. DEWINE) and the Senator from Mississippi (Mr. COCHRAN) were added as cosponsors of S. 2084, a bill to amend the Internal Revenue Code of 1986 to increase the amount of the charitable deduction allowable for contributions of food inventory, and for other purposes.

S. 2255

At the request of Mr. MCCAIN, the name of the Senator from Mississippi

(Mr. LOTT) was added as a cosponsor of S. 2255, a bill to amend the Internet Tax Freedom Act to extend the moratorium through calendar year 2006.

S. 2272

At the request of Mr. DEWINE, the name of the Senator from Idaho (Mr. CRAIG) was added as a cosponsor of S. 2272, a bill to improve the administrative efficiency and effectiveness of the Nation's abuse and neglect courts and for other purposes consistent with the Adoption and Safe Families Act of 1997.

S. 2280

At the request of Mr. MCCONNELL, the name of the Senator from Utah (Mr. BENNETT) was added as a cosponsor of S. 2280, a bill to provide for the effective punishment of online child molesters.

S. 2311

At the request of Mr. JEFFORDS, the names of the Senator from Utah (Mr. BENNETT), and the Senator from Connecticut (Mr. LIEBERMAN) were added as cosponsors of S. 2311, a bill to revise and extend the Ryan White CARE Act programs under title XXVI of the Public Health Service Act, to improve access to health care and the quality of health care under such programs, and to provide for the development of increased capacity to provide health care and related support services to individuals and families with HIV disease, and for other purposes.

S. 2314

At the request of Mr. SMITH of New Hampshire, the name of the Senator from Pennsylvania (Mr. SANTORUM) was added as a cosponsor of S. 2314, a bill for the relief of Elian Gonzalez and other family members.

S. 2323

At the request of Mr. MCCONNELL, the names of the Senator from California (Mrs. FEINSTEIN), and the Senator from Florida (Mr. MACK) were added as cosponsors of S. 2323, a bill to amend the Fair Labor Standards Act of 1938 to clarify the treatment of stock options under the Act.

S. 2330

At the request of Mr. ROTH, the names of the Senator from Idaho (Mr. CRAPO) and the Senator from Vermont (Mr. JEFFORDS) were added as cosponsors of S. 2330, a bill to amend the Internal Revenue Code of 1986 to repeal the excise tax on telephone and other communication services.

S. 2340

At the request of Mr. BROWNBACK, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 2340, a bill to direct the National Institute of Standards and Technology to establish a program to support research and training in methods of detecting the use of performance-enhancing substances by athletes, and for other purposes.

S. CON. RES. 81

At the request of Mr. ROTH, the name of the Senator from Minnesota (Mr. WELLSTONE) was added as a cosponsor of S. Con. Res. 81, a concurrent resolution expressing the sense of the Congress that the Government of the People's Republic of China should immediately release Rabiya Kadeer, her secretary, and her son, and permit them to move to the United States if they so desire.

S.J. RES. 3

At the request of Mr. KYL, the name of the Senator from Colorado (Mr. ALLARD) was added as a cosponsor of S.J. Res. 3, a joint resolution proposing an amendment to the Constitution of the United States to protect the rights of crime victims.

SENATE CONCURRENT RESOLUTION 103—HONORING THE MEMBERS OF THE ARMED FORCES AND FEDERAL CIVILIAN EMPLOYEES WHO SERVED THE NATION DURING THE VIETNAM ERA AND THE FAMILIES OF THOSE INDIVIDUALS WHO LOST THEIR LIVES OR REMAIN UNACCOUNTED FOR OR WERE INJURED DURING THAT ERA IN SOUTHEAST ASIA OR ELSEWHERE IN THE WORLD DEFENSE OF UNITED STATES NATIONAL SECURITY INTERESTS

Mr. CLELAND submitted the following concurrent resolution; which was referred to the Committee on the Judiciary:

S. CON. RES. 103

Whereas the United States Armed Forces conducted military operations in Southeast Asia during the period (known as the ''Vietnam era'') from February 28, 1961, to May 7, 1975;

Whereas during the Vietnam era more than 3,403,000 American military personnel served in the Republic of Vietnam and elsewhere in Southeast Asia in support of United States military operations in Vietnam, while millions more provided for the Nation's defense in other parts of the world;

Whereas during the Vietnam era untold numbers of civilian personnel of the United States Government also served in support of United States operations in Southeast Asia and elsewhere in the world;

Whereas May 7, 2000, marks the 25th anniversary of the closing of the period known as the Vietnam era; and

Whereas that date would be an appropriate occasion to recognize and express appreciation for the individuals who served the Nation in Southeast Asia and elsewhere in the world during the Vietnam era: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) honors the service and sacrifice of the members of the Armed Forces and Federal civilian employees who during the Vietnam era served the Nation in the Republic of Vietnam and elsewhere in Southeast Asia or otherwise served in support of United States operations in Vietnam and in support of United States national security interests throughout the world;

(2) recognizes and honors the sacrifice of the families of those individuals referred to in paragraph (1) who lost their lives or remain unaccounted for or were injured during that era, in Southeast Asia or elsewhere in the world, in defense of United States national security interests; and

(3) encourages the American people, through appropriate ceremonies and activities, to recognize the service and sacrifice of those individuals.

SENATE RESOLUTION 285—EXPRESSING THE SENSE OF THE SENATE THAT THERE SHOULD BE PARITY AMONG THE COUNTRIES THAT ARE PARTIES TO THE NORTH AMERICAN FREE TRADE AGREEMENT WITH RESPECT TO THE PERSONAL EXEMPTION ALLOWANCE FOR MERCHANDISE PURCHASED ABROAD BY RETURNING RESIDENTS, AND FOR OTHER PURPOSES

Ms. COLLINS (for herself, Mr. MOYNIHAN, Mr. GREGG, Mr. KYL, Mr. LEAHY, and Mrs. HUTCHISON) submitted the following resolution; which was referred to the Committee on Finance:

S. RES. 285

Whereas the personal exemption allowance is a vital component of trade and tourism;

Whereas many border communities and retailers depend on customers from both sides of the border;

Whereas an United States citizen traveling to Canada or Mexico for less than 24 hours is exempt from paying duties on the equivalent of $200 worth of merchandise on return to the United States, and for trips over 48 hours United States citizens have an exemption of up to $400 worth of merchandise;

Whereas a Canadian traveling in the United States is allowed a duty-free personal exemption allowance of only $50 worth of merchandise for a 24-hour visit, the equivalent of $200 worth of merchandise for a 48-hour visit, and the equivalent of $750 worth of merchandise for a visit of over 7 days;

Whereas Mexico has a 2-tiered personal exemption allowance for its returning residents, set at the equivalent of $50 worth of merchandise for residents returning by car and the equivalent of $300 worth of merchandise for residents returning by plane;

Whereas Canadian and Mexican retail businesses have an unfair competitive advantage over many American businesses because of the disparity between the personal exemption allowances among the 3 countries;

Whereas the State of Maine legislature passed a resolution urging action on this matter;

Whereas the disparity in personal exemption allowances creates a trade barrier by making it difficult for Canadians and Mexicans to shop in American-owned stores without facing high additional costs;

Whereas the United States entered into the North American Free Trade Agreement with Canada and Mexico with the intent of phasing out tariff barriers among the 3 countries; and

Whereas it violates the spirit of the North American Free Trade Agreement for Canada and Mexico to maintain restrictive personal exemption allowance policies that are not reciprocal: Now, therefore, be it

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

(1) the United States Trade Representative and the Secretary of the Treasury, in consultation with the Secretary of Commerce, should initiate discussions with officials of the Governments of Canada and Mexico to achieve parity with respect to the personal exemption allowance structure; and

(2) in the event that parity with respect to the personal exemption allowance of the 3 countries is not reached within 1 year after the date of the adoption of this resolution,

the United States Trade Representative and the Secretary of the Treasury should submit recommendations to Congress on whether legislative changes are necessary to lower the United States personal exemption allowance to conform to the allowance levels established in the other countries that are parties to the North American Free Trade Agreement.

Ms. COLLINS. Mr. President, I thank the Senator from Texas and salute the work she has done on behalf of retail businesses in border communities in Texas on the very issue I am about to discuss.

Mr. President, I rise today to submit a resolution seeking parity among the countries that are parties to the North American Free-Trade Agreement with respect to the personal exemption allowance for merchandise purchased by returning residents. I am pleased to be joined today by Senators MOYNIHAN, KYL, GREGG, HUTCHISON, and LEAHY as original cosponsors.

NAFTA was intended to remove trade barriers among the countries of the United States, Canada, and Mexico. While some of the goals of NAFTA have been realized, glaring inequities remain. One such inequity that affects small businesses, particularly retailers, located in border communities is the difference in personal exemption allowances permitted by the U.S. versus the allowances permitted by Canada and Mexico.

For Maine citizens living near the U.S./Canadian border, moving freely and frequently between the two countries is a way of life. Cross-border business and family relationships abound. The difference in personal exemption allowances, however, puts Maine businesses near the Canadian border at a considerable disadvantage in relation to their Canadian counterparts. Let me explain why. A United States citizen traveling to Canada for fewer than 24 hours is exempt from paying duties on $200 worth of merchandise. For trips over 48 hours, the exemption increases to $400 worth of merchandise. Under our laws, Canadian stores are able to serve both Canadian and American customers and, because of the exemption level, can sell Americans a significant amount of merchandise duty-free.

Unfortunately, this situation only works one way. A Canadian citizen is allowed a duty-free personal exemption allowance of only $50 for a 24-hour visit and $200 for a 48-hour visit. This means that a Canadian shopping for the day in the border communities of Fort Kent, Madawaska, or Calais or indeed anywhere in Maine can bring home only $50 worth of merchandise before a duty is imposed. This is a significant deterrent to Canadians who would otherwise shop in Maine communities.

This disparity harms many Maine businesses, including Central Building Supplies, a small, family-owned home building materials business that has been in the same location in Madawaska, Maine for 35 years. Its owner wrote to me concerned about this issue. Over the past couple years, his small store has lost sales in kitchen cabinets, windows, wood flooring, and ceramic tile largely due to the inequity in duty allowances and the exchange rate. Whether they are located in the St. John Valley or in Washington County, small businesses cite similar problems. The allowance disparity also hurts stores in the Aroostook Centre Mall and the Bangor Mall, which have traditionally attracted Canadian shoppers.

This discrepancy in personal exemption allowances gives an enormous competitive advantage to the Canadian and Mexican retailers. It gives these retailers to our north and the south access to cross-border shoppers while limiting that same opportunity for American retailers. Mr. President, this is not fair trade, and this is not free trade. This parity should be eliminated.

The resolution I am submitting today would express the sense of the Senate that the United States Trade Representative and the Secretary of the Treasury should initiate discussions with officials of the Governments of Canada and Mexico to achieve parity with respect to the personal exemption allowance structure. In the event that parity in the personal exemption is not reached within one year after the date of the adoption of this resolution, this resolution would require the United States Trade Representative and the Secretary of the Treasury to submit recommendations to Congress on whether legislative changes are necessary to achieve personal exemption parity. The steps set forth in this resolution would begin to resolve this inequity. I urge my colleagues to support its swift passage.

I thank the Senator from Texas for not only yielding but for cosponsoring this resolution.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. I commend my colleague from Maine for submitting this resolution. It is very similar to a resolution I submitted 2 years ago. Unfortunately, the U.S. Trade Representative has not taken this cause as a serious cause. I hope with bipartisan support on Senator COLLINS' resolution the U.S. Trade Representative will see this is an issue on the northern border and on the southern border. It is a very serious issue that severely disadvantages retailers in the United States and also is a handicap for the consumers in both Canada and Mexico that want to purchase big items such as television sets, refrigerators, washing machines, and dryers available on the borders that they are not able to purchase without huge tariffs.

We passed the North American Free Trade Agreement to do away with tariffs so we would have free and open trade across our borders. It is not working when it comes to retailing in that cross border area where people walk back and forth. Parity is achieved if you fly in and out of our three countries, but not if you go across by car.

It is a terrible inequity. I hope Senator COLLINS' resolution gets the attention of our U.S. Trade Representative about the seriousness of this issue. I commend her for the resolution.

AMENDMENTS SUBMITTED

LEGISLATION INSTITUTING A FEDERAL FUELS TAX HOLIDAY

COLLINS AMENDMENTS NOS. 3088–3089

(Ordered to lie on the table.)

Ms. COLLINS submitted two amendments intended to be proposed by her to the bill (S. 2285) instituting a Federal fuels tax holiday; as follows:

AMENDMENT NO. 3088

In lieu of the matter proposed to be inserted, insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Federal Fuels Tax Holiday Act of 2000''.

SEC. 2. TEMPORARY REDUCTION IN FUEL TAXES ON GASOLINE, DIESEL FUEL, KEROSENE, AVIATION FUEL, AND SPECIAL FUELS, BY 4.3 CENTS.

(a) TEMPORARY REDUCTION IN FUEL TAXES.—During the applicable period, each rate of tax referred to in subsection (b) shall be reduced by 4.3 cents per gallon.

(b) RATES OF TAX.—The rates of tax referred to in this subsection are the rates of tax otherwise applicable under—

(1) paragraphs (1), (2), and (3) of section 4041(a) of the Internal Revenue Code of 1986 (relating to special fuels),

(2) subsection (m) of section 4041 of such Code (relating to certain alcohol fuels),

(3) subparagraph (C) of section 4042(b)(1) of such Code (relating to tax on fuel used in commercial transportation on inland waterways),

(4) clauses (i), (ii), and (iii) of section 4081(a)(2)(A) of such Code (relating to gasoline, diesel fuel, and kerosene),

(5) paragraph (1) of section 4091(b) of such Code (relating to aviation fuel), and

(6) paragraph (2) of section 4092(b) of such Code (relating to fuel used in commercial aviation).

(c) SPECIAL REDUCTION RULES.—

(1) IN GENERAL.—Subsection (a) shall be applied by substituting for ''4.3 cents''—

(A) ''3.2 cents'' in the case of fuel described in section 4041(a)(2)(B)(ii) of such Code (relating to liquefied petroleum),

(B) ''2.8 cents'' in the case of fuel described in section 4041(a)(2)(B)(iii) of such Code (relating to liquefied natural gas),

(C) ''48.54 cents'' in the case of fuel described in section 4041(a)(3)(A) of such Code (relating to compressed natural gas), and

(D) ''2.15 cents'' in the case of fuel described in section 4041(m)(1)(A)(ii)(I) of such Code (relating to certain alcohol fuel).

(2) CONFORMING RULES.—In the case of a reduction under subsection (a)—

(A) section 4081(c) of such Code shall be applied without regard to paragraph (6) thereof,

(B) section 4091(c) of such Code shall be applied without regard to paragraph (4) thereof,

(C) section 6421(f)(2) of such Code shall be applied by disregarding ''and, in the case'' and all that follows,

(D) section 6421(f)(3) of such Code shall be applied without regard to subparagraph (B) thereof,

(E) section 6427(l)(3) of such Code shall be applied without regard to subparagraph (B) thereof, and

(F) section 6427(l)(4) of such Code shall be applied without regard to subparagraph (B) thereof.

(d) MAINTENANCE OF TRUST FUNDS DEPOSITS.—On April 16, 2000, the Secretary of the Treasury shall determine the amount any Federal trust fund would have received in gross receipts during the applicable period had this section not been enacted. Such amount shall be appropriated and transferred from the general fund to the applicable trust fund in the manner in which such gross receipts would have been transferred by the Secretary of the Treasury and such amount shall be treated as taxes received in the Treasury under the applicable section of the Internal Revenue Code of 1986 described in subsection (b).

(e) APPLICABLE PERIOD.—For purposes of this section, the term ''applicable period'' means the period beginning after April 15, 2000, and ending before January 1, 2001.

SEC. 3. FLOOR STOCKS CREDIT.

(a) IN GENERAL.—If—

(1) before a tax reduction date, a tax referred to in section 2(b) has been imposed on any liquid, and

(2) on such date such liquid is held by a dealer and has not been used and is intended for sale,

there shall be credited (without interest) to the person who paid such tax (hereafter in this section referred to as the ''taxpayer'') against the taxpayer's subsequent semimonthly deposit of such tax an amount equal to the excess of the tax paid by the taxpayer over the amount of such tax which would be imposed on such liquid had the taxable event occurred on the tax reduction date.

(b) CERTIFICATION NECESSARY TO FILE CLAIM FOR CREDIT.—

(1) IN GENERAL.—In any case where liquid is held by a dealer (other than the taxpayer) on the tax reduction date, no credit amount with respect to such liquid shall be allowed to the taxpayer under subsection (a) unless the taxpayer files with the Secretary—

(A) a certification that the taxpayer has given a credit to such dealer with respect to such liquid against the dealer's first purchase of liquid from the taxpayer subsequent to the tax reduction date, and

(B) a certification by such dealer that such dealer has given a credit to a succeeding dealer (if any) with respect to such liquid against the succeeding dealer's first purchase of liquid from such dealer subsequent to the tax reduction date.

(2) REASONABLENESS OF CLAIMS CERTIFIED.—Any certification made under paragraph (1) shall include an additional certification that the claim for credit was reasonable based on the taxpayer's or dealer's past business relationship with the succeeding dealer.

(c) DEFINITIONS.—For purposes of this section—

(1) the terms ''dealer'' and ''held by a dealer'' have the respective meanings given to such terms by section 6412 of the Internal Revenue Code of 1986; except that the term ''dealer'' includes a position holder, and

(2) the term ''tax reduction date'' means April 16, 2000.

(d) CERTAIN RULES TO APPLY.—Rules similar to the rules of subsections (b) and (c) of section 6412 of such Code shall apply for purposes of this section.

SEC. 4. FLOOR STOCKS TAX.

(a) IMPOSITION OF TAX.—In the case of any liquid on which a tax referred to in section 2(b) would have been imposed during the applicable period but for the enactment of this Act, and which is held on the floor stocks tax date by any person, there is hereby imposed a floor stocks tax in an amount equal to the excess of—

(1) the tax referred to in section 2(b) which would be imposed on such liquid had the taxable event occurred on the floor stocks tax date, over

(2) the amount of such tax previously paid (if any) with respect to such liquid.

(b) LIABILITY FOR TAX AND METHOD OF PAYMENT.—

(1) LIABILITY FOR TAX.—A person holding a liquid on the floor stocks tax date to which the tax imposed by subsection (a) applies shall be liable for such tax.

(2) METHOD OF PAYMENT.—The tax imposed by subsection (a) shall be paid in such manner as the Secretary shall prescribe.

(3) TIME FOR PAYMENT.—The tax imposed by subsection (a) shall be paid on or before the date which is 45 days after the floor stocks tax date.

(c) DEFINITIONS.—For purposes of this section—

(1) HELD BY A PERSON.—A liquid shall be considered as ''held by a person'' if title thereto has passed to such person (whether or not delivery to the person has been made).

(2) FLOOR STOCKS TAX DATE.—The term ''floor stocks tax date'' means January 1, 2001.

(3) APPLICABLE PERIOD.—The term ''applicable period'' means the period beginning after April 15, 2000, and ending before January 1, 2001.

(4) SECRETARY.—The term ''Secretary'' means the Secretary of the Treasury or the Secretary's delegate.

(d) EXCEPTION FOR EXEMPT USES.—The tax imposed by subsection (a) shall not apply to any liquid held by any person exclusively for any use to the extent a credit or refund of the tax referred to in section 2(b) is allowable for such use.

(e) EXCEPTION FOR FUEL HELD IN VEHICLE TANK.—No tax shall be imposed by subsection (a) on any liquid held in the tank of a motor vehicle, motorboat, vessel, or aircraft.

(f) EXCEPTION FOR CERTAIN AMOUNTS OF FUEL.—

(1) IN GENERAL.—No tax shall be imposed by subsection (a) on any liquid held on the floor stocks tax date by any person if the aggregate amount of such liquid held by such person on such date does not exceed 2,000 gallons. The preceding sentence shall apply only if such person submits to the Secretary (at the time and in the manner required by the Secretary) such information as the Secretary shall require for purposes of this paragraph.

(2) EXEMPT FUEL.—For purposes of paragraph (1), there shall not be taken into account any liquid held by any person which is exempt from the tax imposed by subsection (a) by reason of subsection (d) or (e).

(3) CONTROLLED GROUPS.—For purposes of this subsection—

(A) CORPORATIONS.—

(i) IN GENERAL.—All persons treated as a controlled group shall be treated as 1 person.

(ii) CONTROLLED GROUP.—The term ''controlled group'' has the meaning given to such term by subsection (a) of section 1563 of the Internal Revenue Code of 1986; except that for such purposes the phrase ''more than 50 percent'' shall be substituted for the phrase ''at least 80 percent'' each place it appears in such subsection.

(B) NONINCORPORATED PERSONS UNDER COMMON CONTROL.—Under regulations prescribed by the Secretary, principles similar to the principles of subparagraph (A) shall apply to a group of persons under common control if 1 or more of such persons is not a corporation.

(g) OTHER LAW APPLICABLE.—All provisions of law, including penalties, applicable with respect to the taxes imposed by chapter 31 or 32 of such Code shall, insofar as applicable and not inconsistent with the provisions of this section, apply with respect to the floor stock taxes imposed by subsection (a) to the same extent as if such taxes were imposed by such chapter.

SEC. 5. BENEFITS OF TAX REDUCTION SHOULD BE PASSED ON TO CONSUMERS.

(a) PASSTHROUGH TO CONSUMERS.—

(1) SENSE OF CONGRESS.—It is the sense of Congress that—

(A) consumers immediately receive the benefit of the reduction in taxes under this Act, and

(B) transportation motor fuels producers and other dealers take such actions as necessary to reduce transportation motor fuels prices to reflect such reduction, including immediate credits to customer accounts representing tax refunds allowed as credits against excise tax deposit payments under the floor stocks refund provisions of this Act.

(2) STUDY.—

(A) IN GENERAL.—The Comptroller General of the United States shall conduct a study of the reduction of taxes under this Act to determine whether there has been a passthrough of such reduction.

(B) REPORT.—Not later than September 30, 2000, the Comptroller General of the United States shall report to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives the results of the study conducted under subparagraph (A).

AMENDMENT NO. 3089

Strike all after the first word and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Federal Fuels Tax Holiday Act of 2000''.

SEC. 2. TEMPORARY REDUCTION IN FUEL TAXES ON GASOLINE, DIESEL FUEL, KEROSENE, AVIATION FUEL, AND SPECIAL FUELS, BY 4.3 CENTS.

(a) TEMPORARY REDUCTION IN FUEL TAXES.—During the applicable period, each rate of tax referred to in subsection (b) shall be reduced by 4.3 cents per gallon.

(b) RATES OF TAX.—The rates of tax referred to in this subsection are the rates of tax otherwise applicable under—

(1) paragraphs (1), (2), and (3) of section 4041(a) of the Internal Revenue Code of 1986 (relating to special fuels),

(2) subsection (m) of section 4041 of such Code (relating to certain alcohol fuels),

(3) subparagraph (C) of section 4042(b)(1) of such Code (relating to tax on fuel used in commercial transportation on inland waterways),

(4) clauses (i), (ii), and (iii) of section 4081(a)(2)(A) of such Code (relating to gasoline, diesel fuel, and kerosene),

(5) paragraph (1) of section 4091(b) of such Code (relating to aviation fuel), and

(6) paragraph (2) of section 4092(b) of such Code (relating to fuel used in commercial aviation).

(c) SPECIAL REDUCTION RULES.—

(1) IN GENERAL.—Subsection (a) shall be applied by substituting for ''4.3 cents''—

(A) ''3.2 cents'' in the case of fuel described in section 4041(a)(2)(B)(ii) of such Code (relating to liquefied petroleum),

(B) ''2.8 cents'' in the case of fuel described in section 4041(a)(2)(B)(iii) of such Code (relating to liquefied natural gas),

(C) ''48.54 cents'' in the case of fuel described in section 4041(a)(3)(A) of such Code (relating to compressed natural gas), and

(D) ''2.15 cents'' in the case of fuel described in section 4041(m)(1)(A)(ii)(I) of such Code (relating to certain alcohol fuel).

(2) CONFORMING RULES.—In the case of a reduction under subsection (a)—

(A) section 4081(c) of such Code shall be applied without regard to paragraph (6) thereof,

(B) section 4091(c) of such Code shall be applied without regard to paragraph (4) thereof,

(C) section 6421(f)(2) of such Code shall be applied by disregarding ''and, in the case'' and all that follows,

(D) section 6421(f)(3) of such Code shall be applied without regard to subparagraph (B) thereof,

(E) section 6427(l)(3) of such Code shall be applied without regard to subparagraph (B) thereof, and

(F) section 6427(l)(4) of such Code shall be applied without regard to subparagraph (B) thereof.

(d) MAINTENANCE OF TRUST FUNDS DEPOSITS.—On April 16, 2000, the Secretary of the Treasury shall determine the amount any Federal trust fund would have received in gross receipts during the applicable period had this section not been enacted. Such amount shall be appropriated and transferred from the general fund to the applicable trust fund in the manner in which such gross receipts would have been transferred by the Secretary of the Treasury and such amount shall be treated as taxes received in the Treasury under the applicable section of the Internal Revenue Code of 1986 described in subsection (b).

(e) APPLICABLE PERIOD.—For purposes of this section, the term ''applicable period'' means the period beginning after April 15, 2000, and ending before January 1, 2001.

SEC. 3. FLOOR STOCKS CREDIT.

(a) IN GENERAL.—If—

(1) before a tax reduction date, a tax referred to in section 2(b) has been imposed on any liquid, and

(2) on such date such liquid is held by a dealer and has not been used and is intended for sale,

there shall be credited (without interest) to the person who paid such tax (hereafter in this section referred to as the ''taxpayer'') against the taxpayer's subsequent semimonthly deposit of such tax an amount equal to the excess of the tax paid by the taxpayer over the amount of such tax which would be imposed on such liquid had the taxable event occurred on the tax reduction date.

(b) CERTIFICATION NECESSARY TO FILE CLAIM FOR CREDIT.—

(1) IN GENERAL.—In any case where liquid is held by a dealer (other than the taxpayer) on the tax reduction date, no credit amount with respect to such liquid shall be allowed to the taxpayer under subsection (a) unless the taxpayer files with the Secretary—

(A) a certification that the taxpayer has given a credit to such dealer with respect to such liquid against the dealer's first purchase of liquid from the taxpayer subsequent to the tax reduction date, and

(B) a certification by such dealer that such dealer has given a credit to a succeeding dealer (if any) with respect to such liquid against the succeeding dealer's first purchase of liquid from such dealer subsequent to the tax reduction date.

(2) REASONABLENESS OF CLAIMS CERTIFIED.—Any certification made under paragraph (1) shall include an additional certification that the claim for credit was reasonable based on the taxpayer's or dealer's past business relationship with the succeeding dealer.

(c) DEFINITIONS.—For purposes of this section—

(1) the terms ''dealer'' and ''held by a dealer'' have the respective meanings given to such terms by section 6412 of the Internal Revenue Code of 1986; except that the term ''dealer'' includes a position holder, and

(2) the term ''tax reduction date'' means April 16, 2000.

(d) CERTAIN RULES TO APPLY.—Rules similar to the rules of subsections (b) and (c) of section 6412 of such Code shall apply for purposes of this section.

SEC. 4. FLOOR STOCKS TAX.

(a) IMPOSITION OF TAX.—In the case of any liquid on which a tax referred to in section 2(b) would have been imposed during the applicable period but for the enactment of this Act, and which is held on the floor stocks tax date by any person, there is hereby imposed a floor stocks tax in an amount equal to the excess of—

(1) the tax referred to in section 2(b) which would be imposed on such liquid had the taxable event occurred on the floor stocks tax date, over

(2) the amount of such tax previously paid (if any) with respect to such liquid.

(b) LIABILITY FOR TAX AND METHOD OF PAYMENT.—

(1) LIABILITY FOR TAX.—A person holding a liquid on the floor stocks tax date to which the tax imposed by subsection (a) applies shall be liable for such tax.

(2) METHOD OF PAYMENT.—The tax imposed by subsection (a) shall be paid in such manner as the Secretary shall prescribe.

(3) TIME FOR PAYMENT.—The tax imposed by subsection (a) shall be paid on or before the date which is 45 days after the floor stocks tax date.

(c) DEFINITIONS.—For purposes of this section—

(1) HELD BY A PERSON.—A liquid shall be considered as ''held by a person'' if title thereto has passed to such person (whether or not delivery to the person has been made).

(2) FLOOR STOCKS TAX DATE.—The term ''floor stocks tax date'' means January 1, 2001.

(3) APPLICABLE PERIOD.—The term ''applicable period'' means the period beginning after April 15, 2000, and ending before January 1, 2001.

(4) SECRETARY.—The term ''Secretary'' means the Secretary of the Treasury or the Secretary's delegate.

(d) EXCEPTION FOR EXEMPT USES.—The tax imposed by subsection (a) shall not apply to any liquid held by any person exclusively for any use to the extent a credit or refund of the tax referred to in section 2(b) is allowable for such use.

(e) EXCEPTION FOR FUEL HELD IN VEHICLE TANK.—No tax shall be imposed by subsection (a) on any liquid held in the tank of a motor vehicle, motorboat, vessel, or aircraft.

(f) EXCEPTION FOR CERTAIN AMOUNTS OF FUEL.—

(1) IN GENERAL.—No tax shall be imposed by subsection (a) on any liquid held on the floor stocks tax date by any person if the aggregate amount of such liquid held by such person on such date does not exceed 2,000 gallons. The preceding sentence shall apply only if such person submits to the Secretary (at the time and in the manner required by the Secretary) such information as the Secretary shall require for purposes of this paragraph.

(2) EXEMPT FUEL.—For purposes of paragraph (1), there shall not be taken into account any liquid held by any person which is exempt from the tax imposed by subsection (a) by reason of subsection (d) or (e).

(3) CONTROLLED GROUPS.—For purposes of this subsection—

(A) CORPORATIONS.—

(i) IN GENERAL.—All persons treated as a controlled group shall be treated as 1 person.

(ii) CONTROLLED GROUP.—The term ''controlled group'' has the meaning given to such term by subsection (a) of section 1563 of the Internal Revenue Code of 1986; except that for such purposes the phrase ''more than 50 percent'' shall be substituted for the phrase ''at least 80 percent'' each place it appears in such subsection.

(B) NONINCORPORATED PERSONS UNDER COMMON CONTROL.—Under regulations prescribed by the Secretary, principles similar to the principles of subparagraph (A) shall apply to a group of persons under common control if 1 or more of such persons is not a corporation.

(g) OTHER LAW APPLICABLE.—All provisions of law, including penalties, applicable with respect to the taxes imposed by chapter 31 or 32 of such Code shall, insofar as applicable and not inconsistent with the provisions of this section, apply with respect to the floor stock taxes imposed by subsection (a) to the same extent as if such taxes were imposed by such chapter.

SEC. 5. BENEFITS OF TAX REDUCTION SHOULD BE PASSED ON TO CONSUMERS.

(a) PASSTHROUGH TO CONSUMERS.—

(1) SENSE OF CONGRESS.—It is the sense of Congress that—

(A) consumers immediately receive the benefit of the reduction in taxes under this Act, and

(B) transportation motor fuels producers and other dealers take such actions as necessary to reduce transportation motor fuels prices to reflect such reduction, including immediate credits to customer accounts representing tax refunds allowed as credits against excise tax deposit payments under the floor stocks refund provisions of this Act.

(2) STUDY.—

(A) IN GENERAL.—The Comptroller General of the United States shall conduct a study of the reduction of taxes under this Act to determine whether there has been a passthrough of such reduction.

(B) REPORT.—Not later than September 30, 2000, the Comptroller General of the United States shall report to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives the results of the study conducted under subparagraph (A).

MARRIAGE TAX PENALTY RELIEF ACT OF 2000

ROTH AMENDMENT NO. 3090

Mr. LOTT (for Mr. ROTH) proposed an amendment to the bill (H.R. 6) to amend the Internal Revenue Code of 1986 to eliminate the marriage penalty by providing that the income tax rate bracket amounts, and the amount of the standard deduction, for joint returns shall be twice the amounts applicble to unmarried individuals; as follows:

Strike all after the enacting clause and insert:

SECTION 1. SHORT TITLE, ETC.

(a) SHORT TITLE.—This Act may be cited as the ''Marriage Tax Relief Act of 2000''.

(b) SECTION 15 NOT TO APPLY.—No amendment made by this Act shall be treated as a change in a rate of tax for purposes of section 15 of the Internal Revenue Code of 1986.

SEC. 2. ELIMINATION OF MARRIAGE PENALTY IN STANDARD DEDUCTION.

(a) IN GENERAL.—Paragraph (2) of section 63(c) of the Internal Revenue Code of 1986 (relating to standard deduction) is amended—

(1) by striking ''$5,000'' in subparagraph (A) and inserting ''200 percent of the dollar amount in effect under subparagraph (C) for the taxable year'';

(2) by adding ''or'' at the end of subparagraph (B);

(3) by striking ''in the case of'' and all that follows in subparagraph (C) and inserting ''in any other case.''; and

(4) by striking subparagraph (D).

(b) TECHNICAL AMENDMENTS.—

(1) Subparagraph (B) of section 1(f)(6) of such Code is amended by striking ''(other than with'' and all that follows through ''shall be applied'' and inserting ''(other than with respect to sections 63(c)(4) and 151(d)(4)(A)) shall be applied''.

(2) Paragraph (4) of section 63(c) of such Code is amended by adding at the end the following flush sentence:

''The preceding sentence shall not apply to the amount referred to in paragraph (2)(A).''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2000.

SEC. 3. PHASEOUT OF MARRIAGE PENALTY IN 15-PERCENT AND 28-PERCENT RATE BRACKETS.

(a) IN GENERAL.—Subsection (f) of section 1 of the Internal Revenue Code of 1986 (relating to adjustments in tax tables so that inflation will not result in tax increases) is amended by adding at the end the following new paragraph:

''(8) PHASEOUT OF MARRIAGE PENALTY IN 15-PERCENT AND 28-PERCENT RATE BRACKETS.—

''(A) IN GENERAL.—With respect to taxable years beginning after December 31, 2001, in prescribing the tables under paragraph (1)—

''(i) the maximum taxable income amount in the 15-percent rate bracket, the minimum and maximum taxable income amounts in the 28-percent rate bracket, and the minimum taxable income amount in the 31-percent rate bracket in the table contained in subsection (a) shall be the applicable percentage of the comparable taxable income amounts in the table contained in subsection (c) (after any other adjustment under this subsection), and

''(ii) the comparable taxable income amounts in the table contained in subsection (d) shall be ½ of the amounts determined under clause (i).

''(B) APPLICABLE PERCENTAGE.—For purposes of subparagraph (A), the applicable percentage shall be determined in accordance with the following table:

''For taxable years beginning in calendar year—	The applicable percentage is—
2002	170.3
2003	173.8
2004	180.0
2005	183.2
2006	185.0
2007 and thereafter	200.0.

''(C) ROUNDING.—If any amount determined under subparagraph (A)(i) is not a multiple of $50, such amount shall be rounded to the next lowest multiple of $50.''.

(b) TECHNICAL AMENDMENTS.—

(1) Subparagraph (A) of section 1(f)(2) of such Code is amended by inserting ''except as provided in paragraph (8),'' before ''by increasing''.

(2) The heading for subsection (f) of section 1 of such Code is amended by inserting ''PHASEOUT OF MARRIAGE PENALTY IN 15-PERCENT AND 28-PERCENT RATE BRACKETS;'' before ''ADJUSTMENTS''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2001.

SEC. 4. MARRIAGE PENALTY RELIEF FOR EARNED INCOME CREDIT.

(a) IN GENERAL.—Paragraph (2) of section 32(b) of the Internal Revenue Code of 1986 (relating to percentages and amounts) is amended—

(1) by striking ''AMOUNTS.—The earned'' and inserting ''AMOUNTS.—

''(A) IN GENERAL.—Subject to subparagraph (B), the earned''; and

(2) by adding at the end the following new subparagraph:

''(B) JOINT RETURNS.—In the case of a joint return, the phaseout amount determined under subparagraph (A) shall be increased by $2,500.''.

(b) INFLATION ADJUSTMENT.—Paragraph (1)(B) of section 32(j) of such Code (relating to inflation adjustments) is amended to read as follows:

''(B) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, determined—

''(i) in the case of amounts in subsections (b)(2)(A) and (i)(1), by substituting 'calendar year 1995' for 'calendar year 1992' in subparagraph (B) thereof, and

''(ii) in the case of the $2,500 amount in subsection (b)(2)(B), by substituting 'calendar year 2000' for 'calendar year 1992' in subparagraph (B) of such section 1.''.

(c) ROUNDING.—Section 32(j)(2)(A) of such Code (relating to rounding) is amended by striking ''subsection (b)(2)'' and inserting ''subsection (b)(2)(A) (after being increased under subparagraph (B) thereof)''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2000.

SEC. 5. PRESERVE FAMILY TAX CREDITS FROM THE ALTERNATIVE MINIMUM TAX.

(a) IN GENERAL.—Subsection (a) of section 26 of the Internal Revenue Code of 1986 (relating to limitation based on tax liability; definition of tax liability) is amended to read as follows:

''(a) LIMITATION BASED ON AMOUNT OF TAX.—The aggregate amount of credits allowed by this subpart for the taxable year shall not exceed the sum of—

''(1) the taxpayer's regular tax liability for the taxable year reduced by the foreign tax credit allowable under section 27(a), and

''(2) the tax imposed for the taxable year by section 55(a).''.

(b) CONFORMING AMENDMENTS.—

(1) Subsection (d) of section 24 of such Code is amended by striking paragraph (2) and by redesignating paragraph (3) as paragraph (2).

(2) Section 32 of such Code is amended by striking subsection (h).

(3) Section 904 of such Code is amended by striking subsection (h) and by redesignating subsections (i), (j), and (k) as subsections (h), (i), and (j), respectively.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2001.

GRAHAM AMENDMENT NO. 3091

(Ordered to lie on the table.)

Mr. GRAHAM submitted an amendment to be proposed by him to the bill, H.R. 6, supra; as follows:

At the end add the following:

SEC. ___. DELAY IN EFFECTIVE DATE.

(a) FINDINGS.—The Senate finds the following:

(1) The social security program is the foundation upon which millions of Americans rely for income during retirement or in the event of disability.

(2) For nearly two-thirds of seniors living alone, social security comprises 50 percent or more of their total income.

(3) The medicare program provides essential medical care for tens of millions of older and disabled Americans.

(4) During the 35-year history of the program, medicare has helped lift elderly Americans out of poverty and has improved and extended their lives.

(5) According to the 2000 annual report of the Board of Trustees of the social security trust funds—

(A) beginning in 2016, payroll tax revenue will fall short of the amount needed to pay current benefits, necessitating the use of interest earned on trust fund assets and then the eventual redemption of those assets; and

(B) assets of the combined retirement and disability trust funds will be exhausted in 2037.

(6) According to the 2000 annual report of the Board of Trustees of the social security trust funds, assets in the medicare health insurance trust fund will be exhausted in 2023.

(7) The Congressional Budget Office has prepared 3 estimates of the non-social security surplus for the next 10 years which range in size from $838,000,000,000 to $1,918,000,000,000.

(8) The presence of non-social security surpluses present Congress with the opportunity to address the long-term funding shortfall facing the social security and medicare programs.

(b) DELAY IN EFFECTIVE DATE.—Notwithstanding any other provision of, or amendment made by, this Act, no such provision or amendment shall take effect until legislation has been enacted that extends the solvency of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund under section 201 of the Social Security Act through 2075 and the Federal Hospital Insurance Trust Fund under part A of title XVIII of such Act through 2025.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be authorized to meet during the session of the Senate on Tuesday, April 11, 2000, at 9:30 a.m., in SR–332, to conduct a full committee hearing to consider the nomination of Christopher McLean to be Administrator for the Rural Utilities Service for the Department of Agriculture and to examine how likely reductions in the use of MTBE in reformulated gasoline will affect the demand for renewable fuels.

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

COMMITTEE ON ARMED SERVICES

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Tuesday, April 11, 2000, at 9:30 a.m., in open session to consider the nominations of Honorable Bernard D. Rostker to be Under Secretary of Defense for Personnel and Readiness, Mr. Gregory R. Dalhberg to be Under Secretary of the Army and Ms. Madelyn R. Creedon to be Deputy Administrator for Defense Programs, National Nuclear Security Administration at the Department of Energy.

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

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and

Transportation be authorized to meet on Tuesday, April 11, 2000, at 9:30 a.m., on trade relations with China and WTO.

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

COMMITTEE ON FOREIGN RELATIONS

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, April 11, 2000, at 9 a.m. and 2:30 p.m., to hold two hearings.

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

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions, Subcommittee on Children and Families, be authorized to meet for a hearing on ''Early Childhood Programs for Low-Income Families: Availability and Impact'' during the session of the Senate on Tuesday, April 11, 2000, at 9:30 a.m.

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Tuesday, April 11, at 10 a.m., to conduct a hearing. The committee will receive testimony on S. 282, the Transition to Competition in the Electric Industry Act; S. 516, the Electric Utility Restructuring Empowerment and Competitiveness Act of 1999; S. 1047, the Comprehensive Electricity Competition Act; S. 1284, the Electric Consumer Choice Act; S. 2173, the Federal Power Act Amendments of 1999; S. 1369, the Clean Energy Act of 1999; S. 2071, Electric Reliability 2000 Act; and S. 2098, the Electric Power Market Competition and Reliability Act.

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

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the Special Committee on Aging be authorized to meet on April 11, 2000, from 10 a.m.–1 p.m., in Dirksen 106 for the purpose of conducting a hearing.

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

PRIVILEGE OF THE FLOOR

Mr. CLELAND. Mr. President, I ask unanimous consent my military fellow, Tricia Heller, be granted access to the floor at this time.

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

TECHNICAL ASSISTANCE AUTHORIZATION

Mr. GRAMM. Mr. President, I ask unanimous consent to have printed in the RECORD a letter dated April 11, 2000, from myself to Senator LOTT in regard to S. 2382.

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

COMMITTEE ON BANKING,
HOUSING, AND URBAN AFFAIRS,
Washington, DC, April 11, 2000.

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

DEAR MR. LEADER: As you know, paragraph 1(j)(10) of Rule XXV of the Standing Rules of the Senate provides that ''at the request of the Committee on Banking, Housing, and Urban Affairs, any proposed legislation relating to [the International Monetary Fund and other monetary organizations] reported by the Committee on Foreign Relations shall be referred to the Committee on Banking, Housing, and Urban Affairs.''

On April 7, 2000, the Committee on Foreign Relations reported S. 2382, an original measure that includes several key IMF reform and authorization provisions. Therefore, on behalf of the Committee on Banking, Housing, and Urban Affairs, I hereby request the referral of S. 2382 to the Committee on Banking.

Thank you for your attention to this matter.

Yours respectfully,

PHIL GRAMM,
Chairman.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

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

Thereupon, the Senate, at 6:05 p.m., adjourned until Wednesday, April 12, 2000, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate April 11, 2000:

DEPARTMENT OF STATE

MICHAEL G. KOZAK, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR EXECUTIVE SERVICE, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF BELARUS.

ANNE WOODS PATTERSON, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF COLOMBIA.

THE JUDICIARY

BERLE M. SCHILLER, OF PENNSYLVANIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF PENNSYLVANIA VICE ROBERT S. GAWTHROP, DECEASED.

RICHARD BARCLAY SURRICK, OF PENNSYLVANIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF PENNSYLVANIA VICE LOWELL A. REED, JR., RETIRED.

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. RAYMOND P. AYRES, JR., 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. EMIL R. BEDARD, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. BRUCE B. KNUTSON, JR., 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. WILLIAM L. NYLAND, 0000

IN THE AIR FORCE

THE FOLLOWING OFFICERS FOR APPOINTMENT TO THE GRADES INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be colonel

ROBERT F. BYRD, 0000

To be lieutenant colonel

ROBERT K. DOWNEY, 0000
MICHAEL S. MATHER, 0000
MICHAEL W. PELTZER, 0000
GREGORY L. TATE, 0000
JOHN Q. WATTON, 0000
MICHAEL A. WINGFIELD, 0000

To be major

MARK A. CLANTON, 0000
TIMOTHY D. CROFT, 0000
ROCH B. LAROCCA, 0000
JOHN S. MCFADDEN, 0000
KEVIN C. ROGERS, 0000
JAMES C. SEAMAN, 0000
SCOTT L. SMITH, 0000
JOHN B. STEELE, 0000

IN THE ARMY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10 U.S.C., SECTION 12203:

To be colonel

JAMES M. BROWN, 0000
GEORGE M. CAMPBELL, JR., 0000
RICHARD E. FLATH, 0000
JAMES L. HOKE, 0000
RONALD W. JONES, 0000
ALAN M. KOLLER, 0000
AUGUST G. LAGEMAN IV, 0000
LEONARD G. LEE, 0000
KENNETH G. LUNDEEN, 0000
CHARLES H. MC DANIEL, 0000
MELVIN R. SCHROEDER, 0000
RICHARD L.J. SCHWEINSBURG, 0000
CHARLES E. SIMPSON, 0000
TOMMY W. SMITH, 0000
THOMAS E. STOKES, JR., 0000

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be captain

JAMES R. LAKE, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVAL RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

RICHARD L. PAGE, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be captain

DONALD M. ABRASHOFF, 0000
MICHAEL R. ALLEN, 0000
PATRICK E. ALLEN, 0000
ROBERT L. ALLEN, 0000
BRUCE L. ANDERSON, 0000
CHARLES R. ARMSTRONG, 0000
THOMAS E. ARNOLD, 0000
STEVEN B. ASHBY, 0000
JOSEPH P. AUCOIN, 0000
DONALD E. BABCOCK, 0000
ALLEN BANKS, 0000
CARL S. BARBOUR, 0000
BRENT H. BARROW, 0000
MARK L. BATHRICK, 0000
LAWRENCE R. BAUN, 0000
PHILIP G. BEIERL, 0000
DAVID C. BEYRODT, 0000
DOUGLASS T. BIESEL, 0000
JAMES J. BIRD, 0000
ROBERT W. BLAKLEY, 0000
ROBERT E.L. BOND, 0000
EDWARD M. BOORDA, 0000
CHARLES P. BOURNE, 0000
JOSEPH M. BRADLEY, 0000
LOREN R. BREMSETH, 0000
MARK R. BREOR, 0000
SANDRA K. BROOKS, 0000
ANDRES A. BRUGAL, 0000
ROBERT L. BUCKLEY, 0000
PETER S. BUCZYNSKI, 0000
JEROME L. BUDNICK, 0000

KENNETH J. BURKER, 0000
RICHARD S. CALLAS, 0000
HIPOLITO L. CAMACHO, 0000
CHARLES J. CARSON, JR., 0000
LAURIE A. CASON, 0000
JEFFREY M. CATHEY, 0000
DAVID J. CHESLAK, 0000
SUSAN M. CHIARAVALLE, 0000
DENNIS K. CHRISTENSEN, 0000
ROGER W. COLDIRON, 0000
BRUCE A. COLE, 0000
LOUIS J. CORTELLINI, 0000
BRIAN A. COSGROVE, 0000
SAMUEL J. COX, 0000
GEORGE P. CROY III, 0000
BRIAN P. CULLIN, 0000
MARK W. CZARZASTY, 0000
ROBERT E. DEAN, 0000
EDWARD H. DEETS III, 0000
STEVEN P. DESJARDINS, 0000
FERDINAND DIEMER, 0000
KING H. DIETRICH, 0000
KEVIN M. DONEGAN, 0000
CHARLES V. DOTY, 0000
HELEN F. DUNN, 0000
DAVID C. DYKHOFF, 0000
REED A. ECKSTROM, 0000
GARY W. EDWARDS, 0000
CAROL J. H. ELLIS, 0000
JOHN ELNITSKY II, 0000
ADREON M. ENSOR, 0000
JAMES R. EVERETT III, 0000
JOSEPH M. FALLONE, 0000
MAUREEN A. FARREN, 0000
DENNIS E. FITZPATRICK, 0000
KENNETH E. FLOYD, 0000
TIMOTHY V. FLYNN III, 0000
ROBERT L. FORD, 0000
CHARLES W. FOWLER III, 0000
JOHN G. GALLAGHER, 0000
PAUL C. GALLAGHER, 0000
KEVIN P. GANNON, 0000
FRANK W. GARCIA, JR., 0000
EDDIE J. GARDINER, JR., 0000
EARL L. GAY, 0000
MICHAEL C. GERON, 0000
DONALD D. GERRY, JR., 0000
CHRISTOPHER O. GEVING, 0000
MARK A. GILBERTSON, 0000
MARTHA C. GILLETTE, 0000
LARRY M. GILLIS, 0000
KENNETH L. GINADER, 0000
JOSEPH C. GLADYSZEWSKI, 0000
MICHAEL A. GOMORI, 0000
MARK J. GONZALEZ, 0000
JAMES L. GOSNELL, 0000
DENNIS E. GRANGER, 0000
JAMES S. GRANT, 0000
JOHN M. K. GRITTON, 0000
BRUCE E. GROOMS, 0000
PAUL S. GROSSGOLD, 0000
JAMES C. GRUNEWALD, 0000
MARK D. GUADAGNINI, 0000
ALAN E. HAGGERTY, 0000
JOHN R. HALEY, 0000
JANICE M. HAMBY, 0000
JOHN H. HARRINGTON III, 0000
ROBERT M. HARRINGTON, 0000
WILLIAM G. HARRISON, JR., 0000
RICHARD HASCUP, 0000
CHRISTOPHER A. HASE, 0000
EDWARD S. HEBNER, 0000
ANTONY O. HEIMER, 0000
MARVIN H. HEINZE, 0000
DEREK H. HESSE, 0000
THOMAS J. HEWITT, 0000
ROBERT M. HIBBERT, 0000
JAMES K. HISER, 0000
WILLIAM F. HOEFT, 0000
TIMOTHY J. HOWINGTON, 0000
GORDON J. HUME, 0000
PAUL M. INSCH, 0000
JONATHAN C. IVERSON, 0000
STEVEN M. JACOBSMEYER, 0000
DOREEN E. JAGODNIK, 0000
STEVEN C. JOACHIM, 0000
BRADLEY E. JOHANSON, 0000
JOSEPH A. JOHNSON, 0000
KEVIN R. JOHNSON, 0000
DAVID A. JONES, 0000
TERRANCE G. JONES, 0000
GEORGE J. KAROL, 0000
DEREK B. KEMP, 0000
STEPHEN S. KING, 0000
MARK D. KLATT, 0000
WILLIAM J. KLAUBERG, JR., 0000
LENDALL S. KNIGHT, 0000
CAROLINE B. KONCZEY, 0000
DAVID L. KRUEGER, 0000
ANTHONY M. KURTA, 0000
PHILLIP R. LAMONICA, 0000
ALBERT G. LANG, JR., 0000
DAVID L. LASHBROOK, 0000
ALFRED LEDESMA, 0000
WANDA F. LEONARD, 0000
WILLIAM K. LESCHER, 0000
JERRY W. LEUGERS, 0000
DAVID H. LEWIS, 0000
STEVEN W. LITWILLER, 0000
ALBERT F. LORD, JR., 0000
RENATA P.Y. LOUIE, 0000
KEITH W. LUDWIG, 0000
DAVEN L. MADSEN, 0000
MICHAEL T. MALINIAK, 0000
BARBARA A. MARMANN, 0000
SHELLEY S. MARSHALL, 0000
CHARLES P. MARTELLO, 0000
DANNY E. MASON, 0000
STEPHEN D. MATTS, 0000
THOMAS E. MC CAFFREY, 0000
JAMES F. MC CARTHY, 0000
CHARLES A. MC CAWLEY, 0000
LESLIE J. MC COY, 0000
JAMES R. MC GOVERN, JR., 0000
ROBERT A. MC NAUGHT, 0000
DAVID E. MEADOWS, 0000
RICHARD A. MEDLEY, 0000
JAMES M. MELESKY, 0000
CHRISTOPHER A. MELHUISH, 0000
TERRY L. MERRITT, 0000
GREGORY A. MILLER, 0000
SCOT A. MILLER, 0000
DENNIS E. MITCHELL, 0000
ALAN R. MOORE, 0000
CHARLES R. MORGAN, 0000
MICHAEL D. MORGAN, 0000
DANIEL J. MORGIEWICZ, 0000
DAVID T. MORONEY, 0000
ALAN C. MOSER, 0000
JAMES A. MURDOCH, 0000
JOSEPH W. MURPHY, 0000
KENNETH P. NEUBAUER, 0000
SANTIAGO R. NEVILLE, 0000
DAVID A. NEWLAND, 0000
GERALD F. NIES, 0000
DANIEL I. NYLEN, 0000
ANN C. OCONNOR, 0000
WILLIAM G. OKONIEWSKI, 0000
DAVID A. OLIVIER, 0000
MARY M. ORBAN, 0000
DANIEL L. OUIMETTE, 0000
FRANK C. PANDOLFE, 0000
LUKE R. PARENT, 0000
CHRISTOPHER L. PARENTE, 0000
RICHARD J. PERA, 0000
CLIFTON E. PERKINS, JR., 0000
DANIEL J. PETERS, 0000
JOHN W. PETERSON, 0000
JOSEPH P. PETERSON, 0000
PRESTON C. PINSON, 0000
DAVID B. PORTER, 0000
ROBERT G. PRESLER, 0000
BETTY J. PUTNAM, 0000
RONALD G. RAHALL, 0000
TERRY D. RAINS, 0000
MICHAEL W. REEDY, 0000
PHILIP G. RENAUD, 0000
WALTER J. RICHARDSON, JR., 0000
TERESA W. ROBERTS, 0000
KENNETH M. ROME, 0000
SCOTT L. ROME, 0000
BENJAMIN F. ROPER, 0000
THORNWELL F. RUSH, JR., 0000
GABRIEL R. SALAZAR, 0000
FERDINAND L. SALOMON III, 0000
JEAN M. SANDO, 0000
WILLIAM V. SCARDINA, JR., 0000
BRIAN C. SCOTT, 0000
LELAND H. SEBRING, JR., 0000
AUGUST J. SERENO, JR., 0000
KATHARINE J. SHANEBROOK, 0000
KATHY A. SHIELD, 0000
JAMES L. SMITH, 0000
JUDY L. SMITH, 0000
JOHN W. SNEDEKER, JR., 0000
DANIEL J. SOPER, 0000
THOMAS L. SPARKS, 0000
JOHN G. SPEER, 0000
SEAN J. STACKLEY, 0000
VICTOR A. STEINMAN, 0000
CHRISTIAN M. STEINMETZ, 0000
ANN F. STENCIL, 0000
JAMES G. STEVENS, 0000
RICHARD V. STOCKTON, 0000
ROBERT B. STONEY, 0000
STEVEN I. STRUBLE, 0000
SEAN P. SULLIVAN, 0000
RICHARD D. SUTTIE, 0000
SCOTT H. SWIFT, 0000
STEPHEN L. SZYSZKA, 0000
GEORGE R. TEUFEL, 0000
DAVID M. THOMAS, 0000
ROBERT L. THOMAS, JR., 0000
MANNING M. TOWNSEND, 0000
NORA W. TYSON, 0000
KEVIN K. UHRICH, 0000
JON H. UNDERWOOD, 0000
FRANK D. UNETIC, JR., 0000
MARK A. VANCE, 0000
GORDAN E. VANHOOK, 0000
ROBERT J. VOIGT, 0000
KENNETH D. WALKER, 0000
SUSAN E. WALTERS, 0000
MICHAEL C. WARMBIER III, 0000
JAMES L. WARREN, 0000
RONALD E. WEISBROOK, 0000
TERRY S. WICHERT, 0000
PETER I. WIKUL, 0000
MARY E. WILLIAMS, 0000
ROBERT S. WINNEG, 0000
DARLENE R. WOODHARVEY, 0000
MARK S. WOOLLEY, 0000
DAVID C. WOOTEN, 0000
NATALIE K. S. YOUNGARANITA, 0000
CHARLES ZINGLER, 0000