

I had filed a resolution on the use of force with missile and airstrikes, which would involve minimal risk and strike where there are no U.S. personnel placed in harm's way. I did that really to stimulate debate by Congress on what authorization there should be. But it is more than a matter of notification. The administration talks of notification, and very frequently even notification is a virtual nullity coming at a time when Congress has no opportunity to really be involved in the decision making process.

I can recall back in mid-April of 1986 when President Reagan ordered the air-strike on Libya. The consultation was had—really notification, not consultation, the difference being that if you notify, you are simply telling Congress what has happened. If you consult, that has the implication that there may be some response from the administration depending on the congressional reaction. Both are vastly short of authorization, which is what the Constitution requires on a declaration of war.

But, in any event, in mid-April of 1986, congressional leaders were summoned to be told that the planes were in flight. There was a meeting with many Senators shortly after the attack occurred, there was quite an interesting debate between the Senator from West Virginia, Senator BYRD, and Secretary of State Schultz as to whether Congress could have had any effect, or whether congressional leaders could have had any effect, if they wanted to have an impact on that situation.

But when we take a look at what is happening now in Kosovo with a massing of forces, and we take a look at the terrain, we take a look at the air defense, we may be involved in more than missile strikes. And it is one thing to support missile strikes. It is quite another thing to support airstrikes. It all depends upon the facts and the circumstances in situations where the Congress needs to know more, and the American people need to know a great deal more.

So it is my hope that the President will address this issue, will tell the Congress of the United States what he would like to do in Kosovo, seek authorization from the Congress, and tell the American people what he has in mind.

I know from my contacts in my State of 12 million people that Pennsylvanians do not have much of an idea about what is involved in Kosovo. And there are very, very serious ramifications and questions as to what our posture would be with NATO, if we do not join NATO forces on something which is agreed to there. But, when nations of NATO act, they do not have our Constitution. They are aware of our Constitution. They are aware of the provisions of our Constitution, that only the Congress can declare war.

So if there is not congressional support, if there is not congressional action, they are on notice that they do not have a commitment in the Con-

gress of the United States, a Constitutional commitment in the United States, to act. What the President may do unilaterally, of course, is a matter which has always been a little ahead of the process. It is a fact that frequently Congress sits by and awaits Presidential action.

If it is a success, fine. If it is a failure, then there may be someone to blame—the President, not the Congress.

But it is my hope the President will come to the Congress, tell the Congress what it is he wants, tell the American people what it is the President thinks ought to be done so we can have an understanding as to what is involved here. So we can have an understanding as to what the risks are, what the objectives are, what the end game is, and what the exit strategy is. Then we can make a rational decision.

I yield the floor.

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

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

The bill clerk proceeded to call the roll.

Mr. STEVENS. 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. STEVENS. Mr. President, I have a progress report for the Senate. Our chief of staff, Mr. Cortese, has just informed me that we have approximately 20 of the 70 amendments that were listed on the agreement almost ready for presentation for approval on a bipartisan basis.

I am making this statement to appeal to Senators who have amendments on the list to bring them to our staff so we can review them now, and I hope that when we explain to them why we cannot take them, they will withdraw their amendments.

I am hopeful we can pursue a process and find a way to complete action on this bill by noon tomorrow. I do hope that will happen.

I will be able to present those other amendments to the Senate for approval on a bipartisan basis probably within an hour or so. Meanwhile, we cannot proceed all the way through the amendments unless the Senators give us their amendments to review. I know there are two committee meetings at this time, Mr. President. They are slowing down this process, and they are both trying to get bills out in order that they may be considered next week. We will just have to bear with the situation for a few more hours.

We intend to keep going on this bill, and that may mean late tonight, if necessary. If we had the cooperation of the Senate in presenting these amendments, I think we could tell the Senate by 6 or 6:30 the number of votes we will have to have and when they will occur.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

RECESS SUBJECT TO THE CALL OF THE CHAIR

Mr. STEVENS. Mr. President, I ask unanimous consent that the Senate stand in recess subject to the call of the Chair, which will occur about 5 o'clock.

There being no objection, the Senate, at 4:37 p.m., took a recess subject to the call of the Chair.

The Senate reassembled at 5:31 p.m., when called to order by the Presiding Officer (Mr. SMITH of Oregon).

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, for the information of the Senate, I have been notified that we can ask unanimous consent to remove from the agreement list of amendments for this bill the Landrieu amendments on immigration, the Edwards amendment on TANF, and the Specter amendment on unfair foreign competition. I ask unanimous consent they be deleted.

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

Mr. STEVENS. Mr. President, these amendments have been withdrawn after consultation. I congratulate the Senators for their willingness to work with us and urge other Senators to come forward and tell us if they do not intend to offer their amendments. We are very close to proceeding with a package of amendments here. There is one last problem.

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

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

AMENDMENTS NOS. 100 THROUGH 110, EN BLOC

Mr. STEVENS. Mr. President, I shall send to the desk a package of amendments. Once again, they are amendments that have been cleared on both sides with the legislative committees as well as the subcommittees of appropriations with respect to the various jurisdictions.

The first amendment is by Senator DOMENICI to expand the jurisdiction of the State of New Mexico's portion of the Southwest Border High-Intensity Drug Trafficking Area.

Next is an amendment by Senator ROBERTS to provide relief from unfair interest and penalties on refunds retroactively ordered by the Federal Energy Regulatory Commission.

Next is an amendment for myself to exempt non-Indian Health Service and

non-Bureau of Indian Affairs funds from section 328 of the Interior Department and Related Agencies Appropriations Act for Fiscal Year 1999.

The next amendment is offered by Senator GRAMS to provide funding for annual contributions to public housing agencies for operating low-income housing projects.

Next is an amendment by Senator LINCOLN to provide for watershed and flood prevention debris removal.

Next is an amendment by Senator GORTON regarding loan deficiency payments for club wheat producers.

Next is an amendment for myself dealing with commercial fishing and compensation eligibility in Glacier Bay.

The next amendment is by Senator GORTON providing clarification for section 2002 of the bill regarding hardrock mining regulations.

Next is an amendment by Senator GORTON to expand the eligibility of emergency funding for replacement and repair of power generation equipment.

Next is an amendment by Senators LANDRIEU and DOMENICI to support homebuilding for the homeless in Central America.

Next is an amendment by Senator DASCHLE providing relief to the White River School District No. 4.

Finally, there is a second Daschle amendment to provide for equal pay treatment for certain Federal firefighters under section 545(b) of title V of the United States Code and other provisions of law.

Mr. President, I send these amendments to the desk and ask unanimous consent that they be considered en bloc.

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

The clerk will report.

The clerk read as follows:

The Senator from Alaska (Mr. STEVENS) proposes amendments Nos. 100 through 110.

Mr. STEVENS. I ask unanimous consent that the reading of the amendments be dispensed with.

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

The amendments are as follows:

AMENDMENT NO. 100

(Purpose: To expand the jurisdiction of the State of New Mexico portion of the Southwest Border High Intensity Drug Trafficking Area (HIDTA) to include Rio Arriba County, Santa Fe County, and San Juan County and to provide specific funding for these three counties)

On page 30, after line 10 insert:

Chapter 7

EXECUTIVE OFFICE OF THE PRESIDENT AND FUNDS APPROPRIATED TO THE PRESIDENT

FEDERAL DRUG CONTROL PROGRAMS
HIGH INTENSITY DRUG TRAFFICKING AREAS
PROGRAM

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Office of National Drug Control Policy's High Intensity Drug Trafficking Areas Program, an additional \$750,000 is appropriated for drug con-

trol activities which shall be used specifically to expand the Southwest Border High Intensity Drug Trafficking Area for the State of New Mexico to include Rio Arriba County, Santa Fe County, and San Juan County, New Mexico, which are hereby designated as part of the Southwest Border High Intensity Drug Trafficking Area for the State of New Mexico, and an additional \$500,000 is appropriated for national efforts related to methamphetamine reduction efforts.

On page 44, after line 7 insert:

Chapter 9

EXECUTIVE OFFICE OF THE PRESIDENT AND FUNDS APPROPRIATED TO THE PRESIDENT

FEDERAL DRUG CONTROL PROGRAMS
SPECIAL FORFEITURE FUND
(RESCISSON)

Of the funds made available under this heading in Division A of the Omnibus Consolidated and Emergency Supplemental Appropriations, 1999 (Public Law 105-277) \$1,250,000 are rescinded.

Mr. DOMENICI. Mr. President, I rise to offer an amendment to expand the State of New Mexico High Intensity Drug Trafficking Area (HIDTA) to include three counties in the north that are under siege from "black tar" heroin. This amendment designates Rio Arriba County, Santa Fe County, and San Juan County as part of the New Mexico HIDTA and provides \$750,000 for the remainder of fiscal year 1999 to these counties to combat this serious drug problem. This amendment is fully offset for both budget authority and outlays according to the Congressional Budget Office.

Mr. President, this is part of an overall effort to combat the serious drug epidemic in northern New Mexico. Rio Arriba County leads the nation in per capita drug-induced deaths. The rate of heroin overdoses is reportedly three times the national average.

Last month, I held meetings with State and local officials and community representatives to assess the overall illegal drug situation in northern New Mexico. I am pleased to say that the State and the communities have been aggressive in trying to address this problem. Our task now is to marshal additional resources to the problem so that there is a comprehensive strategy to get this drug problem under control. This comprehensive strategy will include law enforcement, such as this HIDTA designation and the additional, targeted resources in my amendment, as well as programs for prevention, education, after school activities for our children, and treatment. It will take all of these steps, with prosecution and jail time for drug traffickers, to combat this drug epidemic in New Mexico.

I have also enlisted the assistance of Federal agencies in this battle. The Department of Justice law enforcement agencies can assist with the illegal trafficking of "black tar" heroin and other drugs, some of which are smuggled into the United States by illegal Mexican nationals. The Department of Health and Human Services is also a

valuable ally in this fight through the National Institute on Drug Abuse and the Substance Abuse and Mental Health Services Administration. I am committed to marshaling both federal and state and local resources to tackle this serious problem.

This amendment also provides additional resources for a national program to crack down on illegal methamphetamine laboratories and trafficking. This is another serious drug problem for the nation, but my own home State of New Mexico, has seen a marked increase in these illegal activities. As a largely rural State, and so close to the border with Mexico, New Mexico has been inundated with methamphetamine. Many States are in this same predicament, and I applaud the subcommittee for boosting the resources for this important national effort.

Mr. President, illegal drug trafficking and use is a serious problem for our nation. In spite of the significant federal and state and local resources targeted to these illegal activities, the problem remains overwhelming in some of our communities and states. I urge the adoption of my amendment.

AMENDMENT NO. 101

(Purpose: To provide relief from unfair interest and penalties on refunds retroactively ordered by the Federal Energy Regulatory Commission)

At the appropriate place, insert:

SEC. . LIABILITY OF CERTAIN NATURAL GAS PRODUCERS.

The Natural Gas Policy Act of 1978 (15 U.S.C. 3301 et seq.) is amended by adding at the end the following:

"SEC. 603. LIABILITY OF CERTAIN NATURAL GAS PRODUCERS.

"If the Commission orders any refund of any rate or charge made, demanded, or received for reimbursement of State ad valorem taxes in connection with the sale of natural gas before 1989, the refund shall be ordered to be made without interest or penalty of any kind."

Mr. BROWNBACK. Mr. President, I rise in support of an amendment offered by myself and Senator ROBERTS which will seek to provide fair and equitable treatment for Kansas gas producers. At a time when the oil and gas industry is suffering, the Federal Government has taken unnecessary action against gas producers in Kansas.

For almost two decades the Commission allowed gas producers to obtain reimbursement for payment of Kansas ad valorem taxes on natural gas. In a series of orders the Commission repeatedly approved the collection of the Kansas ad valorem tax, despite challenges by various pipelines and distributors. However, in 1993 the Commission changed its mind and decided that the Kansas ad valorem tax did not qualify for reimbursement to the producer, and in 1996 the D.C. Circuit Court determined that a refund was to be made retroactively.

This is another example of Federal preemption of State rights and of a regulatory agency that is out of control. Kansas gas producers are being

penalized more than \$300 million for abiding by regulations that the Commission had previously approved.

The Commission's decision will likely force small producers out of business, causing a slowdown in the production of natural gas which could have a tremendously negative impact on the Kansas economy.

This amendment that Senator ROBERTS and I have cosponsored will essentially relieve all gas producers from interest owed on the ad valorem tax. This amendment will save jobs, businesses, and loss of State revenue. I am hopeful that my colleagues will support this amendment and provide fair and equitable treatment for Kansas gas producers.

AMENDMENT NO. 102

(Purpose: to exempt non-Indian Health Service and non-Bureau of Indian Affairs funds from section 328 of the Interior Department and Related Agencies Appropriations Act for fiscal year 1999)

At the end of Title II insert the following:

“SEC. . Section 328 of the Department of the Interior and Related Agencies Appropriations Act, 1999 P.L. 105-277, Division A, Section 1(e), Title III) is amended by striking “none of the funds in this Act” and inserting “none of the funds provided in this Act to the Indian Health Service or Bureau of Indian Affairs.””

AMENDMENT NO. 103

(Purpose: To provide funding for annual contributions to public housing agencies for the operation of low-income housing projects)

On page 30, between lines 10 and 11, insert the following:

PHA RENEWAL

Of amounts appropriated for fiscal year 1999 for salaries and expenses under this heading in title II of the Department of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1999, \$3,400,000 shall be transferred to the appropriate account of the Department of Housing and Urban Development for annual contributions to public housing agencies for the operation of low-income housing projects under section 673 of the Housing and Community Development Act of 1992 (42 U.S.C. 1437g): *Provided*, That in distributing such amount, the Secretary of Housing and Urban Development shall give priority to public housing agencies that submitted eligible applications for renewal of fiscal year 1995 elderly service coordinator grants pursuant to the Notice of Funding Availability for Service Coordinator Funds for Fiscal Year 1998, as published in the Federal Register on June 1, 1998.

AMENDMENT NO. 104

(Purpose: To provide for watershed and flood prevention debris removal)

On page 5, line 9, strike “watersheds” and insert in lieu thereof the following: “watersheds, including debris removal that would not be authorized under the Emergency Watershed Program.”

AMENDMENT NO. 105

(Purpose: To prohibit the Secretary of Agriculture from assessing a premium adjustment for club wheat when calculating loan deficiency payments and to require the Secretary to compensate producers of club wheat for any previous premium adjustment)

Add at the appropriate place the following new section:

SEC. . (a) LOAN DEFICIENCY PAYMENTS FOR CLUB WHEAT PRODUCERS.—In making loan deficiency payments available under section 135 of the Agricultural Market Transition Act (7 U.S.C. 7235) to producers of club wheat, the Secretary of Agriculture may not assess a premium adjustment on the amount that would otherwise be computed for club wheat under the section to reflect the premium that is paid for club wheat to ensure its availability to create a blended specialty product known as western white wheat.

(b) RETROACTIVE APPLICATION.—As soon as practicable after the date of the enactment of this Act, the Secretary of Agriculture shall make a payment to each producer of club wheat that received a discounted loan deficiency payment under section 135 of the Agricultural Market Transition Act (7 U.S.C. 7235) before that date as a result of the assessment of a premium adjustment against club wheat. The amount of the payment for a producer shall be equal to the difference between—

(1) the loan deficiency payment that would have been made to the producer in the absence of the premium adjustment; and

(2) the loan deficiency payment actually received by the producer.

(c) FUNDING SOURCE.—The Secretary shall use funds available to provide marketing assistance loans and loan deficiency payments under subtitle C of the Agricultural Market Transition Act (7 U.S.C. 7231 et seq.) to make the payments required by subsection (b).

AMENDMENT NO. 106

At the appropriate place in title II, insert:

SEC. . GLACIER BAY. (a) DUNGENESS CRAB FISHERMEN.—Section 123(b) of the Department of the Interior and Related Agencies Appropriations Act, 1999 (section 101(e) of division A of Public Law 105-277) is amended—

(1) in paragraph (1)—

(A) by striking “February 1, 1999” and inserting “June 1, 1999”; and

(B) by striking “1996” and inserting “1998”; and

(2) In paragraph (3) by striking “the period January 1, 1999, through December 31, 2004, based on the individual’s net earning” from the Dungeness crab fishery during the period January 1, 1991, through December 31, 1996” and inserting “for the period beginning January 1, 1999 that is equivalent in length to the period established by such individual under paragraph (1), based on the individual’s net earnings from the Dungeness crab fishery during such established period”.

(b) OTHERS EFFECTED BY FISHERY CLOSURES AND RESTRICTIONS.—Section 123 of the Department of the Interior and Related Agencies Appropriations Act, 1999 (section 101(e) of division A of Public Law 105-277), as amended, is amended further by redesignating subsection (c) as subsection (d) and inserting immediately after subsection (b) the following new subsection:

“(c) OTHERS AFFECTED BY FISHERY CLOSURES AND RESTRICTIONS.—The Secretary of the Interior is authorized to provide such funds as are necessary for a program developed with the concurrence of the State of Alaska to fairly compensate United States fish processors, fishing vessel crew members, communities, and others negatively affected by restrictions on fishing in Glacier Bay National Park. For the purpose of receiving compensation under the program required by this subsection, a potential recipient shall provide a sworn and notarized affidavit to establish the extent of such negative effect.”

(c) IMPLEMENTATION.—Section 123 of the Department of the Interior and Related Agencies Appropriations Act, 1999 (section 101(e) of division A of Public Law 105-277), as amended, is amended further by inserting at the end the following new subsection:

“(e) IMPLEMENTATION AND EFFECTIVE DATE.—The Secretary of the Interior shall publish an interim final rule for the federal implementation of subsection (a) and shall provide an opportunity for public comment on such interim final rule. The effective date of the prohibitions in paragraphs (2) through (5) of section (a) shall be 60 days after the publication in the Federal Register of a final rule for the federal implementation of subsection (a). In the event that any individual eligible for compensation under subsection (b) has not received full compensation by June 15, 1999, the Secretary shall provide partial compensation on such date to such individual and shall expeditiously provide full compensation thereafter.”

(d) Of the funds provided under the heading “National Park Service, Construction” in Public Law 105-277, \$3,000,000 shall not be available for obligation until October 1, 1999.

AMENDMENT NO. 107

On page 12, line 15, after the word “nature” insert the following: “, and to replace and repair power generation equipment”.

AMENDMENT NO. 108

(Purpose: To provide funds to expand the home building program for Central American countries affected by Hurricane Mitch)

On page 9, line 10, after the word “amended” insert the following: “: *Provided further*, That of the funds made available under this heading, up to \$10,000,000 may be used to build permanent single family housing for those who are homeless as a result of the effects of hurricanes in Central America and the Caribbean”.

AMENDMENT NO. 109

(Purpose: To provide relief to the White River School District #4.7-1)

At the appropriate place, insert the following:

SEC. . WHITE RIVER SCHOOL DISTRICT #4.7-1.

From any unobligated funds that are available to the Secretary of Education to carry out section 306(a)(1) of the Department of Education Appropriations Act, 1996, the Secretary shall provide not more than \$239,000, under such terms and conditions as the Secretary determines appropriate, to the White River School District #4.7-1, White River, South Dakota, to be used to repair damage caused by water infiltration at the White River High School, which shall remain available until expended.

AMENDMENT NO. 110

(Purpose: To provide for equal pay treatment of certain Federal firefighters under section 5545b of title 5, United States Code, and other provisions of law)

At the appropriate place, insert the following new section:

SEC. . (a) The treatment provided to firefighters under section 628(f) of the Treasury and General Government Appropriations Act, 1999 (as included in section 101(h) of Division A of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105-277)) shall be provided to any firefighter who—

(1) on the effective date of section 5545b of title 5, United States Code—

(A) was subject to such section; and

(B) had a regular tour of duty that averaged more than 60 hours per week; and

(2) before December 31, 1999, is involuntarily moved without a break in service from the regular tour of duty under paragraph (1) to a regular tour of duty that—

(A) averages 60 hours or less per week; and

(B) does not include a basic 40-hour workweek.

(b) Subsection (a) shall apply to firefighters described under that subsection as

of the effective date of section 5545b of title 5, United States Code.

(c) The Office of Personnel Management may prescribe regulations necessary to implement this section.

Mr. STEVENS. Mr. President, as I said, they have been cleared through the whole process of legislative and appropriating subcommittees and cleared by Senator BYRD and myself as managers of the bill.

I ask that they be considered en bloc and agreed to.

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

The amendments (Nos. 100 through 110) were agreed to.

Mr. STEVENS. I move to reconsider the vote by which the amendments were agreed to, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 111

(Purpose: To prohibit the Secretary of the Interior from promulgating certain regulations relating to Indian gaming and to prohibit the Secretary from approving class III gaming without State approval)

Mr. STEVENS. Mr. President, I send another amendment to the desk, and I ask that it be read.

The PRESIDING OFFICER. The clerk will report.

The clerk read as follows:

The Senator from Alaska (Mr. STEVENS), for Mr. ENZI, for himself, Mr. SESSIONS, Mr. GRAMM, Mr. BRYAN, Mr. LUGAR, Mr. REID, Mr. VOINOVICH, Mr. BROWNBACK proposes an amendment numbered 111:

At the appropriate place, insert the following:

SEC. . PROHIBITION.

(a) Notwithstanding any other provision of law, prior to eight months after Congress receives the report of the National Gambling Impact Study Commission, the Secretary of the Interior shall not—

(1) promulgate as final regulations, or in any way implement, the proposed regulations published on January 22, 1998, at 63 Fed. Reg. 3289; or

(2) issue a notice of proposed rulemaking for, or promulgate, or in any way implement, any similar regulations to provide for procedures for gaming activities under the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.), in any case in which a State asserts a defense of sovereign immunity to a lawsuit brought by an Indian tribe in a Federal court under section 11(d)(7) of that Act (25 U.S.C. 2710(d)(7)) to compel the State to participate in compact negotiations for class III gaming (as that term is defined in section 4(8) of that Act (25 U.S.C. 2703(8))).

(3) approve class III gaming on Indian lands by any means other than a Tribal-State compact entered into between a state and a tribe.

(b) DEFINITIONS.—

(1) The terms “class III gaming”, “Secretary”, “Indian lands”, and “Tribal-State compact” shall have the same meaning for the purposes of this section as those terms have under the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.).

(2) the “report of the National Gambling Impact Study Commission” is the report described in section 4(b) of P.L. 104-169 (18 U.S.C. sec. 1955 note).

Mr. STEVENS. Mr. President, I ask for a voice vote on this amendment.

The PRESIDING OFFICER. If there is no debate, the question is on agreeing to the amendment.

The amendment (No. 111) was agreed to.

Mr. STEVENS. I move to reconsider the vote by which the amendment was agreed to, and I move to lay that motion on the table.

The motion to lay on the table was agreed to. Mr. STEVENS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

VITIATION OF ACTION ON AMENDMENT NO. 111

Mr. STEVENS. Mr. President, I ask unanimous consent that the adoption of amendment No. 111 be vitiated and that the amendment be set aside temporarily.

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

Mr. STEVENS. 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. STEVENS. 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. STEVENS. Mr. President, I ask unanimous consent that the Kerrey amendment on flood control and the Graham amendment on microherbicide be deleted from the list.

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

AMENDMENTS NOS. 103, AS MODIFIED, 112, AND 113, EN BLOC

Mr. STEVENS. Mr. President, I ask unanimous consent that I may submit as one package:

A substitute to amendment No. 103, which was an amendment offered by Senator GRAMS. This is a technical amendment that we wish to have adopted in lieu of the amendment that has already been adopted to the bill, No. 103;

A second amendment by Senators DORGAN and CRAIG, which is a sense-of-the-Senate amendment regarding sales of grain to Iran;

And, a third amendment, which is an amendment by Senator GREGG on limitations on fishing permits, or authorizations for fishing permits.

I send these to the desk and ask unanimous consent that it be in order to consider them en bloc.

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

The clerk will report.

The bill clerk read as follows:

The Senator from Alaska (Mr. STEVENS) proposes amendments numbered 103, as modified, 112, and 113, en bloc.

Mr. STEVENS. I ask unanimous consent that reading of the amendments be dispensed with.

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

The amendments (Nos. 103, as modified, 112, and 113), en bloc, are as follows:

AMENDMENT NO. 103 AS MODIFIED

(Purpose: To provide funding for annual contribution to public housing agencies for the operation of low-income housing projects)

On page 30, between lines 5 and 6, insert the following:

COMMUNITY DEVELOPMENT BLOCK GRANTS (INCLUDING TRANSFER OF FUNDS)

Of amounts appropriated for fiscal year 1999 for salaries and expenses under the Salaries and Expenses account in title II of Public Law 105-276, \$3,400,000 shall be transferred to the Community Development Block Grants account in title II of Public Law 105-276 for grants for service coordinators and congregate services for the elderly and disabled: *Provided*, That in distributing such amount, the Secretary of Housing and Urban Development shall give priority to public housing agencies that submitted eligible applications for renewal of fiscal year 1995 elderly service coordinator grants pursuant to the Notice of Funding Availability for Service Coordinator Funds for Fiscal Year 1998, as published in the Federal Register on June 1, 1998.

AMENDMENT NO. 112

(Purpose: To express the sense of the Senate that a pending sale of wheat and other agricultural commodities to Iran be approved)

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

SEC. . SENSE OF THE SENATE: EXPRESSING THE SENSE OF THE SENATE THAT A PENDING SALE OF WHEAT AND OTHER AGRICULTURAL COMMODITIES TO IRAN BE APPROVED.

The Senate finds:

That an export license is pending for the sale of United States wheat and other agricultural commodities to the nation of Iran;

That this sale of agricultural commodities would increase United States agricultural exports by about \$500 million, at a time when agricultural exports have fallen dramatically;

That sanctions on food are counterproductive to the interests of United States farmers and to the people who would be fed by these agricultural exports:

Now, therefore, it is the sense of the Senate that the pending license for this sale of United States wheat and other agricultural commodities to Iran be approved by the administration.

AMENDMENT NO. 113

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

SEC. . LIMITATION ON FISHING PERMITS OR AUTHORIZATIONS

Section 617(a) of the Department of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1999 (as added by section 101(b) of division A of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105-277)) is amended by inserting—

(a) “or under any other provisions of the law hereinafter enacted,” made “after available in the Act”; and,

(b) at the end of paragraph (1) and before the semicolon, “unless the participation of such a vessel in such fishery is expressly allowed under a fishery management plan or plan amendment developed and approved first by the appropriate Regional Fishery Management Council(s) and subsequently approved by the Secretary for that fishery under the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.”).

Mr. STEVENS. Parliamentary inquiry: Does that include the substitute replacement for the amendment already adopted, No. 103?

The PRESIDING OFFICER. Yes; it does.

Mr. STEVENS. I ask unanimous consent that these amendments be considered en bloc and agreed to.

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

The amendments (Nos. 103, as modified, 112, and 113) were agreed to.

Mr. STEVENS. I ask unanimous consent it be in order to reconsider the amendments en bloc, and that the motion be laid on the table.

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

The motion to lay on the table was agreed to.

Mr. STEVENS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. STEVENS. Mr. President, I ask unanimous consent the measure pending before the Senate be temporarily set aside so we can have consideration of the Cuba rights resolution. I would like to turn the management of that over to Senator MACK of Florida.

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

The Chair recognizes the Senator from Florida.

Mr. MACK. 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. GORTON. 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. GORTON. Mr. President, I ask unanimous consent to proceed as in morning business.

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

THE MISGUIDED ANTITRUST CASE AGAINST MICROSOFT

Mr. GORTON. Mr. President, on Monday, my friend and colleague, the senior Senator from Utah, Mr. HATCH, came to the floor to respond to a statement that I gave a week or so earlier on the Justice Department's misguided antitrust case against Microsoft.

Mr. President, this has become something of a habit for the Senator from Utah and myself. We have debated that lawsuit since well before it was commenced, more than a year ago.

I am happy to state that I want to start these brief remarks with two

points on which I find myself in complete agreement with Senator HATCH. First, during a speech on Monday, he joined with me in asking that the Vice President of the United States, Mr. GORE, state his position on whether or not this form of antitrust action is appropriate. I centered my own speech on the frequent visits the Vice President has made to the State of Washington and his refusal to take any such position. The Senator from Utah said:

Government should not exert unwarranted control over the Internet, even if Vice President Gore thinks that he created it.

I am delighted that the Senator from Utah has joined me in that sentiment. Now there are at least two of us who believe that the Vice President of the United States should make his views known on the subject.

Secondly, the Senator from Utah, in dealing with the request by the Department of Justice that it receive a substantial additional appropriation for fiscal year 2000 for antitrust enforcement, stated that he is concerned about the value thresholds in what is called the Hart-Scott-Rodino legislation relating to mergers and feels that the minimum size of those mergers should be moved upward to reflect inflation in the couple of decades since that bill was passed, therefore, questions at least some portion of the request for additional appropriations on the part of the Antitrust Division.

As I have said before, I believe that it deserves no increase at all, that the philosophy that it is following harasses the business community unduly, and inhibits the continuation of the economic success stories all across our American economy but particularly in computer software.

Having said that, the Senator from Utah and I continue to disagree, though I wish to emphasize that my primary disagreement is with the Antitrust Division of the Department of Justice of the United States and this particular lawsuit.

The disagreement really fundamentally comes down to one point: Antitrust law enforcement should be followed for the benefit of consumers. The Government of the United States has no business financing what is essentially a private antitrust case. If there are competitors of Microsoft who think they have been unsuccessful and wish to finance their own antitrust lawsuits, they are entitled to do so. The taxpayers of the United States, on the other hand, should not be required to pay their money for what is a private dispute, primarily between Netscape and Microsoft.

That remains essentially the gravamen of the antitrust action that the Justice Department in 19 States is prosecuting at the present time.

There is only the slightest lip service given in the course of that lawsuit or by the senior Senator from Utah to consumer benefit. This is not surprising, Mr. President, because there is no discernible consumer benefit in the demands of this lawsuit.

Consumers have been benefited by the highly competitive nature of the software market. They are benefited by having the kind of platform that Microsoft provides for thousands of different applications and uses on the part of hundreds of different companies all through the United States.

This is not a consumer protection lawsuit. I may say, not entirely in passing, that I know a consumer protection lawsuit when I see one. I was attorney general of the State of Washington for 12 years. I prosecuted a wide range of antitrust and consumer protection lawsuits. But every one of those antitrust cases was based on the proposition that consumers were being disadvantaged by some form of price fixing or other violation of the law. I did not regard it as my business to represent essentially one business unhappy and harmed by competition for a more effective competitor.

The basis of my objection to this lawsuit is that it is not designed for consumer protection. It is designed to benefit competitors. Some of the proposals that have appeared in the newspapers for remedies in case of success, including taking away the intellectual properties of the Microsoft Corporation, perhaps even breaking it up, requiring advance permission on the part of lawyers in the Justice Department for improvements in Windows or in any other product of the Microsoft Corporation, are clearly anticonsumer in nature.

The lawsuit is no better now than the day on which it was brought. It is not designed to benefit consumers. It ought to be dropped.

I am delighted that at least on two peripheral areas of sometime controversy, the Senator from Utah and I now find ourselves in agreement. Regrettably, we still find ourselves disagreeing on the fundamental basis of the lawsuit. I am sorry he is on the apparent side of the Vice President of the United States and the clear side of the Department of Justice of the United States.

I expect this debate to continue, but I expect it to continue to be on the same basis. Do we have a software system, a computer system in the United States which is the wonder of the world that has caused more profound and more progressive changes in our society than that caused in a comparable period of time by any other industry, or somehow or another do we have an industry that needs Government regulation? I think that question answers itself, Mr. President, and I intend to continue to speak out on the subject.

EXPRESSING THE SENSE OF THE SENATE REGARDING THE HUMAN RIGHTS SITUATION IN CUBA

Mr. MACK. Mr. President, I ask unanimous consent that S. Res. 57 be discharged from the Foreign Relations Committee and, further, that the Senate now proceed to its immediate consideration.