

to send Elian back to a totalitarian state? I have talked to the family about this. They love Juan Gonzalez. He is a family member. There is no difficulty between these family members. The reason Mr. Gonzalez did not come here is that he could not come here. The reason Mr. Gonzalez can't defect is that he is afraid to defect because he knows what is going to happen to some of his family who are still back in Cuba. We are playing the game. We are just giving them all the cover.

"I spoke to Mr. Gonzalez, and he didn't indicate to me he wanted to defect."

Do you remember learning about the Fugitive Slave Law of the 1840s and 1850s? It made northerners return escaped slaves back to their masters. Would anyone begrudge abolitionists who opposed that law?

Picture this: A little black child in 1840, Anywhere, U.S.A., in the South, picked up by his mother. His father says, "No, get away, I'll cover for you." She takes the Underground Railroad and makes it to the North and is caught. She dies. Same logic—send him back to the father. Send him back to slavery.

This kid is going back to slavery. He is not going back to his father; he is going back to slavery. So all of you out there, all 61 percent, including many of my colleagues, when you watch him paraded around the streets of Havana as they teach him to become a pretty good little Communist, think about it. Think about how you might have stood up and prevented it.

In 1939, the U.S.S. *St. Louis* arrived from Germany with 937 refugees aboard. Do you know who they were? Jews fleeing from Hitler. The ship was denied entry because the law did not allow it. The refugees went back to Europe and Hitler and to their deaths. Was it right to uphold the law in that case?

The fact is, no law governs this case. Janet Reno is not telling you the truth. She has total discretion. There is no law that is dictating to her that she has to send this boy back. No law. Show it to me. Somebody come to the floor and read to me the law that says the Attorney General must return this boy. There is no such law. There is nothing in the law that says it. There is no age restriction. There is nothing. What it says is that she has discretion. So her discretion is to send him back, but do not tell me it is the law because it is not.

She made the wrong decision. With this simple bill, on which I have been trying to get a vote for a month, Senators can be on record as saying it is wrong to make this an immigration case. He has rights. He is only a 6-year-old boy, but he has rights. His mother had rights. Let's let the family sit down and talk about it without the Justice Department. Let them meet alone. If they cannot work it out, they can go to the Florida custody court and decide what is in the best interest of Elian. That is the way it should be.

Will evil succeed, as Mr. Burke said? That could be Elian. That could have been Elian and might still be Elian. My conscience is clear.

GAS TAXES

Mr. HATCH. Mr. President, yesterday, the Senate voted on a cloture motion to end debate on Senator LOTT's proposal to roll back the gasoline excise tax. Senator LOTT's bill is a sincere effort to address the hardships many Americans have been facing given the rising price of gasoline at the pump.

I commend the majority leader for this legislation. But, I do want to clarify my vote on the cloture motion.

I voted for cloture because I believe the majority leader, of all people, deserved an up-or-down vote on the proposal. I also believed that, if we were going to vote to cut or maintain the current gasoline tax, we ought not to confuse the American people about where we stood by deciding this issue on a procedural vote.

Unfortunately, because cloture was not invoked, and there may not be a vote up-or-down on the proposal itself, it seems that Utahns are indeed confused about where I stand on this issue. As it frequently happens, the vote on the procedural motion becomes a proxy for how a senator would have voted on the bill. However, that assumption does not hold true for me in the case of this gas tax proposal. I would have reluctantly voted against it.

While I respect Senator LOTT for his effort at providing relief for truckers, farmers, landscapers, salesmen, and everyone else who depends on his or her vehicle, I have an equal concern for the quality of the highways they drive on.

It is unclear to me that the loss of revenue that would have resulted from passing this legislation could have been immediately made up from other programs, thus necessary highway construction and repair projects in Utah and around the nation could have been delayed.

Moreover, I believe that there are other measures we can find should take to address the issue of high gas prices. In the long-term, we should encourage development of alternative fuels vehicles. Toward this end, Senator JEFFORDS and I will be introducing legislation later this month that will provide strong tax incentives for the development and purchase of such vehicles, along with the alternative fuel they use.

I also believe that there are other tax relief initiatives that will have greater positive impact for American families, and I will continue to press hard for these proposals.

Mrs. FEINSTEIN. Mr. President, yesterday, I spoke on S. 2285. I now ask unanimous consent that an ARCO letter concerning gas prices be printed in the RECORD.

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

ARCO,

Los Angeles, CA, April 5, 2000.

Hon. DIANNE FEINSTEIN,
*Hart Senate Office Building,
Washington, DC.*

DEAR SENATOR FEINSTEIN: Thank you for your phone call on Friday, March 31, regarding gasoline prices in California. During that conversation, you inquired regarding the status of ARCO's gasoline inventory. I have outlined below some statistics that were not available to me when we talked.

Currently, ARCO's inventory of CARB gasoline is at our operating target. Total industry gasoline inventories on the West Coast appear to be recovering. The last weekly West Coast gasoline inventory report showed an increase of 1.5 million barrels over the previous week, which was the low point of the year.

With respect to the issue of gasoline prices, no one can predict the future. However, crude oil prices have been coming down over the last few weeks as a result of the recent OPEC meeting. Spot prices also appear to have peaked. Barring some unforeseen circumstances, we can assume that retail gasoline prices will follow suit.

I hope you find this information helpful.

Sincerely,

MIKE BOWLIN,
*Chairman and
Chief Executive Officer.*

Mr. GORTON. Mr. President, American consumers are feeling the impact of high oil prices. Obviously, the increase is noticeable at the gas pump, but it also is being felt in less visible ways through increases in the cost of goods and services as airline prices and shipping costs escalate. I have stated, in no uncertain terms, that I consider responsibility for the current situation largely to lie at the feet of the Clinton-Gore Administration. Thanks to nearly eight years of their short-sighted policies, we are increasingly dependent on foreign oil. To make matters worse, not only does the Clinton-Gore Administration not have any clear plan to reduce our dependence on foreign oil, they actually appear to be moving in the opposite direction, seeming at every turn making it more difficult to develop domestic energy sources, whether it be gasoline, petroleum products, coal, oil, or hydropower.

As it is largely through the bungling efforts of the current Administration that we are in this situation, I believe it is appropriate that the U.S. Senate counterbalance their efforts with some modest relief. A suspension of the 4.3-cent federal fuel excise tax, imposed in the early days of the Clinton Gore administration, should provide the short term relief consumers deserve.

As Congress addresses these issues, however, we must seek a solution that not only attacks this problem from the perspective of energy supply, but also energy use. A key aspect of any debate on this subject must focus on motor vehicle fuel consumption. The United States currently uses about 17 million barrels of oil per day to run cars and trucks. Thanks to the existence of Corporate Average Fuel Economy, or CAFE, standards, three million barrels of oil are conserved each day. Despite the clear success of CAFE standards,

however, Congress has prevented the National Highway Traffic Safety Administration (NHTSA) from even considering whether we can do better, particularly in relation to the fuel efficiency standards of light trucks, which haven't been significantly increased in ten years.

Many constituents and colleagues are often surprised to learn of my advocacy for CAFE standards. My motivation is simple, and is based on the success of the original CAFE statute. I feel that NHTSA should at least be allowed to study whether an additional increasing CAFE standards is an appropriate action. As you may know, light truck standards have not had a significant increase in the last ten years. Light trucks are regulated separately from cars and are only required to get 20.7 mpg on fleet average as opposed to 27.5 for cars. In 1983, the average fuel economy of light trucks was already 20.7 mpg. Since 1983 it has dropped .3 mpg to 20.4. This is hardly a technological breakthrough.

I am not swayed by doomsday predictions from automakers who claim they will be forced to manufacture fleets of subcompact cars. These are the same arguments that were used during the original debate in 1974. One only needs to examine the possible options available to consumers today to disprove this theory. When consumers can purchase SUVs as large as the Chevy Suburban or Ford Excursion, it is hard to argue that consumer choice has been compromised. I have complete faith in American automobile manufacturers that they can continue to produce fuel efficient vehicles that are the envy of the world.

Therefore, it was with great interest that I listened to Energy Secretary Bill Richardson testify before the Interior Subcommittee this morning on the Clinton Administration's multi-faceted plan to address high gasoline prices. This testimony focused on a lengthy discussion of the results of last month's diplomatic efforts. When pressed on the Administration's plan to decrease this country's dependence on foreign oil sources, Secretary Richardson went on to tout his proposals to improve alternative fuel options and fuel efficiency. He suggested tax incentives and credits for U.S. oil producers, fuel efficient vehicle production, and alternative fuel development. Unfortunately, there was no mention of CAFE standards.

In response to this omission, I had to ask why this Administration has failed to actively support new fuel efficiency standards. When I pressed Secretary Richardson to commit to making CAFE standards a centerpiece of the Clinton-Gore Administration's effort to address the current fuel shortage and long-term foreign oil dependency of this country, he ducked the question and told me he wished the EPA Administrator was available to answer.

I am perplexed by this response. Obviously, U.S. auto manufacturers have

demonstrated they are more than up to the challenge of producing more fuel efficient light trucks and SUVs. In fact, Ford Motor Company just announced plans to start selling within three years a hybrid gas-and-electric-powered SUV that gets about 40 miles per gallon.

Therefore, I fail to understand why the Clinton-Gore Administration can't make simply studying a possible increase in CAFE standards a top priority in this debate. I challenge the White House to embrace this common sense approach, which is certainly preferable to the groveling diplomacy it engaged in just weeks ago.

ADOPTION OPPORTUNITIES ACT

Ms. LANDRIEU. Mr. President, I rise today to speak about the Adoption Opportunities Act which would amend the current adoption tax credit so it does what it was originally intended to do, and that is to help all kinds of families in their efforts to adopt all kinds of wonderful children.

I would like to begin my remarks this morning by introducing you and my colleagues to someone very special. This beautiful little girl's name is Serina Anglin. Serina was born, as you can see here, prematurely and severely addicted to drugs. Her mother was a 15-year-old girl who herself had been abandoned in a crack house by her drug-addicted mother.

At birth, doctors were all but certain Serena would not survive. When she was just a few months old, a neurologist described her in the following way:

In summary, Serina is a severely manifold handicapped child whose significant defects are in social, adaptive, affective, and cognitive development.

Serina has cerebral palsy as well as other multiple problems including crack cocaine prenatal addiction, history of herpes and encephalitis, and seizure disorders including epilepsy. . . . Her ability to walk is very uncertain. I think she will fall into the moderate to severe range of retardation.

However, through the grace of God, Serina came into the home of a wonderful couple, Hal and Patty Anglin, of Wisconsin, who are now her adoptive parents. I want to show you a current picture of Serina. Through their love and determination, Serina has not only survived but her progress has simply amazed medical experts.

Today, Serina is a remarkable child. She still has some small seizures, but her larger seizures are all but gone. She not only can walk, she recently learned to ride a bike. Each day she is becoming more and more active. She is true and living proof that the love of a family, growing up in a nurturing environment, can make what was deemed impossible possible.

This is not to say this miracle came easily. In the beginning, Serina's care required that she go to the doctor over 16 times a month. For the first year of her life, her adoptive mother, Patty, carried her in a tummy sack to simulate the safety and warmth she had

been deprived in the womb. She had to be taught how to breathe and swallow. She has had several surgeries on her leg which was damaged as a result of prenatal drug exposure.

I tell this story today because I cannot think of a better way to show my colleagues why the current tax credit needs to be changed. Serina was born to a mother who was a ward of the State. So upon her birth, she was immediately placed in foster care, as I explained. As such, when the Anglins, who were her foster care parents, went through the formal adoption process, the process of adoption cost them almost nothing.

Therefore, under our current definition of qualified adoption expenses, they were not eligible to receive one single dime of the \$5,000 tax credit that is supposedly available under current law. Had Serina, this beautiful little girl, been a healthy infant voluntarily given up and adopted privately or through one of our many able agencies, the Anglins would have been eligible to claim the \$5,000 tax credit. I am sure my colleagues will agree this was not our intention when we passed the adoption tax credit.

In the case of children in foster care with special needs, what gives many parents pause is that everyday care of these children can be both physically and financially draining. I cannot tell you how many foster parents tell me the only thing standing in the way of their formally adopting foster care children is the worry that their personal resources will be inadequate to properly care for them. Through a properly drafted and funded adoption tax credit, we can be the partners with these prospective parents whose hearts are ready to take on this responsibility.

It is a small step in the right direction but a very important step. A tax credit for special needs children logically should assist parents, such as the Anglins, with the everyday long-term costs of raising a child with special needs and should not be limited to the expenses of the "act of adoption" itself. The current definition is limited to "qualified adoption expenses." That is too narrow to reach children such as Serina who need our help the most.

The Adoption Opportunities Act, which we introduce today, proposes to fix this dilemma. It allows a straightforward \$10,000 tax credit for families who adopt a child with special needs. The new tax credit for special needs children will not require the parents to submit verification of their expenses, nor will the amount be dependent upon the cost of adoption itself.

I know many of us have argued for years about simplifying the Tax Code. I am hard pressed to imagine a way that would be more simple than the one Senator CRAIG and I are proposing, for all a parent has to do is simply attach a certificate of adoption for any special needs child to their tax return and they will get, under this bill, a \$10,000