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Senate

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

The PRESIDENT pro tempore. Father Paul Lavin, pastor, St. Joseph's Catholic Church on Capitol Hill, Washington, DC, will now lead us in prayer.

PRAYER

The guest Chaplain, Father Paul Lavin, offered the following prayer:

In Psalm 24 we hear:

The Lord's are the earth and its fullness; the world and those who dwell in it. For He founded it upon the seas and established it upon the rivers. Who can ascend the mountain of the Lord or who may stand in His holy place? He whose hands are sinless, whose heart is clean, who desires not what is vain? He shall receive a blessing from the Lord, a reward from God His savior. Such is the race that seeks for him, that seeks the face of the God of Jacob.

Let us Pray.

All powerful God, You always show mercy toward those who love You and are never far away from those who seek You. Remain with Your sons and daughters who serve in the Senate of the United States and guide their way in accord with Your will. Shelter them with Your protection, and protect also those who guard them; give these servants of Yours the light of Your wisdom, and give Your grace also to their staffs. We ask this through Christ our Lord. 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 PRESIDING OFFICER (Mr. CRAPO). The acting majority leader is recognized.

SCHEDULE

Mr. SPECTER. Mr. President, today the Senate will begin at this point 30 minutes of debate on the amendment offered by the Senator from California, Mrs. BOXER, regarding afterschool programs. We had been scheduled to debate the Gregg second-degree amendment. It is my understanding Senator GREGG is now disposed to withdraw the amendment unless there is objection to that. So we will proceed with 30 minutes of debate on the Boxer amendment, with the first vote occurring at 10 a.m.

On behalf of the leader, I am announcing that we will try to complete action on the bill today. Therefore, votes will occur throughout the day and into the evening.

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

Pending:

Reid amendment No. 1807, to require the Secretary of Labor to issue regulations to eliminate or minimize the significant risk of needlestick injury to health care workers.

Boxer amendment No. 1809, to increase funds for the 21st century community learning centers program.

Gregg amendment No. 1810 (to amendment No. 1809), to require that certain appropriated funds be used to carry out Part B of the Individuals with Disabilities Education Act.

Mr. SPECTER. Mr. President, when we concluded yesterday afternoon, the ranking member and I talked about a unanimous-consent agreement for all amendments to be filed. We had talked about 12 noon today, and there was concern that since the announcement was made late in the day, Senators would not have an opportunity to understand that since many had gone home. But it is my expectation that when Senator HARKIN arrives, we will confer and try to pick a time when we will ask unanimous consent that all amendments be filed.

AMENDMENT NO. 1810, WITHDRAWN

On behalf of Senator GREGG, I withdraw the Gregg amendment.

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

AMENDMENT NO. 1809

Mr. SPECTER. The essential point on the amendment of the Senator from California is to add $200 million to afterschool programs. I believe afterschool programs are very valuable, and I have supported afterschool programs in the past. In fact, in collaboration with Senator HARKIN, we included $200 million in addition to the $200 million now allocated for afterschool programs. This is an enormous increase on a program that just 3 years ago was at $1 million, then increased to $40 million, then to $200 million, and we have doubled it this year to $400 million. It is an integral part of the school violence prevention initiative.

In crafting this bill, which comes in at $91.7 billion, Senator HARKIN and I have made an assessment of priorities among some 300 programs. And while we would like to have more money for afterschool programs—we would like to have more money for many programs—it simply is not possible to do it.

In crafting this bill, which will be passed by the Senate, to get at least 51 votes, there is very considerable concern on my side of the aisle about a bill with $91.7 billion. Then we have to go to conference. Then we have to find a bill which the President will sign. The metaphor is, it is like running between the raindrops in a hurricane. So it is

with reluctance I must oppose the Boxer amendment; it is not realistic to do it.

Some have argued that the $200 million advocated yesterday by Senator MURRAY, which was defeated, or the $200 million sought to be added by Senator BOXER would dip into Social Security. I am not going to make that argument because no one really knows that. We are determined to craft a total appropriations package which is within the caps. In order to accomplish that, there has to be advance funding. Of course, the Boxer amendment provides for advance funding as well. But at some point, if there is sufficient advance funding going into the projected $38 billion in surplus for fiscal year 2000, even on the advance funding line, Social Security will not be intact, and I think there is agreement that we have to protect Social Security and Medicare, that our expenditures even on an advance line cannot go beyond.

I note my distinguished colleague from California is ready to present her case, so I yield the floor.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. BOXER. I thank the Chair.

The amendment I have at the desk is No. 1809? I just want to make sure that is what the clerk has.

The PRESIDING OFFICER. That is correct.

Mrs. BOXER. I thank the Chair.

I am going to make some very brief remarks and then yield 7 minutes to the Senator from Massachusetts, who is such a leader on education. I will begin just by setting the stage for his remarks.

The amendment we have at the desk—and it is cosponsored by many on my side of the aisle—would allow 370,000 children the opportunity to get into afterschool programs. This is a program that works. I understand both sides agree that it works. The difference is that we on this side want to be a little more bold. We want to really say that if education is a priority, and if our children are a priority, we ought to go up to the President's requested level of $600 million for this program.

The bill goes up to $400 million. That leaves out 370,000 children.

Think of the impact for those children. It doesn't only impact them where they are safe after school. It impacts their parents, their grandparents, their communities, and their neighborhoods.

It is a very simple amendment. We use a technique used all through the bill, which is forward funding. We don't touch Social Security or anything else. We simply forward fund it because the school year starts later, and that kind of funding would work.

I want to share with my colleagues before you hear from Senator KENNEDY that last night the National Association of Police Athletic Leagues was so delighted to hear we had this amendment pending that they got on the phone and called everyone they could in the Senate. I am going to read a little bit from their letter:

DEAR SENATOR: The National Association of Police Athletic Leagues is endorsing and supporting Senator Boxer's afterschool legislation, and anticrime amendment to the Labor-HHS appropriations bill. It would add $200 million to the 21st century learning center funding. This would total $600 million.

This is what the National Association of Police Athletic Leagues says.

Our kids need it. They need to be in safe places during nonschool hours. There is no safer place in any community than the school, especially when law enforcement personnel are involved in their activities. This is where PAL plays a part in the afterschool and anticrime amendment. The amendment directly addresses the issue of the juvenile crime rate during nonschool hours by providing productive activities, and improves the academic and social outcome for students.

He goes on to explain how the Police Athletic Leagues is involved in afterschool programs.

We are very delighted to be here this morning. We are pleased Senator GREGG withdrew his amendment because I think it flattened the issue. We are all for IDEA, and that has been taken care of in the bill before us. But afterschool has been shorted.

At this time, I am pleased to yield 7 minutes of time to Senator KENNEDY, who is our leader in the Senate on education issues.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I thank the Senator from California. This has been an ongoing and continuous effort on her part, since the beginning of this program 3 years ago when it started out as an extremely modest program. The reason it has grown to where it currently stands at $200 million, is to a great extent, because of Senator BOXER bringing to the attention of both the administration and the Congress, the impact of this program on children, on families, and also in terms of law enforcement.

I think many of us were heartened earlier this year when the President asked for $600 million. But I think most of us thought, given the amount of the request for that program, that it far exceeded that by two or three times. As with very strong programs, it will get the kind of focus, attention and priority it deserves. I want to express our appreciation to the Appropriations Committee because they have at least added some resources to that.

But, of course, we face a significant decline in terms of the commitment from the House of Representatives. By accepting the Boxer amendment, we will strengthen the commitment that our appropriators have demonstrated in terms of funding this program.

As we come into the second day's debate on this appropriations bill, we are seeing the targeting of scarce resources that we have at the national level in areas of proven achievement and accomplishment.

Yesterday, under the leadership of Senator MURRAY in the area of smaller class size—and the record is very complete—with smaller class size and with better trained teachers, the academic achievement and accomplishment for children are enhanced significantly, and the benefits of those experiences stay with those children. Of course, if they are enhanced later on, they even expand. The afterschool program is a similar program.

If we are able to take both of these programs together—smaller class size and afterschool programs—with the kind of improvement of those afterschool programs, including tutoring, helping children with their homework, and also exposing children in many different instances, as we see in Boston, to a wide variety of other subjects—for example, photography and graphic arts, areas which have awakened enormous interest among children—students may find these are areas where they may concentrate either near school or later as the source of employment.

The bottom line is very clear. The results are in. Every dollar we invest in afterschool programs means that a child will have an enhanced academic achievement and accomplishment, period.

As this country debates, families say: What can we do about education?

This morning many families, as they saw their children going off to school, were saying: I hope my child is going to have a good day in school; that they are going to have good teachers; and that they are going to continue their learning experience.

One of the things we know and that has been demonstrated and proven is that afterschool programs work. They have a positive academic impact in terms of children. This ought to be prioritized. That is what this amendment does.

I welcome the fact that Senator GREGG withdrew his amendment because I think it is rather cynical to try to place disabled children against afterschool children. Hopefully, we are interested in all children. Disabled children go to afterschool programs. Why try to say to people in local communities: Look, you have to do this, or do that? We ought to do what is necessary in terms of those children who qualify for IDEA, and we ought to do something for the afterschool program. Now we have the opportunity to do something for the afterschool program.

I want to state very quickly some of the results of the afterschool program to date. One is in the student achievement. The second is in decreasing juvenile crime.

The Senator from California has been able to reflect that in the very strong support from law enforcement officials that she mentioned in the RECORD. That has been demonstrated. It was demonstrated in Waco, TX, where many of the students participated in what they called the Lighted Schools Program for afterschool programs. They saw an important and significant

reduction in juvenile delinquent behavior over the course of the school year. It produces that result, as we saw, as in some of the presentations we made yesterday about giving the students a youthful, productive, and healthy kind of alternative to using their time in a wasteful way after school. It has the result of reducing juvenile crime.

Finally, the parents support it. In Georgia, over 70 percent of students, parents, and teachers agree that children are receiving helpful tutoring in The Three O'clock Project, a statewide network of afterschool programs. The parents are the ones who have been the strongest supporters of this program.

As we have seen in other programs, there is no requirement and no mandate on this. If the local school and community want to do it, they had better get their applications in because there are going to be scarce resources. We are doing it on the basis of a solid record of achievement, academic improvement, and reduction in crime. They have seen that there have been expanded opportunities for students because of additional learning experiences.

This is a win-win-win. I think the Senate of the United States ought to go on record in supporting what the parents want and what has been demonstrated to be effective in enhancing academic achievement in afterschool programs.

We are glad for what the appropriators have done. But we are talking about a $1.7 trillion budget. We think $200 million more for the afterschool program, which will bring it up to the $600 million the President had requested, makes a good deal of sense. Again, it is an issue of priority.

Mrs. BOXER. Mr. President, I ask that the Senator have an additional 2 minutes. I will ask him to yield for a question.

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

Mrs. BOXER. Mr. President, I think my friend makes a very important point about the priorities when he talks about the overall size of this budget of the United States of America. Comparing that with the $200 million we are asking for in this program would add 370,000 children who are awaiting in line.

I ask my friend another question. Our friend from Pennsylvania is not supporting our amendment and alludes to the fact that, well, we just can't keep spending more. But yet every Republican, as I remember, voted for an enormous tax cut of billions and billions of dollars. Now that is off the table.

I say to my friend, it seems ironic there would be complaints about spending more on education than the bill already provides, when every single one of my Republican friends voted for this huge tax cut to benefit the wealthiest. All we want is to take a relatively small amount of that and put it into afterschool.

Mr. KENNEDY. Mr. President, the Senator is correct. We had a tax cut for $792 billion over the period of the next 10 years. As the Senator remembers, we had the opportunity to fully fund the IDEA program and only reduce the tax cut by one-fifth. That was real money going toward education for the disabled. That was rejected on party lines. Those who are advocating and supporting the Boxer amendment supported it. It was turned down on the other side.

If we were able to have that amount of money that would be used in the tax cut, why not take $200 million of that $792 billion and put it in afterschool programs to service 370,000 children? It makes sense to me.

Mrs. BOXER. I want to give my friend some information. I know he fought this tax battle and a lot of the numbers have perhaps slipped away. The number of dollars that would have been lost in the school year 1999–2000 as a result of the Republican tax cut was $5.273 billion in the first year, this year that we are talking about.

They were willing to give to the wealthiest people in this country $5.273 billion in the school year 1999–2000. All we are asking is to take the latter part of that figure—the $5 billion we are not touching—the $273 million.

When it comes to priorities, I think this vote is very important.

Mr. KENNEDY. The Senator has brought up an enormously important point, one that some Members understand, and hopefully the American people understand.

To move ahead with that tax cut would mean an effective reduction in support of programs that reach out and benefit children in the public schools. That is part of the money they were going to use to fund that tax break, and, of course, the President vetoed it so we are able to at least effectively hold those programs at their current level.

However, the Senator additionally makes the point that we have 447,000 new children going to school this next year, about 300,000 the following year, and 300,000 the next year. Unless we see an important increase, we will not be able to serve all the children in need.

I think the Senator from California's program will move us down that road in an important way.

Mrs. BOXER. I reserve the remainder of my time.

The PRESIDING OFFICER. All time has expired.

Mr. SPECTER. Mr. President, the agreement to vote at 10 o'clock is complicated by the withdrawal of the Gregg amendment. For the record, I ask unanimous consent the time restraints outlined in the previous consent agreement apply to the Boxer amendment, with a vote to occur at 10 o'clock. That is our plan 6 minutes from now.

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

Mr. SPECTER. By way of brief reply to the arguments made by the Senator from California, did I understand the Senator from California to say that no Republican voted against the $792 billion proposed tax cut?

Mrs. BOXER. I thought that was correct. How many did vote against it?

Mr. SPECTER. Quite a few. I wouldn't want to cite an exact number.

Mrs. BOXER. I don't think it was ''quite a few.'' It might have been three.

I stand corrected.

Mr. SPECTER. It might have been more than three; it was some.

Mrs. BOXER. I stand corrected. I apologize. I know my friend did vote against it.

Mr. SPECTER. I can testify to that from direct personal knowledge; I voted against it and others did. There were some Republicans against the tax cut.

Mrs. BOXER. I congratulate the Senator for that.

Mr. SPECTER. We thank the Senator more for the accurate identification than the congratulations. My vote against it was based upon concern of what the surplus would be.

I think it ought to be noted the President has come forward with a proposal for a tax cut of his own. It is not a tax cut of the magnitude passed by the Senate and the House, but he has come forward with a role for a tax cut.

Back to the issue on more money for afterschool programs. I think it is very important to consider this issue in the perspective of what has happened with this program which was created as recently as 1994. For the fiscal year 1995, enacted in 1994, the last year when the Congress was controlled by the Democrats, the afterschool program was $750,000. The next year it was $750,000. In fiscal year 1997, it went to $1 million. In 1998, when I chaired the subcommittee and Senator HARKIN was ranking, we raised it to $40 million. Last year, we raised it to $200 million. This year, we are raising it another $200 million. I believe there has been a real recognition of the value of the afterschool program.

The Senator from California and I had an extended debate yesterday afternoon on the question of whether there would be a request for more money. Had we added $400 million, there would still have been many applications and many meritorious applications. Among the total number—there were some 2,000 applications—only 184 were granted. That brings me to the conclusion that regardless of what we craft in a bill and how much money we add for afterschool programs there will be an effort by someone to up the ante so that no figure is satisfactory.

Someplace the line has to be drawn. The overall education budget, which the subcommittee recommended and the full committee recommended and is now before the Senate, increases educational funding over last year by $2.3 billion—$2.3 billion. It is more than $500 million more than the President's request. When we take education in the

aggregate, we have done more than President Clinton has asked. When we go down to some of the specific items, we have not put quite as much as he wants into some programs. He asked for the program on preparing disadvantaged secondary high school students for college, GEAR UP; he asked for an increase from $120 million to $240 million, doubling it. We increased it to $180 million, $60 million over last year's funding level.

However, the Congress has the principal responsibility in the appropriations process under the Constitution. It is true the President has to sign the bill, but we are the baseline appropriators. While we have disagreed on some of the priorities, I believe that Senator HARKIN and I have crafted a bill, which the subcommittee accepted and the full committee accepted, that is a realistic and appropriate allocation of those priorities. It is for that reason, as much as I like afterschool programs, there has to be some limit before we go into Social Security, some limit considering how much we have added to education.

Mrs. BOXER. Will my friend yield for a clarification on a conversation we had a moment ago?

Mr. SPECTER. On the four Republicans who voted against the tax bill?

Mrs. BOXER. No, it is only two, that is what we were told.

Mr. SPECTER. Senators VOINOVICH, COLLINS, SNOWE, and I all voted against the tax bill; it was a 50–49 vote. One Republican was absent, four Republicans voted against it. Forty-five Democrats voted against it, plus four Republicans: VOINOVICH, COLLINS, SNOWE, and SPECTER.

Mrs. BOXER. We have the vote. It shows two voted against.

Mr. SPECTER. You have the first tax bill, the bill out of the Senate, where VOINOVICH and ARLEN SPECTER voted against it. The conference report, which is the tax bill, had four Republicans voting in opposition.

Mrs. BOXER. I was speaking about the vote in the Senate, when the Senate bill came before us. There were two and you were one of the two. I want to make sure the RECORD shows that.

Mr. SPECTER. It is a vote in the Senate on the conference report.

Mrs. BOXER. Fine. Then we could say two voted against it the first time in the Senate and when it came back from the conference, four.

The point I made is very obvious.

Mr. SPECTER. Will the Senator from California agree that some Republicans voted against it?

Mrs. BOXER. I agree that two Republicans out of 55 voted against it in the Senate. I don't know what the point is. I am glad you did, Senator.

The PRESIDING OFFICER (Mr. BUNNING). All time has expired.

Mr. SPECTER. Mr. President, I take that as a concession that some Republicans voted against it.

Mrs. BOXER. Well, don't. I don't mean it as a concession.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mrs. BOXER. Mr. President, I ask for the yeas and nays.

Mr. SPECTER. I move to table. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to table amendment No. 1809.

The yeas and nays have been ordered.

The clerk will call the roll.

The legislative assistant called the roll.

Mr. NICKLES. I announce that the Senator from Arizona (Mr. MCCAIN) is necessarily absent.

The result was announced—yeas 54, nays 45, as follows:

[Rollcall Vote No. 299 Leg.]

YEAS—54

Abraham	Feingold	Mack
Allard	Fitzgerald	McConnell
Ashcroft	Frist	Murkowski
Bennett	Gorton	Nickles
Bond	Gramm	Roberts
Brownback	Grams	Roth
Bunning	Grassley	Santorum
Burns	Gregg	Sessions
Campbell	Hagel	Shelby
Chafee	Hatch	Smith (NH)
Cochran	Helms	Smith (OR)
Collins	Hutchinson	Specter
Coverdell	Hutchison	Stevens
Craig	Inhofe	Thomas
Crapo	Jeffords	Thompson
DeWine	Kyl	Thurmond
Domenici	Lott	Voinovich
Enzi	Lugar	Warner

NAYS—45

Akaka	Edwards	Lieberman
Baucus	Feinstein	Lincoln
Bayh	Graham	Mikulski
Biden	Harkin	Moynihan
Bingaman	Hollings	Murray
Boxer	Inouye	Reed
Breaux	Johnson	Reid
Bryan	Kennedy	Robb
Byrd	Kerrey	Rockefeller
Cleland	Kerry	Sarbanes
Conrad	Kohl	Schumer
Daschle	Landrieu	Snowe
Dodd	Lautenberg	Torricelli
Dorgan	Leahy	Wellstone
Durbin	Levin	Wyden

NOT VOTING—1

McCain

The motion was agreed to.

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

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

The motion to lay on the table was agreed to.

UNANIMOUS CONSENT REQUEST—S. 82

Mr. LOTT. Mr. President, we have been working quite some time now to get a final agreement on how to bring up the FAA reauthorization bill. This is important legislation. We have tried to extend the time, and there has been resistance to that. We have tried to direct a conference; there has been resistance to that.

So it is important we have a couple days to have debate relevant amendments and deal with this issue. We are working on both sides of the aisle, and I think we have resolved most of the questions. If there is any one remaining problem, I would like to flesh it out so we can deal with it.

I ask unanimous consent that on Monday, October 4, it be in order for the majority leader to proceed to the consideration of S. 82, the FAA reauthorization bill, that the majority and minority managers of the bill be authorized to modify the committee amendments and, further, that only aviation-related amendments and relevant second-degree amendments be in order to the bill.

Mr. DASCHLE. Mr. President, I will object at this point. I do so only because it is my understanding that the junior Senator from New York, Mr. SCHUMER, is still awaiting an answer from the manager of the bill, Senator MCCAIN. They have been negotiating now for several days. The Senator from New York indicated he hopes that in a matter of hours he will hear from Senator MCCAIN's office. As soon as he gets that clarification from Senator MCCAIN, I think he will be more than happy to agree to this unanimous consent request. I will certainly notify the majority leader when that happens. Then it would be my expectation we could agree to this unanimous consent request. We have worked through a number of other problems and issues Senators have raised.

I appreciate the cooperation of all Senators, especially those on my side of the aisle who have worked with us to get to this point. This is an important bill. It needs to be done. I hope it will be done next Monday.

The PRESIDING OFFICER. Objection is heard.

Mr. LOTT. I thank the Democratic leader for that response.

The manager of the bill and the ranking member, Senator MCCAIN and Senator HOLLINGS, are really anxious to go forward with this. There is an understanding on both sides of the aisle that this is very important legislation we have to complete.

We have worked through problems that Senator ROBB had, Senator ABRAHAM, a number of Senators who have amendments, but they will be able to offer those relevant amendments under this agreement.

I hope later on today we can lock in this agreement and be on this bill then next Monday, and after a reasonable time for debate and amendments, surely we can finish it by the close of business on Tuesday.

Also, Mr. President, there had been an indication that some amendment might be offered on the Labor-HHS-Education appropriations bill on an unrelated matter but one with which, frankly, we are prepared to go forward.

UNANIMOUS-CONSENT REQUEST—TREATY DOCUMENT NO. 105–28

Mr. LOTT. Mr. President, as in executive session, I ask unanimous consent

that at 10 a.m. on Wednesday, October 6, the Foreign Relations Committee be discharged from further consideration of treaty document No. 105–28 and the document be placed on the Executive Calendar, if not previously reported by the committee.

I further ask consent that at 10 a.m. on Wednesday, the Senate begin consideration of treaty document No. 105–28—this is the Comprehensive Test Ban Treaty—and the treaty be advanced through the various parliamentary stages up to and including the presentation of the resolution of ratification, and there be one relevant amendment in order to the resolution of ratification to be offered by each leader; in other words, there would be two of those.

I further ask that there be a total of 10 hours of debate to be equally divided in the usual form and no other amendments, reservations, conditions, declarations, statements, understandings, or motions be in order.

I further ask that following the use or yielding back of time and the disposition of the amendments, the Senate proceed to vote on adoption of the resolution of ratification, as amended, if amended, all without any intervening action or debate.

I also ask consent that following the vote, the motion to reconsider be laid upon the table, the resolution to return to the President be deemed agreed to, and the Senate immediately resume legislative session.

Basically, after consultation on both sides of the aisle, and especially with the chairman of the Foreign Relations Committee, we are asking that we go to a reasonable time for debate and a vote on this Comprehensive Test Ban Treaty.

I think this treaty is bad, bad for the country and dangerous, but if there is demand that we go forward with it, as I have been hearing for 2 years, we are ready to go.

Mr. DASCHLE. Mr. President, I object to this request for three reasons.

The PRESIDING OFFICER. Objection is heard.

Mr. DASCHLE. First, 10 hours of debate is totally insufficient for a treaty as important as this. I appreciate very much the majority leader's willingness to respond to the continued requests we have made for consideration of this treaty. He and I hold a different view about the importance of it, but we are certainly willing to have a debate and have the vote.

I appreciate as well his willingness to respond as quickly as he has. In this case, we have been attempting to get to this point for a long period of time. But October 6 is a time that I don't think allows for adequate preparation for a debate of this magnitude.

Keep in mind, no hearings have been held yet on this issue. Unfortunately, as a result of that, I don't think people are fully cognizant of the ramifications of this treaty and the importance of it. I will certainly agree to a time certain if we can extend the length of debate.

I would also be concerned about the language in the unanimous-consent request that assumes this treaty will be defeated. The last paragraph makes an assumption that we are not prepared to make at this point. We don't think it necessarily will be defeated.

We look forward to working with the leader and coming up with a time we can debate it and give it the time it deserves. I hope it will be done sometime this coming month. I look forward to working with the majority leader to make that happen.

Mr. LOTT. Mr. President, three responses: First, if additional time is needed to have a full debate, I think we can work that out. Second, with regard to the leader's objection, I guess to the language in the last paragraph, we can talk about that and probably can work out an agreement to drop that. Third, there have been lots of hearings on this issue over a long period of time and a lot of individual briefings by Members on both sides of the aisle. I think the Senator would be surprised at the amount of knowledge Members have on this subject.

Finally, there is one sure way it will be defeated—that is, not to ever take it up. I would like us to get a time as soon as possible, within the very near future, and have that debate and have a vote.

Mr. DORGAN. Will the Senator from Mississippi yield for a question?

Mr. LOTT. Do I have time, Mr. President?

The PRESIDING OFFICER. The Senator has the floor.

Mr. LOTT. Yes, I am glad to yield.

Mr. DORGAN. I appreciate the courtesy of the majority leader. I hope we can find a way by which we are able to debate and vote on this treaty. I don't share the opinion that it is dangerous. I think it is important for the interests of this country that we ratify this treaty. Whatever the agreement, I also think it would be useful to have a hearing in the coming days and have the Joint Chiefs of Staff and others come forward and tell us their views.

Mr. LOTT. One observation, if the Senator will withhold for a second: This agreement doesn't preclude hearings in the appropriate committees either this week or next week.

Mr. DORGAN. I understand it would not preclude it, but would it necessarily include it? Does the majority leader think such hearings will be held? Notwithstanding that, I still think, one way or the other, we ought to get to this treaty, get it to the floor, debate it, and vote on it.

Mr. LOTT. We are ready, Mr. President.

Mr. DORGAN. Does the Senator believe there will be a hearing in the coming days?

Mr. LOTT. I don't know. I assume that could happen. There are at least two chairmen who would probably be willing to do something in that area.

I yield to the distinguished chairman of the Foreign Relations Committee.

Mr. HELMS. Mr. President, I am getting a little weary of this business of saying this is true and that is true when it is not true.

We have held at least nine hearings on this matter. We have invited Senators to come. They didn't want to come. I have done the best I can to have hearings. But if the Senators won't come, and if the news media won't report what we have had, I believe I have discharged my responsibility.

Let's hear no more about ''no hearings.'' There have been hearings; the Senators from the other side just didn't participate.

Mr. LOTT. Mr. President, if it would be appropriate, I yield the floor at this time.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. Mr. President, I am always reluctant to disagree publicly with my friend from North Carolina, the chairman of the full committee, because we get along so well. We have a fundamental disagreement on this issue. But I am unaware of any hearings we have had in the Foreign Relations Committee on this treaty.

We have had hearings on the ABM Treaty. We have had hearings on the ABM Treaty. We have had hearings on the protocol to the ABM Treaty, and the demarcation issue. We have had hearings on the impact of theater missile defense. We have had those hearings. They all implicate the Comprehensive Test Ban Treaty. But we have had, to the best of my knowledge, no hearings on the Comprehensive Test Ban Treaty.

I note for the RECORD one Senator's view. I think it is shared by many.

This is the single most significant issue facing the entire question of proliferation of nuclear weapons, and it holds the key for good or bad, depending on your perspective, on every other aspect of our strategic defenses.

So it is, to me, not reasonable. The chairman has been very straightforward with me—and I respect him for it—in the many urgings I have made to him to have hearings. He said to me: Joe, we will have hearings if the following things occur.

He lays it out. He said: We will have hearings if we first do ABM, if we first do the Kyoto treaty, if we first do other things. He has set priorities. He has been straightforward, honest, and up front about it for the last 2 years. This is the only thing he and I have had a real disagreement on.

But the idea that we have had hearings on this treaty is not true. I am not suggesting that the chairman is intentionally misleading the Senate. He may think in terms of since we have had hearings that implicate other aspects of our strategic defenses and our strategic offensive capability that we have done this, but we haven't.

The Government Affairs Committee, I thought, had some hearings on it relating particularly to the stockpiling

issue and the testing of the stockpiling. And I think maybe even the Armed Services Committee may have had hearings on it.

But I want to get something straight. I am going to sound to the public like a typical Washingtonian Senator. The only outfit that has jurisdiction over this is the Foreign Relations Committee—the Foreign Relations Committee. That is one of our principal functions.

With all due respect to my colleagues, we haven't had hearings.

Let me say one word in conclusion.

I am willing and anxious to have an up-or-down vote on this because, as the majority leader said, if we don't vote, the treaty loses anyway. I would rather everybody be counted. I want everybody on the line. I want every Senator voting yes or no on this treaty so we all can put ourselves in line so that, if India and Pakistan end up—while we are pleading with them to ratify this treaty, while we are pleading with them not to deploy—if they end up deploying nuclear weapons, I am going to be on the floor reminding everybody what happened and the sequence of events. I will not be able to prove that is why they did it. But I can sure make a pretty strong case.

I want everybody coming up this next year—everybody from the Presidential candidates to all of our colleagues running for reelection—to be counted on this issue.

That is why I am willing—I am in the minority—to have the vote today. I am willing to go ahead. I am not the leader. But I will tell you, I think this is a critical issue. We have had no hearings.

It makes sense what my friend from North Carolina says—that we should have hearings, and we should do it in an orderly fashion. We should proceed this way. Apparently, we are not going to proceed this way; therefore, we will have to do it in a way in which the committee system was not designed to function. If that is the only way we can get a vote, fine.

I conclude by saying that I don't doubt for a second the intensity with which my friend from North Carolina believes this treaty is against the interests of the United States any more than he doubts for a second my deep-seated belief that it is in the ultimate interest of the United States.

But these are the issues over which people should win and lose. These are the big issues. These are the issues that impact upon the future of the United States and the world. This is the stuff we should be doing instead of niggling over whether or not you know somebody smoked marijuana or did something when they were 15. This is what this body is designed to do. This is our responsibility, and I am anxious to engage it.

If it is 10 hours, 2 hours, or 20 hours, the longer the better to inform the American public. Hearings would be illuminating.

But since that is probably not going to happen, I say to my friend from North Carolina that I am ready to go. I expect he and I will be going toe to toe on what is in the interest of America. I respect his view. I thank God for him. I love him. But he is dead wrong on this. But I still love him.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. Mr. President, I suggest the absence of a quorum so I can get my records over here.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative assistant proceeded to call the roll.

The Senator from Georgia.

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

Mr. HELMS. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

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

The PRESIDING OFFICER. Is there objection?

Mr. HELMS. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. HELMS. Mr. President, I thank the Chair. I ask unanimous consent that the quorum call be suspended, and that at the conclusion of Senator CLELAND's remarks I be recognized.

The PRESIDING OFFICER. Is there objection?

Mr. DORGAN. Mr. President, reserving the right to object, I shall not object, I ask that I be recognized following the remarks of the Senator from North Carolina.

Mr. HELMS. I object.

The PRESIDING OFFICER. Objection is heard.

The clerk will call the roll.

The legislative assistant proceeded to call the roll.

Mr. HELMS. 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. HELMS. I ask that I be recognized.

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

Mr. HELMS. Mr. President, my dear friends from the other side of the aisle are refusing to agree to a unanimous consent agreement to bring the Comprehensive Test Ban Treaty to the Senate floor for debate and a vote on October 7, 1999.

Having said that, I ask unanimous consent it be in order for me to request Senator CLELAND be recognized for whatever time he needs and at the conclusion of his remarks I be recognized again.

The PRESIDING OFFICER. Is there objection?

Mr. DORGAN. Reserving the right to object, Mr. President, the Senator from North Carolina objected to my being recognized following his statement on the floor. The Senator from North Carolina, as I understand, is propounding a unanimous consent request that the Senator from Georgia be recognized, following which he be recognized. I ask consent I be recognized following the Senator from North Carolina.

The PRESIDING OFFICER. Is there objection?

Mr. HELMS. I object.

Mr. GRAHAM. Mr. President, I ask unanimous consent, first, to yield to our colleague from Georgia for purposes of a request and then for purposes of making a unanimous consent request that has to do with establishing my order in the line to offer an amendment relative to the pending legislation.

Mr. HELMS. I object.

The PRESIDING OFFICER. The objection is heard.

Mr. GRAHAM. Did the Senator from North Carolina object?

The PRESIDING OFFICER. Yes, he did.

Mr. GRAHAM. Would the Senator from North Carolina object if my motion was to yield to the Senator from Georgia for purposes of the motion he wishes to make?

Mr. HELMS. Mr. President, I think the RECORD will show I already recommended Senator CLELAND be recognized at the conclusion of which I shall have the floor; is that not the case?

The PRESIDING OFFICER. Is there objection?

Mr. GRAHAM. I am asking unanimous consent to yield to the Senator from Georgia for the purposes of the motion of the Senator from Georgia; is there objection to that?

Mr. HELMS. I do object.

The PRESIDING OFFICER. The Senator from North Carolina added to that he be recognized immediately after the Senator from Georgia.

Mr. GRAHAM. I accept that if I could be recognized between the Senators from Georgia and North Carolina for purposes of my procedural motion.

The PRESIDING OFFICER. Is there an objection?

Mr. HELMS. Mr. President, I don't understand the request.

Mr. GRAHAM. The request is, first, that the Senator from Georgia be recognized for the purposes of a motion, and I be recognized for a unanimous consent that will only ask my amendment be taken up as the next Democratic amendment relative to the pending legislation; and then the third step is the Senator from North Carolina would be recognized.

Mr. REID. Reserving the right to object, I say to my friend from Florida, we already have a Democratic amendment that is mine; we are waiting to do that. That is the next one.

Mr. HELMS. We can't have a colloquy.

The PRESIDING OFFICER. Is there objection?

Mr. COCHRAN. Mr. President, I object to the request of the Senator from Florida.

The PRESIDING OFFICER. The objection is heard. The Senator from Florida has the floor.

Mr. GRAHAM. Mr. President, I want to yield to the Senator from Georgia.

The PRESIDING OFFICER. Is there an objection?

Mr. HELMS. Mr. President, reserving the right to object, who gets the floor when the Senator from Georgia has finished his remarks?

The PRESIDING OFFICER. The floor is open.

Mr. HELMS. I object unless it is recognized by all that I get the floor.

The PRESIDING OFFICER. Is there an objection?

Mr. DORGAN. Mr. President, reserving the right to object, I don't object to the Senator from Georgia speaking. I don't object to the Senator from North Carolina speaking. I simply ask if the Senator from North Carolina gets consent to be recognized, that I get consent to be recognized following his presentation. As I understand it, he has objected to that; is that the case?

The PRESIDING OFFICER. That is correct. Is there an objection to his request now?

Mr. DORGAN. Whose request?

The PRESIDING OFFICER. Yours.

Mr. DORGAN. I will certainly not object to my request.

The PRESIDING OFFICER. Is there an objection?

Mr. GRAHAM. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

BIRTHDAY GREETINGS TO JIMMY CARTER

Mr. CLELAND. I ask unanimous consent that the Senate proceed to the immediate consideration of Senate Resolution 192 introduced earlier by myself and the distinguished senior Senator from Georgia, Mr. COVERDELL.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative assistant read as follows:

A resolution (S.Res. 192) extending birthday greetings and best wishes to Jimmy Carter in recognition of his 75th birthday.

There being no objection, the Senate proceeded to consider the resolution.

Mr. CLELAND. Mr. President, Henry David Thoreau once said ''If one advances confidently in the direction of his dreams, and endeavors to live the life which he has imagined, he will meet with a success unexpected in common hours.'' I rise before my colleagues today to reflect on the successes of one of our nation's great leaders and to pay tribute on the occasion of his 75th birthday, President Jimmy Carter.

James Earl Carter, Jr. was born October 1, 1924, in Plains, Georgia. Peanut farming, talk of politics, and devotion to the Baptist faith were mainstays of his upbringing. Upon graduation in 1946 from the United States Naval Academy in Annapolis, Maryland, he married Rosalynn Smith. The Carters have three sons, John William (Jack), James Earl III (Chip), Donnel Jeffrey (Jeff), and a daughter, Amy Lynn.

After seven years' service as a naval officer, Jimmy Carter returned to Plains. In 1962 he entered state politics, and eight years later he was elected Governor of Georgia. Among the new young southern governors, he attracted attention by emphasizing the environment, efficiency in government, and the removal of racial barriers. I was pleased to serve in the Georgia State Senate during his Governorship and to support his reform agenda.

Jimmy Carter announced his candidacy for President in December 1974 and began a two-year campaign that quickly gained momentum. At the Democratic National Convention, he was nominated on the first ballot. He campaigned hard, debating President Ford three times, and won the Presidency in 1976 by 56 electoral votes. One of the greatest honors of my life was when President Carter chose me to lead the Veterans' Administration. In fact, I was President Carter's first scheduled appointment—it was not more than a couple hours after the inauguration when he asked me to be a part of his administration. It remains one of my proudest moments.

As President Jimmy Carter worked hard to combat the continuing economic woes of inflation and unemployment by the end of his administration, he could claim an increase of nearly eight million jobs and a decrease in the budget deficit, measured as a percentage of the gross national product. He dealt with the energy shortage by establishing a national energy policy and by decontrolling domestic petroleum prices to stimulate production. He prompted Government efficiency through civil service reform and proceeded with deregulation of the trucking and airline industries.

President Carter also sought to improve the environment in many ways. His expansion of the National Park System included protection of 103 million acres of Alaskan wilderness. To increase human and social services, he created the Department of Education, bolstered the Social Security system, and appointed record numbers of women, African-Americans, and Hispanics to jobs in the Federal Government.

In foreign affairs, Jimmy Carter set his own style. His championing of human rights was coldly received by the Soviet Union and some other nations. In the Middle East, through the Camp David agreement of 1978, he helped bring amity between Egypt and Israel. He succeeded in obtaining ratification of the Panama Canal treaties. Building upon the work of predecessors, he established full diplomatic relations with the People's Republic of China and completed negotiation of the SALT II nuclear limitation treaty with the Soviet Union.

Remarkably fit and compulsively active, President Carter remains a leading figure on the world stage. After leaving the White House, Jimmy Carter returned to Georgia, where in 1982 he founded the nonprofit Carter Center in Atlanta to promote human rights worldwide. The Center has initiated projects in more than 65 countries to resolve conflicts, prevent human rights abuses, build democracy, improve health, and revitalize urban areas.

His invaluable service through his work at the Carter Center has earned him a record that many regard as one of the finest among any American ex-President in history. Jimmy Carter's high-profile, high-stakes diplomatic missions produced a cease-fire in Bosnia and prevented a United States invasion of Haiti. He supervised elections in newly democratic countries and has aided in the release of political prisoners around the world.

Jimmy Carter and his wife, Rosalynn, still reside in Plains, Georgia and enjoy their ever-growing family which now includes 10 grandchildren. I ask my colleagues today to join with Mrs. Carter, Jack, Chip, Jeff, and Amy to honor President Carter on his 75th birthday.

Mr. COVERDELL. Mr. President, I rise today to offer a few comments on the occasion of the 75th birthday of our Nation's 39th President and fellow Georgian, James Earl Carter.

I have known President Carter and his lovely wife Rosalynn since my days in the Georgia State Senate, and I have always known him to be a very gracious, forthright, and effective public official. Jimmy Carter has dedicated his life to his country—graduate of the United States Naval Academy, member of the Georgia State Senate, Governor of Georgia, and of course, President of the United States.

Many former Presidents choose a slower and more relaxed lifestyle once they leave office. But not Jimmy Carter. Since leaving office, he has been a leading advocate for democracy, peace, and human rights throughout the world. The Carter Center, headquartered in Atlanta, is one of the most renowned organizations in the area of promoting health and peace in nations around the globe.

Mr. Carter has also been a leader in our country's struggles to end poverty. In 1991 he launched the Atlanta Project, an initiative aimed at attacking social problems associated with poverty.

Besides the Atlanta Project, Mr. and Mrs. Carter are regular volunteers for Habitat for Humanity, a charitable organization dedicated to ending homelessness throughout the world. As two of Habitat's most well-known volunteers, each year they lead the Jimmy Carter Work Project, a week-long event that brings together volunteers from around the world for this noble effort.

Mr. President, the resolution brought forward by my colleague Mr. CLELAND and myself will express the Senate's best wishes to President Carter on his

75th birthday. I can not think of someone more deserving of this honor. I wish Jimmy and his wife Rosalynn well on this occasion, and encourage my colleagues to do likewise. I thank the Chair.

Mr. CLELAND. I ask unanimous consent the resolution and the preamble be considered and agreed to en bloc, the motion to reconsider be laid upon the table without intervening action, and any statements relating to the resolution be printed in the RECORD.

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

The resolution (S. Res. 192) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 192

Whereas October 1, 1999, is the 75th birthday of James Earl (Jimmy) Carter;

Whereas Jimmy Carter has served his country with distinction in the United States Navy, and as a Georgia State Senator, the Governor of Georgia, and the President of the United States;

Whereas Jimmy Carter has continued his service to the people of the United States and the world since leaving the Presidency by resolutely championing adequate housing, democratic elections, human rights, and international peace;

Whereas in all of these endeavors, Jimmy Carter has been fully and ably assisted by his wife, Rosalynn; and

Whereas Jimmy Carter serves as a living international symbol of American integrity and compassion: Now, therefore, be it

Resolved, That the Senate—

(1) extends its birthday greetings and best wishes to Jimmy Carter; and

(2) directs the Secretary of the Senate to transmit an enrolled copy of this resolution to Jimmy Carter.

Mr. GRAHAM. Mr. President, I ask unanimous consent I be the next Democratic Senator to be recognized for purposes of an amendment after Senator REID of Nevada.

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

The Senator from North Carolina is recognized.

COMPREHENSIVE TEST BAN TREATY

Mr. HELMS. Mr. President, I said a moment ago, and I repeat for emphasis, I am absolutely astonished our friends across the aisle refuse to agree to the majority leader's unanimous consent agreement to bring the Comprehensive Test Ban Treaty to the Senate floor for debate and vote on October 7.

I think this refusal is significant because of the incessant grandstanding that has been going on by the administration and some Senators and, of course, the liberal media that are not going to tell the facts about the Comprehensive Test Ban Treaty—all clamoring that there is such an urgent need for immediate Senate action on the CTBT. It has been proclaimed constantly that the Senate absolutely must ratify the treaty so the United States can participate in the October 6 through 8 conference in Vienna. Yet when the majority leader offered a unanimous consent agreement to bring the treaty to a vote in time for that conference, the same people clamored for more action, running for the hills and demanding more time and making other demands.

If it were not so pitiful, this behavior would be amusing. I am not going to let Senators have it both ways. The same people who have been criticizing the Foreign Relations Committee for inaction on the CTBT are now refusing to a date certain, and a timely vote on the CTBT.

Of course, some are hiding behind the idea that more hearings are needed for a full Senate vote. Hogwash. For the record, the Committee on Foreign Relations has held in the past 2 years alone 14 hearings in which the CTBT was extensively discussed. Most folks don't show up for the hearings—the train was too late or whatever. This number of 14 does not include an even larger number of hearings held by the Armed Services Committee and the Intelligence Committee on CTBT relevant issues, nor does this include three hearings by the Governmental Affairs Committee on the CTBT and relevant issues.

I ask unanimous consent this list documenting each Foreign Relations Committee hearing be printed in the RECORD.

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

FOREIGN RELATIONS COMMITTEE HEARINGS DURING WHICH THE CTBT WAS DISCUSSED

February 10, 1998—(Full Committee/Helms), 1998 Foreign Policy Overview and the President's Fiscal Year 1999 Budget Request. (S. Hrg. 105–443.)

May 13, 1998—(Subcommittee on Near Eastern and South Asian Affairs/Brownback), Crisis in South Asia: India's Nuclear Tests. (S. Hrg. 105–620.)

June 3, 1998—(Subcommittee on Near Eastern and South Asian Affairs/Brownback), Crisis in South Asia, Part 2: Pakistan's Nuclear Tests. (S. Hrg. 105–620.)

June 18, 1998—(Subcommittee on East Asian and Pacific Affairs/Thomas), Congressional Views of the U.S.-China Relationship.

July 13, 1998—(Subcommittee on Near Eastern and South Asian Affairs/Brownback), India and Pakistan: What Next? (S. Hrg. 105–620.)

February 24, 1999—(Full Committee/Helms), 1999 Foreign Policy Overview and the President's Fiscal year 2000 Foreign Affairs Budget Request.

March 23, 1999—(Subcommittee on East Asian and Pacific Affairs/Thomas), U.S. China Policy: A Critical Reexamination.

April 20, 1999—(Full Committee/Hagel), Current and Growing Missile Threats to the U.S.

April 27, 1999—(Full Committee/Helms), Nonproliferation, Arms Control and Political Military Issues.

May 5, 1999—(Full Committee/Hagel), Does the ABM Treaty Still Serve U.S. Strategic and Arms Control Objectives in a Changed World?

May 25, 1999—(Subcommittee on Near Eastern and South Asian Affairs/Brownback), Political/Military Developments in India.

May 26, 1999—(Full Committee/Helms), Cornerstone of Our Security?: Should the Senate Reject a Protocol to Reconstitute the ABM Treaty with Four New Partners?

June 28, 1999—(Full Committee/Hagel), Nomination (Holum).

September 28, 1999—(Full Committee/Helms), Facing Saddam's Iraq: Disarray in the International Community.

Mr. HELMS. Mr. President, at least 17 respected witnesses have discussed their views on both sides of the CTBT question in the past 2 years. The administration itself has included this treaty in testimony on five occasions. More than 113 pages of committee transcript text are devoted to this subject. I have a stack of papers here that are CTBT testimony and debate within the committee. A record can be made of how this has been delayed and by whom.

Mr. President, I find it puzzling that some in the Senate are objecting to the unanimous-consent request of the majority leader. The Foreign Relations Committee has thoroughly examined this matter. We have heard from experts on this very treaty. Let me share this with the Senate, the people listening, and the news media—that have not covered hearings on this matter but whose editors have said it is a disgrace that a vote has not been allowed on the CTBT treaty. Here are the people who have discussed the CTBT before the Foreign Relations Committee.

Let me point out, we have hearings fairly early in the morning, maybe too early for some to come. But I look on both sides of the aisle, and I have seen, sometimes, nobody on one side. Anyway, here is a list of the people I recall having discussed the Comprehensive Test Ban Treaty with the Committee on Foreign Relations:

The Honorable Madeleine K. Albright, Secretary of State;

The Honorable Karl F. Inderfurth, Assistant Secretary of State for South Asian Affairs;

Mr. Robert Einhorn, Deputy Assistant Secretary of State for Nonproliferation;

The Honorable R. James Woolsey, Former Director, Central Intelligence Agency;

Dr. Fred Ikle, Former Director, Arms Control and Disarmament Agency;

The Honorable Stephen J. Solarz, Former U.S. Representative from New York;

The Honorable William J. Schneider, Former Under Secretary of State for Security Assistance, Science and Technology;

Dr. Richard Haass, Former Senior Director, Near East and South Asia, National Security Council;

The Honorable Stanely O. Roth, Assistant Secretary of State for East Asian and Pacific Affairs;

The Honorable James R. Schlesinger, Former Secretary of Defense;

The Honorable Eric D. Newsom, Assistant Secretary of State for Political-Military Affairs;

The Honorable Ronald F. Lehman, Former Director, Arms Control and Disarmament Agency.

Parenthetically, I might say, not one word, as I recall, has been published by the same newspapers that have been piously declaring there must be action on the CTBT.

To continue the list:

General Eugene Habiger, Former Commander-in-Chief, U.S. Strategic Command;

The Honorable Frank G. Wisner, Vice Chairman, External Affairs, American International Group;

Dr. Stephen Cohen, Senior Fellow, Foreign Policy Studies, The Brookings Institution;

The Honorable Henry A. Kissinger, Former Secretary of State; and

The Honorable Richard Butler, Former Executive Chairman United Nations Special Commission on Iraq (UNSCOM).

I think this record will show—it should—that the Foreign Relations Committee has thoroughly examined this matter. We have pleaded for members of the committee, several of them, to come to a meeting once in a while. I have done everything I could to get this thing orderly presented to the Senate. All I have received are communications from Senators with a veiled threat if I did not proceed in some other way. We have certainly talked about this treaty in more depth than many other treaties, to my knowledge.

Those who are objecting, and objected to the majority leader's proposition this morning, don't want more hearings; what they want is more delay. You see, until a few minutes ago, until the majority leader offered his unanimous consent request, the same people who are now demanding more hearings were ready to dispense with further debate and go to a vote. Let me tell you what I mean.

The American people may recall, if they were watching C-SPAN, that President Clinton, in his State of the Union Address on January 27, 1998, declared: ''I ask the Senate to approve it'' —the CTBT—and he said ''this year'' in mournful tones.

In other words, the President was ready for a vote in 1998. Then a year later, the President said:

I ask the Senate to take this vital step: Approve the Treaty now.

''Approve it now,'' he said. He did not say approve the CTBT after more hearings.

On July 23, 1998, the Vice President, Mr. GORE, asked the Senate to ''act now'' on the CTBT, and all the while the New York Times and the Washington Post, et cetera, et cetera, et cetera, have been saying that HELMS is holding up this treaty.

In February, Secretary Albright asked for approval of the CTBT ''this session.'' And in April she said:

. . . the time has come to ratify the CTBT this year, this session, now.

On January 12, 1999, the National Security Adviser, Sandy Berger, declared:

. . . it would be a terrible tragedy if our Senate failed to ratify the CTBT this year.

The point I am making is that the list goes on and on.

Mr. President, 45 Democratic Senators wrote to me asking me to allow a vote:

. . . with sufficient time to allow the United States to actively participate [sic] in the Treaty's inaugural Conference of Ratifying States. . . .

That conference begins next week.

At a recent press conference for the cameras, Senator SPECTER, my friend, declared:

The Comprehensive Test Ban Treaty was submitted to the Senate months ago, and it is high time the Senate acted on it.

Senator MURRAY called for:

. . . immediate consideration of the Comprehensive Test Ban Treaty.

Senator DORGAN said that:

. . . we must get this done at least by the first of October.

I must observe that the distinguished Democratic leader, Senator DASCHLE, also had very strong words on this matter. Just 6 days ago, he proclaimed:

Senate Republicans have permitted a small number of Members from within their ranks to manipulate Senate rules—

I wonder how we did that when I was not looking. No rules have been manipulated, and I resent the inference. But to continue his quote—

from within their ranks to manipulate Senate rules and procedures to prevent the Senate from acting on the CTBT. . . . I would hope we would soon see some leadership on the Republican side of the aisle to break the current impasse and allow the full Senate to act on the CTBT . . . That effort must begin today.

Mr. President, I hope when we get to the debate, however long it lasts, that we will not have the spectacle of Senator KENNEDY again and again offering his minimum wage amendment. He keeps it in his hip pocket all the time and pulls it out anytime he can stick it up, and he will debate it for an hour or 2. We have to have some understanding about what we are going to debate, when we do debate, and I hope we will debate on the terms the Senator from Mississippi, the majority leader, offered.

I think all this speaks well of the majority leader, and I congratulate him.

I congratulate him for having the will to do this because this has been insulting on many occasions as a political issue, which it is not.

I hope the Senate Democrats will reconsider their refusal to agree to a CTBT vote after having demanded it so often.

Let me go back in time a little bit. I have been waiting for the President of the United States to follow up on his written commitment to me that he will send up the ABM Treaty, and I have been hoping to see a treaty on two or three other things.

I am not in the mood to leave the American people naked against a very possible missile attack, and that has been my problem. The President of the United States has insisted on keeping the ABM Treaty alive when that would forbid anything happening in terms of defending the security of the American people. I was unwilling to do that until he followed through on his written guarantee to me that he would send the ABM Treaty to me and to the Senate.

I trust in the future that the media will, for once, acknowledge some of their statements regarding the CTBT for what they have really said because it is inaccurate and misleading to the American people.

I thank the Chair. I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, I say to my colleague from North Carolina, for whom I have great respect, it is not and will never be my intention to prevent him from speaking on the floor. That was not the purpose of the unanimous consent request or the objections.

I have talked to him personally about this issue. He feels very strongly about it, as the Senator from Delaware indicated. The Senator, who is the chairman of the Foreign Relations Committee, has a right to feel very strongly about his position. I respect that very much. This is an issue that is very important to this country and, in my judgment, to the world.

We have a circumstance where 154 countries have become signatories to something called the Comprehensive Nuclear Test Ban Treaty. Forty-seven countries have ratified the Comprehensive Nuclear Test Ban Treaty. This country has not.

Mr. President, 737 days ago or so, this treaty was sent to the Senate by this administration; 737 days later we have not acted on this treaty. Some feel very strongly this treaty is not good for our country. The majority leader made that case. The chairman of the Foreign Relations Committee, the Senator from North Carolina, makes that case. They have strong feelings about it. I respect that. Other people have strong feelings on the other side, including myself.

I believe strongly this country has a moral responsibility in the world to lead on the question of the nonproliferation of nuclear weapons. Not many countries have access to nuclear weapons or possess nuclear weapons. Many would like to. How do we prevent the spread of nuclear weapons in this world, at a time when the shadow of nuclear tests recently made by India and Pakistan suggest there is an appetite for acquisition of nuclear weapons and testing of nuclear weapons? Two countries that do not like each other and share a common border explode nuclear weapons literally under each other's chins. Shouldn't that tell us there are serious challenges ahead with respect to nuclear weapons and the spread of nuclear weapons? I think so.

A unanimous consent request was propounded by the majority leader to bring up the Comprehensive Test Ban Treaty next week. As far as I am concerned, it is all right with me. I have been suggesting it ought to be brought up for a debate. It probably would be better if there was a hearing first and the Chairman of the Joint Chiefs and other respected folks came and set out their views and then, a couple of days later, debate it and vote on it. That would probably be a better course.

Even in the absence of that, as far as I am concerned, bring it up. The Democratic leader said he thought 10 hours was probably not enough time. The majority leader said in response we can

perhaps lengthen that. Maybe, based on that discussion, there can be an agreement today. I hope so. This ought to be brought up for a vote. I do not think the objection by the Democratic leader was an objection to say it ought not be brought up. He was concerned about time. It occurred to me from the response of the majority leader that can be worked out. In any event, as far as I am concerned, bring it up next week. Let's have a debate next week and a vote next week.

Twenty-one nations have ratified this treaty since the beginning of this year. Most of our allies have ratified this treaty, but we have not. Some say it is dangerous, as the majority leader alleged today, using the term ''dangerous'' for this country. Others say it is not in this country's interest, that it will weaken this country, leave us unprotected.

Let me describe some of the support for this treaty, going back to President Eisenhower who pushed very hard in the final term of his Presidency to get a treaty of this type. General Shelton, the Chairman of the Joint Chiefs of Staff, supports this treaty and testified recently again in support of the treaty. Four previous Chairmen of the Joint Chiefs of Staff—General Shalikashvili, Gen. Colin Powell, Admiral Crowe, and Gen. David Jones—also endorse that same position, that the Comprehensive Nuclear Test Ban Treaty is good for this country and ought to be ratified by this Senate.

Does anyone really feel Gen. Colin Powell, General Shalikashvili, and General Shelton would take a position that they think will weaken this country? Are they the extreme left? Are they the folks who, on the extreme of politics in this country, believe we ought to disarm? I do not think so. The Secretary of Defense supports this treaty and believes it ought to be ratified. I would not expect that he and Colin Powell and Admiral Crowe and all of those folks would do so unless they felt very strongly that this treaty is in this country's interest.

A former Member of this body, Senator Hatfield, someone for whom I have the greatest respect, offered some sound advice on this subject. Senator Hatfield, incidentally, was one of the first servicemen to walk in the streets of Hiroshima after the nuclear strike on that city. I want to read what former Senator Hatfield said to us. He said:

> It is clear to me that ratifying this treaty would be in the national interest, and it is equally clear that Senators have a responsibility to the world, to the Nation and their constituents to put partisan politics aside and allow the Senate to consider this treaty.

He, perhaps better than anybody in this body, understands the horror of nuclear weapons, having walked the streets of Hiroshima after the strike on that city.

I quoted the other day Nikita Khrushchev of the Soviet Union who warned that in a nuclear war the living would envy the dead.

The question for this country is, Will we stand and provide world leadership on the issue of the nonproliferation of nuclear weapons or will we decide it is not our country's responsibility; it is someone else's responsibility? Let England do it. Let France do it. Let Germany do it. Let Canada do it.

We are the only country in the world with the capability of providing significant leadership in this area. We must, in my judgment, ratify this treaty.

There are safeguards in this treaty. I will not spend much more time discussing it right now because we are on another piece of legislation, and that is important, too. But I make these comments because the safeguards in this treaty are quite clear.

This is not a case where this country will ratify a treaty that, in effect, disarms us. We are not conducting explosive tests of nuclear weapons now. We have unilaterally decided—7 years ago—we are not exploding nuclear weapons.

What contribution would be made by a test ban treaty? Simply this: If you cannot test your weaponry, you have no notion and no certainty that any weapons you develop are weapons that work. We have known for 30 and 40 years that the ability to suppress the testing of nuclear weapons will be the first step, albeit a moderate step, in halting the spread of nuclear weapons. This, in my judgment, in fact, is not a moderate step—this is a baby step.

If we cannot take this baby step on this important treaty, how on Earth are we going to do the heavy lifting that is necessary following this that will lead to the mutual reduction in the stockpile of nuclear arms? Tens of thousands of nuclear arms—30,000 nuclear weapons between us and Russia alone.

How are we going to reduce the stockpile of nuclear weapons and halt the spread of nuclear weapons to other countries and reduce the threat that comes from the nuclear weapons tests that occurred in Pakistan and India? How on Earth are we going to provide the leadership that is necessary, the tough leadership that is necessary in these areas if we cannot take this small step to ratify a treaty that has been signed by 154 countries now, and that makes so much sense, and that our Joint Chiefs of Staff have said represents this country's interests? How on Earth are we going to do the tough work if we cannot take this first step?

I have a lot more to say on this subject. I have expressed to the chairman of the Foreign Relations Committee, it is not my intention to be an irritant to anybody in this Chamber personally. I do not ever intend to suggest that someone who believes differently than I do is taking that position for any other reason except for the passion they have about this country and the policies they think will strengthen it.

But we have a very significant disagreement about this issue. It is a very significant and important issue. I believe in my heart very strongly this country has a responsibility to lead in the right way on this matter.

My hope is the unanimous consent request propounded by the majority leader—if there is more time needed; and the majority leader indicated that he was agreeable to that—my hope is that before the end of today we will have an agreement on when it will be brought to the floor, and then let's have a robust, aggressive, thoughtful debate so the country can understand what this means. Then let's have a vote and decide whether this country decides to ratify this important treaty that has been discussed for some 40 years—whether this country will take the first step that will help halt the spread of nuclear weapons around the world.

Mr. WARNER. Will the Senator yield?

Mr. DORGAN. Of course I will yield.

Mr. WARNER. First, I wish to commend our colleague for the very forthright way in which he has, for some period of time, expressed his strong views, the need for this treaty to be considered by the Senate. I strongly support the request of the majority leader, and I share with you the hope that our leadership can work this out and we can move expeditiously.

I assure my colleague, I have just had the opportunity to speak with my distinguished ranking member, Senator LEVIN. The Armed Services Committee will promptly conduct hearings regarding that area for which we have oversight responsibility.

The point I wish to make to my colleague is, it is going to require the most careful consideration by all Senators to reach this vote. Much of the relative material that convinces this Senator to oppose the treaty simply cannot be disclosed in open. I am going to urge our colleagues, and I am sure with the assistance of our leadership, we can provide more than one opportunity for each Senator to learn the full range of facts regarding this treaty and its implications for this Nation.

Yes, I want to see America lead, but I want to make certain that leadership role that exists today can exist a decade hence, 15 years, 20 years hence. That is the absolute heart of this debate: What steps do we take now to ensure that our country can maintain its position of world leadership in the decades to come?

We shall develop the facts, those of us who are most respectful of your viewpoint, as I am sure you are of mine. It will be a historic vote for this Chamber.

I yield the floor.

Mr. DORGAN. Mr. President, I appreciate the comments of the Senator from Virginia. One of my deep regrets is that he does not support this treaty because I have great respect for him and have worked with him on a number of matters. He truly knows this area and studies this area. There is room for disagreement.

But I say, again, that Secretary of Defense Bill Cohen, former Chairman of the Joint Chiefs Colin Powell, General Shalikashvili, General Shelton, and so many others have reviewed all of the same material—much of it secret material, secret documents—and have come to a different conclusion, believing that this treaty is very important for this country and that it is very important to ratify this treaty.

But my hope mirrors that of Senator WARNER, that when we have this debate, we will have a debate about ideas and about the kind of public policy that will benefit this country and the world, the kind of public policy that will allow us to continue to be strong, to have the capability to defend our liberty and freedom, but the kind of policy that will also provide leadership so this country can help prevent the spread of nuclear weapons in the years ahead.

Mr. President, I yield the floor.

Mr. DURBIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Thank you, Mr. President.

I first acknowledge the leadership of my colleague from North Dakota, Senator DORGAN, who has called the attention of this Congress and this Senate to this important issue. I hope his efforts will prevail in bringing this issue to the floor of the Senate.

In my lifetime, it is interesting to look back and reflect on things which were so commonplace and now are so rare. I can recall, as a child in the 1950's, in my classroom when we were being instructed about the need to ''duck and cover,'' the possibility that there might be an attack on the United States of America. That was generated by the fact that the Soviets had detonated a nuclear weapon. We were technically emerging into a cold war, and there was a belief that we had to be prepared for the possibility of an attack.

In my hometown of Springfield, IL, when my wife and I bought a little house, the first house we ever owned—1600 South Lincoln Avenue; an appropriate name in Springfield, IL—we moved into the house and went in the basement and were startled to find a fallout shelter that had been built to specifications. Someone had believed in the 1960s this was an appropriate thing to put in a house in Springfield, IL, because of the possibility that we may face some sort of attack, a nuclear attack on the United States.

You can remember the monthly air raid sirens that used to call our attention to the fact that we had a system to warn all of America of a potential attack. You may remember, not that many years ago, movies on television and long debates about a ''nuclear winter,'' what would happen with a nuclear holocaust.

That conversation was part of daily life in America for decades. Then with the end of the cold war, and the disintegration of the Soviet Union, and the Warsaw Pact nations not only leaving the Soviet domination but gravitating toward the West—with countries such as Poland and Hungary and Czechoslovakia coming to join NATO—many of us have been lulled into a false sense of security that the threat of nuclear weapons is no longer something we should take seriously. In fact, we should.

In fact, we are reminded, from time to time, that the so-called nuclear club—the nations which have nuclear capability—continues to grow. That is why this particular treaty and this debate are so important.

One of the most compelling threats we in this country face today is the proliferation of weapons of mass destruction. Threat assessments regularly warn us of the possibility that North Korea, Iran, Iraq, or some other nation may acquire or develop nuclear weapons. Our most basic interest in relations with Russia today is to see that it controls its nuclear weapons and technology and that Russian scientists do not come to the aid of would-be nuclear proliferators. In other words, in a desperate state of affairs, with the Russian economy, we are concerned that some people will decide they have a marketable idea, that they can go to some rogue nation and sell the idea of developing a nuclear weapon, adding another member to the nuclear club, increasing the instability in this world.

Congress spends millions of dollars to fight nuclear proliferation, to stop the spread of nuclear weapons worldwide, and to support the Nunn-Lugar Cooperative Threat Reduction Program.

For the past several years, I have been involved in an Aspen Institute exchange, which has opened my eyes to the need for our concern in this area. Senator LUGAR is a regular participant as well, and Senator Nunn has been there in the past, when we have met with members of the Russian Duma and leaders from that country and have learned of the very real concern they have of the stockpile of nuclear weapons still sitting in the old Soviet Union, a stockpile of weapons which, unfortunately for us, has to be minded all the time for fear that the surveillance, the inspection, and the safety would degrade to the point that there might be an accidental detonation. Those are the very real problems we face, and we vote on these regularly.

Yet we in the Senate, despite all of these realities, have had languished in the committee one of the most effective tools for fighting nuclear proliferation—the Comprehensive Test Ban Treaty, a treaty which, as the Senator from North Dakota indicated, has been ratified by over 130 nations but not by the United States of America.

The idea of banning nuclear tests is not a new one. It is one of the oldest items on the nuclear arms control agenda. Test bans were called for by both Presidents Eisenhower and Kennedy. Steps were taken toward a ban in the Limited Test Ban Treaty of 1963, but other incremental steps were eschewed in favor of a comprehensive treaty.

The Comprehensive Test Ban Treaty is a key piece of the broader picture of nuclear nonproliferation and arms control. Consider this: When nonnuclear countries—those that don't have nuclear weapons—agree they are not going to have a nuclear arsenal and sign the Nuclear Non-Proliferation Treaty, an essential part of that bargain for the smaller nations, the nonnuclear powers, and those that have it, was that nuclear countries were going to control and reduce the number of nuclear weapons.

An integral part of that effort is this treaty. It is virtually impossible to make qualitative improvements in nuclear weapons or develop them for the first time without testing. Just a few months ago, the Senate overwhelmingly voted to reorganize the Department of Energy because of our deep concern about what secrets may have been stolen from our nuclear labs. The potential damage from this espionage is disturbing.

In the case of China, the entry into force of this treaty could help mitigate the effect of the loss of our nuclear secrets. More than old computer codes and blueprints would be needed to deploy more advanced nuclear weapons. Extensive testing would be required. In the cases of India and Pakistan, U.S. ratification of this treaty would pressure both countries to sign the treaty, as they pledged to do following their nuclear test last year.

In fact, the leadership role of the United States is essential to encourage the ratification of the treaty by many other nations. If the leading nuclear power in the world, the United States of America, fails to ratify this treaty to stop nuclear testing, why should any other country? The United States has a responsibility of moral leadership. Many who take such pride in our Nation and its role and voice in the world tremble when faced with the burden of leadership. The burden of leadership comes down to our facing squarely the need to ratify this treaty.

The United States has declared that its own nuclear testing program has been discontinued, but it is still absolutely in our national interest to be part of a multinational monitoring and verification regime. That way we can shape and benefit from that same regime. The Comprehensive Test Ban Treaty says if the treaty has not been entered into force 3 years after its being open for signing, the states that have ratified it may convene a special conference to decide by consensus what measures consistent with international law can be taken to facilitate its entry into force.

Only those states that have ratified it would be given full voting privileges. The special conference is going to take place this fall. It will set up monitoring and verification of nuclear testing worldwide so the components will

be operating by the time the treaty does enter into force. This regime will include the International Data Center and many other elements that are important for success.

The United States should be part of that process, but it will not be, because the Senate has not voted on this treaty. This country certainly conducts its own monitoring for nuclear tests, but if we participate in an international regime, our country can benefit from a comprehensive international system. It is important to recall that if China or Russia were to resume testing, the United States, under this treaty, would have the right to withdraw and resume our own, if that is necessary for our national defense.

If the United States does not ratify the treaty in the first place, however, the Comprehensive Test Ban Treaty may never enter into force. We would be faced with the prospect, once again, of a major nuclear power's resuming nuclear testing. When President Eisenhower and President Kennedy called for a nuclear test ban, a major impetus was the public outcry over environmental damage caused by these tests.

I ask unanimous consent to print in the CONGRESSIONAL RECORD at this point a letter I received from major national environmental organizations supporting the Comprehensive Test Ban Treaty and decrying the environmental damage to both our national security and our planet if the treaty is not ratified.

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

COMPREHENSIVE TEST BAN TREATY,
Washington, DC, June 30, 1999.

Hon. RICHARD DURBIN,
U.S. Senate, Washington, DC.

Re: Major national environmental organizations' support of Comprehensive Test Ban Treaty

DEAR SENATOR DURBIN: We urge the Senate to give its consent to ratification of the nuclear test ban treaty this year. The timing is critical so that the United States can participate in this fall's special international conference of Treaty ratifiers.

We support the Comprehensive Test Ban Treaty (CTBT) because it is a valuable instrument in stemming the proliferation of nuclear weapons and reducing the environmental and security threats posed by nuclear arms races. Under the CTBT, non-nuclear weapons states will be barred from carrying out the nuclear explosions needed to develop compact, high-yield nuclear warheads for ballistic missiles and confidently certify nuclear explosive performance. The Treaty is therefore vital to preventing the spread of nuclear missile capability to additional states. In addition, the Treaty will limit the ability of the existing nuclear weapons states to build new and destabilizing types of nuclear weapons.

Since 1945, seven nations have conducted over 2,050 nuclear test explosions—an average of one test every 10 days. Atmospheric tests spread dangerous levels of radioactive fallout downwind and into the global atmosphere. Underground nuclear blasts spread highly radioactive material into the earth and each one creates a permanent nuclear waste site. This contamination presents long-term hazards to nearby water sources and surrounding communities. Also, many underground tests have vented radioactive gases into the atmosphere, including some of those conducted by the United States. Of course, the ultimate threat to the environment posed by nuclear testing is the continuing and possibly increasing risk of nuclear war posed by proliferating nuclear arsenals.

In addition to protecting the environment, the CTBT will enhance U.S. security with its extensive monitoring system and short-notice, on-site inspections. These will improve our ability to discourage all states from engaging in the testing of nuclear weapons.

Ending nuclear testing has been a goal of governments, scientists, and ordinary citizens from all walks of life for over forty years. The CTBT has already been ratified by many other nations, including France, the United Kingdom, and Japan. The vast majority of Americans support approval of the CTBT. The effort in this country to stop nuclear testing that began with public outrage about nuclear fallout and has been pursued by American Presidents since Dwight Eisenhower can now be achieved. With U.S. leadership on the CTBT, entry into force is within reach. It is vital that the U.S. set the example on this important environmental and security issue; with your leadership and support, the CTBT can finally be realized.

Yours sincerely,

Rodger Schlickeisen, President, Defenders of Wildlife; Mike Casey, Vice-President for Public Affairs, Environmental Working Group; Matt Petersen, Executive Director, Global Green USA; John Adams, Executive Director, Natural Resources Defense Counsel; Amy Coen, President Population Action International; James K. Wyerman, Executive Director, 20/20 Vision; Brian Dixon, Director of Government Relations, Zero Population Growth; Fred D. Krupp, Executive Director, Environmental Defense Fund; Brent Blackwelder, President, Friends of the Earth; Phil Clapp, President, National Environmental Trust; Robert K. Musil, Executive Director, Physicians for Social Responsibility; Carl Pope, Executive Director, Sierra Club; Bud Ris, Executive Director, Union of Concerned Scientists.

This is a letter that has been circulated and signed by the leaders of at least a dozen major environmental groups. I note in the letter it states that since 1945, the last 54 years, seven nations in this world have conducted 2,050 nuclear test explosions, an average of 1 test every 10 days, leaving nuclear fallout, radioactive gases, in many instances, in our atmosphere. We certainly never want to return to that day again. Unless the United States is a full partner in this international effort to reduce nuclear testing, that is a possibility looming on the horizon.

Senator HELMS, who spoke on the floor earlier, has said he puts this treaty in line behind amendments to the Anti-Ballistic Missile Treaty and the Kyoto Protocol to the U.N. convention on global climate change, both of which the President has not yet submitted to the Senate. My colleague says that ABM changes are essential for the national missile defense to move forward, which is true. But national missile defense does not yet work. We don't have this technology to build an umbrella of protection over the United States so that any nuclear missile fired on us can somehow be stopped in the atmosphere without danger to the people living in this country.

If we decide to deploy such a defense, we will need to negotiate more ABM Treaty changes. That is something in the future. We have time to address that. But we also need to accept the immediate responsibility of ratifying this treaty. Not too many months ago in this Chamber, we passed a resolution which says if the national missile defense system or so-called star wars system should become technologically possible, we will spend whatever it takes to build it. I have to tell you that I voted against it. I thought it was not wise policy.

Quite honestly, the idea that we are somehow going to insulate the United States by building this umbrella and therefore don't have to deal with the world and its problems in nuclear proliferation, in my mind, is the wrong way to go. We should be working diplomatically as well as militarily for the defense of the United States. When we have the support of the commanders of the Nation, of course, and those who are in charge, the Joint Chiefs, time and again for this treaty, it is evidence to me that it is sound military policy.

In short, Mr. President, I conclude by saying, we must not delay any longer. We must ratify the Comprehensive Test Ban Treaty. I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. Mr. President, I know my colleagues are anxious to get to the business at hand. I assure the floor I will take only 5 minutes. If the clerk will let me know when I am headed towards 5 minutes, I would appreciate it.

I will refrain from responding and speaking to the Test Ban Treaty at length at this moment.

The chairman of the Foreign Relations Committee is not only a colleague, but he is a personal friend. We have strong disagreements on this issue.

I don't mean to nickel and dime this, but we haven't had any hearings on the Comprehensive Test Ban Treaty.

At the outset, I send to the desk a list of all the hearings the Senate Foreign Relations Committee had for the 105th and 106th Congress's since submission of the CTBT.

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

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

ACTIVITIES

January 8, 1999, Informal State Department Briefing on Peacekeeping.

January 27, 1999 (Subcommittee on International Economic Policy, Export, and Trade Promotion/Hagel), IMF Reform and the Global Financial Crisis.

January 29, 1999, Informal State Department Briefing on Peacekeeping.

February 5, 1999, Informal State Department Briefing on Peacekeeping.

February 24, 1999 (Full Committee/Helms), 1999 Foreign Policy Overview and the President's Fiscal Year 2000 Foreign Affairs Budget Request.

February 24, 1999 (Subcommittee on European Affairs/Smith), Anti-Semitism in Russia. (S. Hrg. 106–6.)

February 25, 1999 (Subcommittee on East Asian and Pacific Affairs/Thomas), Asian Trade Barriers to U.S. Soda Ash Exports.

March 2, 1999 (Subcommittee on Western Hemisphere, Peace Corps, Narcotics and Terrorism/Coverdell), U.S. Relief Efforts In Response to Hurricane Mitch. (S. Hrg. 106–5.)

March 3, 1999 (Subcommittee on International Economic Policy, Export and Trade Promotion/Hagel), Commercial Viability of a Caspian Sea Main Export Energy Pipeline.

March 4, 1999 (Subcommittee on International Operations/Grams), FY 2000 Administration of Foreign Affairs Budget.

March 9, 1999 (Subcommittee on East Asian and Pacific Affairs/Thomas), Post Election Cambodia: What Next?

March 9, 1999 (Subcommittee on Near Eastern and South Asian Affairs/Brownback), U.S. Policy Toward Iraq. (S. Hrg. 106–41.)

March 10, 1999 (Full Committee/Helms), Castro's Crackdown in Cuba: Human Rights on Trial. (S. Hrg. 106–52.)

March 11, 1999 (Full Committee/Helms), Embassy Security for a New Millennium.

March 12, 1999, Informal State Department Briefing on Peacekeeping.

March 17, 1999 (Full Committee, jointly with Energy and Natural Resources Committee/Helms and Murkowski), New Proposals to Expand Iraqi Oil for Food: The End of Sanctions? (S. Hrg. 106–86.)

March 17, 1999 (Full Committee/Coverdell), The Convention on Nuclear Safety.

March 17, 1999 (Full Committee/Grams), Nomination (Seiple).

March 18, 1999 (Subcommittee on East Asian and Pacific Affairs/Thomas), Indonesia: Countdown to Elections. (S. Hrg. 106–76.)

March 23, 1999 (Subcommittee on African Affairs/Frist), Sudan's Humanitarian Crisis and the U.S. Response.

March 23, 1999 (Subcommittee on East Asian and Pacific Affairs/Thomas), U.S. China Policy: A Critical Reexamination.

March 23, 1999 (Full Committee/Helms), Business Meeting.

March 24, 1999 (Subcommittee on Western Hemisphere, Peace Corps, Narcotics and Terrorism/Coverdell), Colombia: The Threat to U.S. Interests and Regional Security.

March 24, 1999 (Subcommittee on European Affairs/Smith), The European Union: Internal Reform, Enlargement, and the Common Foreign and Security Policy. (S. Hrg. 106–48.)

March 25, 1999 (Full Committee/Helms), U.S. Taiwan Relations: The 20th Anniversary of the Taiwan Relations Act. (S. Hrg. 106–43.)

April 13, 1999 (Full Committee/Helms), Trade vs. Aid: NAFTA Five years Later. (S. Hrg. 106–80.)

April 14, 1999 (Subcommittee on Near Eastern and South Asian Affairs/Brownback), The Continuing Crisis in Afghanistan.

April 15, 1999 (Full Committee/Helms), U.S. Vulnerability to Ballistic Missile Attack.

April 16, 1999, Informal State Department Briefing on Peacekeeping.

April 19, 1999 (Subcommittee on Western Hemisphere, Peace Corps, Narcotics and Terrorism/Coverdell, closed session), Targeting Assets of Drug Kingpins.

April 20, 1999 (Full Committee/Hagel), Current and Growing Missile Threats to the U.S.

April 20, 1999 (Full Committee/Helms), The War in Kosovo.

April 21, 1999 (Full Committee/Helms), Markup of Foreign Relations Authorization Act FY 00–01.

April 21, 1999 (Full Committee/Smith), NATO's 50th Anniversary Summit. (S. Hrg. 106–144.)

April 22, 1999 (Subcommittee on East Asian and Pacific Affairs/Thomas), The Forgotten Gulag: A Look Inside North Korea's Prison Camps.

April 27, 1999 (Full Committee/Helms), Nonproliferation, Arms Control and Political Military Issues.

April 29, 1999 (Subcommittee on International Economic Policy, Export and Trade Promotion/Hagel), International Software Piracy: Impact on the Software Industry and the American Economy.

April 30, 1999 (Full Committee/Helms), Business Meeting. (S.J. Res. 20.)

May 4, 1999 (Full Committee/Helms), Ballistic Missile Defense Technology: Is the United States Ready for a Decision to Deploy?

May 5, 1999 (Full Committee/Hagel), Does the ABM Treaty Still Serve U.S. Strategic and Arms Control Objectives in a Changed World?

May 6, 1999 (Full Committee/Coverdell and Frist, closed session), The Growing Threat of Biological Weapons.

May 7, 1999, Informal State Department Briefing on Peacekeeping.

May 11, 1999 (Full Committee/Ashcroft), U.S. Agriculture Sanctions Policy for the 21st Century.

May 12, 1999 (Subcommittee on Western Hemisphere, Peace Corps, Narcotics and Terrorism/Coverdell), The State of Democracy and the Rule of Law in the Americas.

May 13, 1999 (Full Committee/Hagel), ABM Treaty, START II and Missile Defense.

May 25, 1999 (Subcommittee on Near Eastern and South Asian Affairs/Brownback), Political/Military Developments in India.

May 25, 1999 (Full Committee/Ashcroft), The Legal Status of the ABM Treaty.

May 26, 1999 (Full Committee/Helms), Cornerstone of Our Security?: Should the Senate Reject a Protocol to Reconstitute the ABM Treaty with Four New Partners?

May 27, 1999 (Subcommittee on East Asian and Pacific Affairs/Thomas), The Chinese Embassy Bombing and Its Effects on U.S.-China Relations.

May 27, 1999 (Full Committee/Hagel), Nominations (Sandalow and Harrington).

June 8, 1999 (Subcommittee on African Affairs/Frist), The Central African Wars and the Future of U.S.-Africa Policy.

June 9, 1999 (Full Committee/Smith), Nominations (Bandler, Einik, Keyser, Limprecht, Morningstar, Napper, Miller and Pressley).

June 9, 1999 (Full Committee/Coverdell), Nominations (Garza, Almaguer, Hamilton and Bushnell).

June 11, 1999, Informal State Department Briefing on Peacekeeping.

June 16, 1999 (Full Committee/Frist), Nominations (Carson, Dunn, Erwin, Goldthwait, Leader, Metelits and Myrick).

June 17, 1999 (Full Committee/Helms), Nomination (Holbrooke).

June 22, 1999 (Subcommittee on Western Hemisphere, Peace Corps, Narcotics and Terrorism/Coverdell), Confronting Threats to Security in the Americas.

June 22, 1999 (Full Committee/Coverdell), Nomination (Clare).

June 22, 1999 (Full Committee/Helms), Nomination (Holbrooke).

June 23, 1999 (Subcommittee on Near Eastern and South Asian Affairs/Brownback), U.S. Policy Toward Iraq: Mobilizing the Opposition.

June 23, 1999 (Full Committee/Hagel), Nomination (Sandalow).

June 24, 1999 (Full Committee/Helms), Nomination (Holbrooke).

June 24, 1999 (Subcommittee on International Economic Policy, Export and Trade Promotion/Hagel), U.S. Satellite Export Controls and the Domestic Production/Launch Capability.

June 28, 1999 (Full Committee/Hagel), Nomination (Holum).

June 30, 1999 (Full Committee/Helms), Business Meeting.

July 1, 1999 (Full Committee/Helms), The Role of Sanctions in U.S. National Security Policy.

July 1, 1999 (Subcommittee on East Asian and Pacific Affairs/Thomas), Hong Kong Two Years After Reversion: Staying the Course, Or Changing Course?

July 16, 1999, Informal State Department Briefing on Peacekeeping.

July 20, 1999 (Full Committee/Thomas), Nominations (Burleigh, Gelbard, Siddique and Stanfield).

July 20, 1999 (Subcommittee on International Operations/Grams, closed session), U.N. International Criminal Court: Prospects for Dramatic Renegotiation.

July 21, 1999 (Subcommittee on East Asian and Pacific Affairs/Thomas), Recent Strains in Taiwan-China Relations.

July 21, 1999 (Full Committee/Helms), The Role of Sanctions in U.S. National Security Policy, Part 2.

July 21, 1999 (Full Committee/Smith), Nominations (Fredericks, Griffiths, Miles, Spielvogel and Taylor).

July 22, 1999 (Subcommittee on Near Eastern and South Asia Affairs/Brownback), Iran: Limits to Rapprochement.

July 22, 1999 (Full Committee/Helms), Nomination (Anderson).

July 23, 1999 (Full Committee/Coverdell), Nomination (Sheehan).

July 26, 1999 (Full Committee/Grams), Nomination (Lieberman).

July 27, 1999 (Subcommittee on African Affairs/Frist), Barriers to Trade and Investment in Africa.

July 28, 1999 (Full Committee/Helms), Business Meeting.

July 28, 1999 (Subcommittee on International Economic Policy, Export and Trade Promotion/Hagel), The Agency for International Development and U.S. Climate Change Policy.

July 29, 1999 (Subcommittee on European Affairs/Smith), Prospects for Democracy in Yugoslavia.

July 30, 1999 (Subcommittee on International Operations/Grams), U.S. Policy Towards Victims of Torture.

August 4, 1999 (Full Committee/Helms), S. 693: The Taiwan Security Enhancement Act.

August 4, 1999 (Subcommittee on International Economic Policy, Export and Trade Promotion, jointly with Subcommittee on East Asian and Pacific Affairs/Hagel and Thomas), Economic Reform and Trade Opportunities in Vietnam.

August 5, 1999 (Full Committee/Frist), Nominations (Bader, Brennan, Elam, Johnson, Kaeuper, Kolker, Lewis, Nagy and Owens-Kirkpatrick).

August 6, 1999, Informal State Department Briefing on Peacekeeping.

September 8, 1999 (Full Committee/Helms, closed session), Proliferation Activities of a Certain Russian Company.

September 9, 1999 (Subcommittee on East Asian and Pacific Affairs, jointly with House Subcommittee on Asia and the Pacific/Thomas and Bereuter), The Political Futures of Indonesia and East Timor.

September 10, 1999, Informal State Department Briefing on Peacekeeping.

September 14, 1999 (Subcommittee on Western Hemisphere, Peace Corps, Narcotics and Terrorism/Coverdell), An Overview of U.S. Counterterrorism Policy and President Clinton's Decision to Grant Clemency to FALN Terrorists.

September 16, 1999 (Full Committee/Helms), Foreign Missile Developments and the Ballistic Missile Threat to the United States Through 2015.

September 23, 1999 (Full Committee/ Helms), Corruption in Russia and Recent U.S. Policy.

September 27, 1999 (Full Committee/ Helms), Business Meeting.

September 28, 1999 (Full Committee/ Helms), Facing Saddam's Iraq: Disarray in the International Community.

September 28, 1999 (Full Committee/ Smith), U.S.-Kosovo Diplomacy: February 1998–March 1999.

September 30, 1999 (Full Committee/ Smith), Corruption in Russia and Future U.S. Policy.

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October 8, 1998 (Subcommittee on Near Eastern and South Asian Affairs/Brownback), Events in Afghanistan.

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Mr. BIDEN. Mr. President, I can understand why the Senator may think we have had hearings because we have had hearings on other subjects that implicate the Comprehensive Test Ban Treaty. It is mentioned by witnesses. But we have never had a hearing on the Comprehensive Test Ban Treaty—a treaty of great consequence to the United States and the world—conducted in the traditional way. We never had a hearing where we said this is what we are going to talk about. We need a hearing where we bring up the Joint Chiefs of Staff, the Secretary of State, the Secretary of Defense, or major voices in America who oppose this treaty—fortunately, I think there are not that many—or significant figures and scientists who have spoken and know about this issue. We haven't had one of those hearings at all.

I submit for the RECORD, again, a letter from the chairman of the Foreign Relations Committee sent to the President of the United States on January 21, 1998, with a concluding paragraph, which reads as follows:

Mr. President, let me be clear. I will be prepared to schedule Committee consideration of the CTBT only after the Senate has had an opportunity to consider and vote on the Kyoto Protocol and the amendments to the ABM Treaty.

Mr. President, I ask unanimous consent that this letter be printed in the RECORD.

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

U.S. SENATE,
COMMITTEE ON FOREIGN RELATIONS,
Washington, DC, January 21, 1998.

The PRESIDENT,
The White House, Washington, DC.

DEAR MR. PRESIDENT: As congress prepares to reconvene shortly, I am convinced that it is important to share with you the Senate Foreign Relations Committee's agenda relating to consideration of treaties during the second year of the 105th Congress.

There are a number of important treaties which the Committee intends to take up during 1998, and we must be assured of your Administration's cooperation in making certain that these treaties receive a comprehensive examination by the Senate.

Mr. President, the Committee's first priority when Congress reconvenes will be to work with you and Secretary Albright to secure Senate ratification of NATO expansion. The expansion of the Atlantic Alliance to include Poland, Hungary and the Czech Republic is of critical importance, and we have come a long way in resolving some of the concerns that I, and other Senators, had raised about various details of this expansion (e.g., ensuring an equitable distribution of costs, limiting Russian influence in NATO decision making, et al.)

While much work remains to be done, I am confident that if we continue to work together, the Senate will vote to approve the expansion of the Atlantic Alliance early this Spring.

Following the vote on NATO expansion, the Committee will turn its attention to several other critical treaties which could affect both the security of the American people and the health of the United States' economy. Chief among these are the agreements on Multilateralization and Demarcation of the 1972 Anti-Ballistic Missile (ABM) Treaty, and the Kyoto Protocol to the UN Convention on Climate Change.

Mr. President, I feel obliged to make clear to you my concern that your Administration has been unwisely and unnecessarily engaged in delay in submitting these treaties to the Senate for its advice and consent.

Despite your commitment, made nearly eight months ago, to submit the amendments to the ABM Treaty to the Senate, we have yet to see them. As our current standoff with Iraq clearly demonstrates, the danger posed by rogue states possessing weapons

of mass destruction is growing—and, with it, the need for a robust ballistic missile defense.

The Senate has not had an opportunity to consider the rationale behind the ABM Treaty since that treaty was ratified nearly 26 years ago, in the midst of the Cold War. The world has changed a great deal since then. It is vital that the Senate conduct a thorough review of the ABM Treaty this year when it considers and votes on the ABM Multilateralization and Demarcation agreements.

Similarly, the Senate is forced to continue to wait for any indication that your Administration intends to submit the Kyoto Protocol for the Senate's advice and consent. Indeed, I have heard a great deal of discussion from supporters of this treaty indicating that the Administration may attempt to circumvent both the Senate—and the American people—by simply imposing the treaty's requirements on U.S. businesses by executive order. Mr. President, I must respectfully counsel this would be extremely unwise.

This treaty clearly requires the advice and consent of the Senate. further, because the potential impact of the Kyoto Protocol on the American economy is so enormous, we owe it to the American people to let them know sooner, rather than later, whether they will be subject to the terms of this treaty.

Ironically, while the Administration has delayed in submitting these vital treaties to the Senate, some in your Administration have indicated that the White House will press the Senate for swift ratification of the Comprehensive Test Ban Treaty (CTBT) immediately following the vote on NATO expansion.

Such a deliberate confrontation would be exceedingly unwise because, Mr. President, the CTBT is very low on the Committee's list of priorities. The treaty has no chance of entering into force for a decade or more. Article 14 of the CTBT explicitly prevents the treaty's entry into force until it has been ratified by 44 specific nations. One of those 44 nations is North Korea, which is unlikely to ever ratify the treaty. Another of the 44 nations—India—has sought to block the CTBT at every step: vetoing it in the Conference on Disarmament so that it could not be submitted as a Conference document. India has opposed it in the United Nations. And, India has declared that it will not even sign the treaty.

By contrast, the issues surrounding the ABM Treaty and the Kyoto Protocol are far more pressing (e.g., the growing threat posed by nuclear, biological, or chemical tipped missiles, and the potential impact of the Kyoto Protocol on the U.S. economy).

Mr. President, let me be clear: I will be prepared to schedule Committee consideration of the CTBT only after the Senate has had the opportunity to consider and vote on the Kyoto Protocol and the amendments to the ABM Treaty.

When the Administration has submitted these treaties, and when the Senate has completed its consideration of them, then, and only then, will the Foreign Relations Committee consider the CTBT.

Mr. President, please let's work together, beginning with the effort to secure Senate ratification of NATO expansion this Spring, and then with your timely transmittal of these treaties.

Sincerely and respectfully,

JESSE HELMS.

Mr. BIDEN. Mr. President, the chairman has been true to his word. He has had no hearings because that has not been done yet.

I think I understand how the Senator from North Carolina connects the rationale of these treaties, and he thinks the orderly way to do it is to do it only after we do other things, but that makes the point. We have had no hearings on this treaty.

I think the public may be surprised to know this treaty calls for no more nuclear testing by the United States and other nations. We haven't been testing. There is a moratorium on nuclear testing. That occurred in 1992 in the Bush administration.

What we are talking about doing that my friends are talking about is so dangerous and damaging to U.S. interests; that is, to sign a treaty to say we will not test, we are not testing now. The United States made a unilateral decision not to test.

Now we have the rest of the world ready to sign up, and we are saying we are not going to ratify, or up to now we are saying we are not even going to have a hearing on this subject.

Again, I will get into the merits of the treaty later because I am confident the leadership of the Senate will come up now with the proposal as to how to proceed.

But I urge my friend from North Carolina, and I urge my colleagues to urge my friend from North Carolina, to hold hearings. Bring the experts up. Bring the military up.

By the way, one last substantive thing I will say about the treaty is that we are the only nation in the world that has spent billions of dollars and committed billions in the future to a method by which we can take our existing stockpile of nuclear weapons and test them for their continued utility without ever exploding them. I will explain in detail later what I mean by the stockpiling program we have.

We, of all nations in the world, are the one best prepared and best suited for taking the last chance of any nation in the world to promise not to test because we are one of the few nations in the world with certainty that can guarantee that even if we don't test weapons we can test, by exploding them, their continued utility by very complicated, very sophisticated scientific computer models that we have designed. We have committed that we will continue in the future to fund to the tune of billions of dollars this program.

In a strange way, if you went out to the public at large and said: By the way, do you think we should sign a treaty that says we can't test nuclear weapons if the rest of the world signs a treaty that says you can't test nuclear weapons, knowing that we can detect all but those kinds of explosions that will not have any impact on another nuclear capability, when we have already decided not to test unilaterally, and we are the only nation in the world that has the sophistication and capacity to test by means other than exploding our nuclear arsenal; what do you think the public would say?

I conclude by saying this: We have had no hearings. There is a legitimate debate about whether or not we should do this.

This is a thing for which the Senate was conceived—to make big decisions such as this.

This is the reason the founders wrote in a provision in the U.S. Constitution that said a treaty can be negotiated by a President, but it can only come into effect after the Senate has ratified it. It didn't say the House. It didn't say a referendum. It didn't say the American people. It said the Senate. Other than the Supreme Court of the United States, in a decision of who should sit on it, there is no other function that is of greater consequence that the Senate performs than determining whether to ratify or reject a treaty with the United States of America.

It seems to me that when we exercise that function, we should do it responsibly and thoroughly.

We have never done it on a matter of grave consequence without thoroughly investigating it through the hearing process and through one of the oldest committees that exists in the Senate—the Foreign Relations Committee—the unique function of which is to recommend to this body what our bipartisan considered opinion is after hearing the details of the treaty.

I look forward to the debate.

I have urged the President of the United States—I will urge him personally—and have urged the administration, if this date is set, that the President take this case directly to the American people on a nationally televised broadcast and lay out for them what the stakes are.

This is no small decision. This is a vote that I promise you, whether you are for it or against it, your children and your grandchildren and history will know how you cast it. I am not so smart to know exactly what the outcome will be in history's judgment, but I am certain of one thing: You are not going to be in a position where you can say at a later date this was a vote of little consequence.

Mr. President, as folks back home in Delaware say, this is what we get paid the big bucks for. This is why we are here. This is the purpose of our being here.

It is true. The amendments we are going to discuss on legislation that is before us are important. It is true that some of it will affect the lives of hundreds or thousands of Americans. But I can't think of anything we will do in this entire Congress or have done in the previous Congress that has the potential to have as much impact on the fate of the world as this treaty. I cannot think of anything. I defy anyone to tell me, whether they are for or against this treaty, what we could be discussing of greater consequence than how to deal with the prospect of an accidental or intentional nuclear holocaust.

Tell me if there is anything more important to discuss than whether or not over the next days, weeks, months,

years, and decades we should make a judgment from both a survival as well as environmental standpoint that we will or will not continue to blow up, in the atmosphere or underground, nuclear weapons. I defy anyone to tell me what is more important to discuss.

That is not to suggest that those who think this treaty is a bad idea are motivated by anything other than good intentions. As my dear mother would say and as the nuns used to make me write on the blackboard after school when I misbehaved: The road to hell is paved with good intentions.

Failure to ratify this treaty, I firmly believe, paves the road to hell—to nuclear hell. I don't know whether it will work, but I am virtually certain in my mind—just JOE BIDEN, my mind—that if we do not ratify this treaty, we virtually lose any ability to control the proliferation of nuclear capability.

They talked about when the Russians detonated their first hydrogen bomb. I am not sure, but I think it was Edward Teller who said: Now we have two scorpions in the bottle. I am here to tell my colleagues what they already know. We have many more than two scorpions in that bottle now. If we do not begin to take a chance, a very small chance, on a treaty that says no more detonation of nuclear weapons, we will have dozens of scorpions in that bottle with not nearly as much to lose as the former Soviet empire and the United States.

There was one advantage when there was a Soviet empire: They had as much to lose as they had to gain. The only person I worry about in a contest of any kind—athletic, political, or as a representative of the Federal Government of the United States of America with another country—I don't like dealing with someone else who has little to lose but has significant capacity to inflict a vast amount of damage.

While I have the floor, I thank my friend from Pennsylvania, Senator SPECTER. My friend from Pennsylvania has been one of the most outspoken proponents of bringing up this treaty. I am sure it will be before the Senate because of his advocacy.

I yield the floor.

Mr. SPECTER. If I may have the attention of the Senator from Delaware, I do believe it is important for the Senate to consider the treaty. I support it. I believe it is very difficult for the United States to use moral suasion on India and Pakistan not to have nuclear tests if we have not moved forward on the ratification process.

However, I ask my colleague from Delaware about the problems of considering the treaty on this state of the record where we have been looking for some expert guidance on some questions which are outstanding as to whether there can be an adequate determination of our preparedness without having tests.

One thing we have to consider very carefully is whether the interests of disarmament will be promoted by pressing to bring the treaty now, which may result without the two-thirds ratification, as opposed to trying to clear up some concerns which some have expressed.

I am prepared to vote in favor of the treaty.

Mr. BIDEN. If I may respond to the Senator, he raised the $64 question. He and I have been discussing how to get this up for a long time, over 2 years. He will recall, last year, I was of the view I did not want to take a chance of having the treaty up for fear it could be defeated before we had the ability to get all the data before the Senate that I believed would persuade Senators to overwhelmingly support the treaty.

I changed my mind. The reason I changed my mind is—I have great respect for my friend from North Carolina, Senator HELMS—I have learned one thing: When he says something ain't going to happen, it ain't going to happen on his watch. He made it very clear, there will be no hearings on this treaty. I have been with him for 27 years. We are truly personal friends. I know when he says it, he means it, which means I have lost any hope that he will be persuaded, or be persuaded by his Republican colleagues in the caucus, to have hearings.

I then reached the second conclusion: We are hurtling toward a disaster on the subcontinent with India and Pakistan, and with Korea. As the Senator knows, if they arm, if they deploy, we will see China making a judgment to increase its nuclear arsenal and we will see the likelihood that Korea will not be able to be leveraged.

Here is the point. I have made the judgment, for me—and I may be wrong—if we don't agree to this proposal, we will get no vote on this treaty for 2 years and the effect will be the same.

I am being very blunt. I believe I am looking for the political God's will to have people have a little bit of an altar call. It is one thing to say privately you are against the treaty or to say you are for it but there is no vote on it. It is another thing to be the man or woman who walks up in that well and casts the 34th vote against the treaty and kills the treaty. They will have on their head—and they may turn out to be right—and they will be determining by their vote the single most significant decision made relative to arms, nuclear arms, that has been made since the ABM Treaty. I think they may begin to see the Lord. If they don't, then I think the American public will make a judgment about it. The next President—whether it be Bush, GORE, or MCCAIN—will be more likely to send back another treaty.

I am at a point where it is time to bring in the sheep. Let's count them, and let's hold people responsible. That is as blunt as I can be with my friend.

Mr. SPECTER. I thank the Senator from Delaware for responding, and I will not ask another question because I want to move on to the next amendment.

Mr. President, it is my hope that whatever technical information is available on some of the outstanding questions will be made available to the Senators before the vote so we can have that determination made with all the facts available.

Mr. KENNEDY. Mr. President, it is appalling that our Republican friends will use any means necessary to kill the Comprehensive Test Ban Treaty. We need time to debate this Treaty in a responsible manner, especially since the Foreign Relations Committee has still not held a single hearing devoted solely to the Comprehensive Test Ban Treaty.

On September 24, 1996, President Clinton became the first world leader to sign the Comprehensive Test Ban Treaty. On that day, President Clinton praised the treaty as the ''longest-sought, hardest—fought prize in the history of arms control.''

Today, we stand on the verge of losing this valuable prize. For almost two years, the Treaty has languished in the Senate Foreign Relations Committee—with no action, no debate, and no results. Now, with the September 23 already passed, the United States may well forfeit its voice on the treaty if the Senate does not act quickly, and in a responsible way, to ratify it.

We have a unique opportunity in the Senate to help end nuclear testing once and for all. Other nations look to the United States for international leadership. President Clinton has done his part, in signing the Treaty and submitting it to the Senate for ratification, as the Constitution requires. Now the Senate should do its part, and ratify the Treaty. Ratification is the single most important step we can take today to reduce the danger of nuclear war.

Withholding action on this treaty is irresponsible and unacceptable. The Treaty is in the best interest of the United States and the global community. Ratification of this agreement will increase the safety and security of people in the United States, and across the world. But, until the Senate ratifies this treaty, it cannot go into force for any nation, anywhere.

The Comprehensive Test Ban Treaty is in the interest of the American people and it has widespread public support. Recent bipartisan polls found that over 8 out of 10 Americans support its ratification. These statistics cut across party lines and are consistent in all geographic regions. The Treaty also has the strong support of present and past military leaders, including four former Joint Chiefs of Staff—David Jones, William Crowe, Colin Powell, and John Shalikashvili—and the current JCS, Hugh Shelton.

The United States has already stopped testing nuclear weapons. Ensuring that other nations follow suit is critical for our national and international security. Particularly in the wake of recent allegations of Chinese nuclear espionage, it is essential that

we act promptly to ratify this agreement. China is a signatory of the Treaty, but like the United States, China has not yet ratified it. Prompt Senate ratification of the Treaty will encourage China to ratify, and discourage China from creating new weapons from stolen nuclear secrets.

In 1963, after President Kennedy had negotiated the landmark Limited Test Ban Treaty with the Soviet Union to ban tests in the atmosphere, he spoke of his vision of a broader treaty in his commencement address at American University that year. As he said:

The conclusion of such a treaty, so near and yet so far, would check the spiraling arms race in one of its most dangerous areas. It would place the nuclear powers in a position to deal more effectively with one of the greatest hazards which man faces in 1963, the further spread of nuclear arms. It would increase our security—it would decrease the prospects of war. Surely this goal is sufficiently important to require our steady pursuit, yielding neither to the temptation to give up the whole effort nor the temptation to give up our insistence on vital and responsible safeguards.

In 1999, those words are truer than ever.

I commend President Clinton and my colleagues on both sides of the aisle who have joined together to speak out on this issue, and I urge the Senate to act responsibly on this very important treaty.

Mr. FEINGOLD. Mr. President, I rise today to join a number of our colleagues in support of prompt Senate consideration of the Comprehensive Nuclear Test Ban Treaty the CTBT.

The issue of arms proliferation is at the heart of our national—and international—security. In the post-cold war world we are no longer faced with a military threat posed by the Soviet Union, but in some ways the world now is a more dangerous place than it was just a decade ago, with many smaller, unpredictable threats taking the place of a single large one. U.S. and international security are now threatened by transfers of nuclear, conventional and non-conventional materials among numerous states. Nuclear testing last year by India and Pakistan, the attempts of other states to obtain nuclear and ballistic missile technology, and the growing threat of weapons of mass destruction reinforce the need for a comprehensive international effort to end nuclear testing and curb the illicit transfer and sale of nuclear, ballistic, and other dangerous technology.

I have been a strong supporter of prompt Senate action on the CTBT since President Clinton submitted the treaty to the Senate for its advice and consent on September 22, 1997—2 years ago last week. As a member of the Senate Committee on Foreign Relations, I continue to feel strongly that the committee should have thorough hearings specifically on this important treaty at the earliest possible date. I know that the chairman of the committee and I do not agree on the importance of the CTBT, but I hope he will agree that the Senate must fulfill its advice and consent obligations with respect to this treaty.

I continue to hear from numerous Wisconsin residents who favor prompt Senate action on—and ratification of—the CTBT.

The CTBT, which has been signed by more than 150 nations, prohibits the explosion of any type of nuclear device, no matter the intended purpose. India and Pakistan's nuclear tests only underscore the importance of the CTBT, and serve as a reminder that we should redouble our efforts to bring the entire community of nations into this treaty. While I am pleased that both of those countries have agreed to sign the treaty, I regret that they did so only after intense international pressure, and only after they conducted the tests they needed to become declared nuclear states.

We must do more to ensure that no further tests take place.

The United States must lead the world in reducing the nuclear threat, and to do that we must become a full participant in the treaty we helped to craft. I am deeply concerned that the third anniversary of the date the CTBT opened for signature, September 24, 1996, passed last week without Senate advice and consent to ratification. This failure to act by the United States Senate means that, according to the treaty's provisions, the United States will not be able to participate actively in the upcoming conference, which is reserved for only those countries who have deposited their instruments of ratification. That conference is currently scheduled to begin on October 6, 1999. Because we cannot participate, the United States will be at a severe disadvantage when it comes to influencing the future of the treaty and encouraging other countries to sign or ratify.

Mr. President, I again urge the Senate to act on this important treaty at the earliest possible date. The credibility and leadership of the United States in the arms control arena is at stake.

I thank the Chair. I yield the floor.

Mr. BINGAMAN. Mr. President, I wish to take a few moments today to offer some remarks on a matter of extreme importance to this Nation and to the world—the matter of preventing the further proliferation of nuclear weapons among the nations of the world through ratification and implementation of the Comprehensive Test Ban Treaty.

Two weeks ago—September 10—was the third anniversary of the United Nation's overwhelming vote to approve a treaty banning the testing of nuclear weapons. The General Assembly voted 158 for to 3 against the treaty, with a handful of abstentions.

Last week, on September 24, the United States observed the third anniversary of signing that treaty and, on September 22, marked the second anniversary of its receipt by the Senate for our advice and consent.

In accordance with article 14 of the treaty, preparations are now underway to convene an international conference of states which have ratified the treaty to negotiate measures to facilitate its implementation. I'm sorry to say, Mr. President, that unless the Senate acts immediately to ratify this treaty, the United States—an original signatory to the treaty and a leader in the global movement to stop the testing of nuclear weapons—will not take part in that conference.

Our absence sends a troubling message to the international community looking for our leadership.

Mr. President, I am very sorry to say that essentially nothing has happened since President Clinton signed the treaty on behalf of the United States on September 24, 1996, and sent it to the Senate for consideration on September 22, 1997.

There have been no hearings, there has been no debate on the Senate floor, there has been no vote on ratification. This is an extremely important treaty that I believe, and the great majority of Americans agree, would help to prevent the proliferation of nuclear weapons during the coming millennium. And yet the Senate has not even begun the debate.

Mr. President, I believe the United States and the nations of the world have come to a historic crossroads—a crossroads that symbolizes America's view of the future and the potential direction of the international system regarding the control and eventual eradication of nuclear weapons.

The Comprehensive Test Ban Treaty lies at the center of the crossroads, and provides us with two basic options.

We could elect to ratify the treaty and seek its broadest implementation in order to prevent the further proliferation of nuclear weapons;

Or, we could elect not to ratify the treaty, having decided as a body that permitting the testing of nuclear weapons by all current and future nuclear powers is in the interest of safety and security of the United States and the world.

If we chose not to ratify the treaty, that choice would permit us to pursue future avenues for nuclear superiority in response to nuclear weapons developed by our real or potential adversaries.

Mr. President, I believe that our Nation has already been down that road. It was called the nuclear arms race. It cost the Nation over a trillion dollars according to a recent study by the Brookings Institution. And that's just money. It doesn't include the opportunity cost of brainpower and skills not used to address other national problems such as medical and environment science or education.

The fact is, Mr. President, that the way things stand, we are not being permitted to make either choice. Despite repeated requests by Members of the Senate to address this vital national and international security issue, the

Senate has done nothing to move this treaty forward and debate it.

The Foreign Relations Committee has taken no action with respect to the treaty and is preventing the Senate from debating and voting in this most critical issue to the future of world peace. By his actions, the chairman of the committee is preventing the Senate from carrying out its constitutional duties and obligations to give advice and consent regarding the CTBT.

Mr. President, I support the call to hold hearings and bring this treaty to the floor for a debate and a vote. The American people strongly support this treaty and deserve to have that view represented and debated in the Halls of Congress.

Will the treaty be an effective means to prevent the spread of nuclear weapons? Let's debate the point.

Will the treaty be verifiable? Let's hear from the experts on that crucial issue.

Will the CTBT serve America's national security interest? Let's examine that from every angle.

As I mentioned at the outset of my remarks today, Mr. President, I believe the Nation and the world stand at a historic crossroads with respect to the spread of nuclear weapons. I believe it is our duty and obligation to the American people to choose the proper road to take. The key word, Mr. President, is ''Choose.'' The Senate is currently being prevented from making a choice—and in so doing, a choice is being made for us—by a few individuals seeking to advance an unrelated political agenda.

I'm certain I share an abiding faith in our democratic system with the Members of this body. If that's so, a debate, discussion, and vote on perhaps the most critical security issue facing our Nation today should be placed before the Senate as soon as possible. Failure to permit such a debate and vote suggests to me either a lack of faith in the democratic process or a disdain for its importance or validity.

Mr. President, I strongly urge my colleagues to support efforts to bring the CTBT to the floor.

Mr. HARKIN. Mr. President, I would like to add a few thoughts for today's debate regarding consideration of the Comprehensive Nuclear Test Ban Treaty.

I strongly believe that the Comprehensive Test Ban Treaty—or C-T-B-T—is in our Nation's national security interests. But before I discuss my reasons for supporting the treaty, let me first say why the Senate—even those who are unsure of the treaty-should support its consideration by the Senate.

The Senate should hold hearings and consider and debate the treaty. The Senate should vote on the treaty by March of next year.

Let me now mention some history of this issue and mention some of the major milestone along the road to ending nuclear weapons testing. In fact, next month, the month of October, is the anniversary of many important events.

On October 11, 1963, the Limited Test Ban Treaty entered into force after being ratified by the Senate in an overwhelming, bipartisan vote of 80–14 just a few weeks earlier. This treaty paved the way for future nuclear weapons testing agreements by prohibiting tests in the atmosphere, in outer space, and underwater. It was signed by 108 countries.

Our nation's agreement to the Limited Test Ban Treaty marked the end of our above ground testing of nuclear weapons, including those at the U.S. test site in Nevada. We now know, all too well, the terrible impact of exploding nuclear weapons over the Nevada desert. Among other consequences, these tests in the 1950's exposed millions of Americans to large amounts of radioactive Iodine-131, which accumulates in the thyroid gland and has been linked to thyroid cancer. ''Hot Sports,'' where the Iodine-131 fallout was the greatest, were identified by a National Cancer Institute report as receiving 5–16 rads of Iodine-131. The ''Hot Spots'' included many areas far away from Nevada, including New York, Massachusetts and Iowa. Outside reviewers have shown that the 5–16 rad level is only an average, with many people having been exposed to much higher levels, especially those who were children at the time.

To put that in perspective Federal standards for nuclear power plants require that protective action be taken for 15 rads. To further understand the enormity of the potential exposure, consider this: 150 million curies of Iodine-131 were released by the above ground nuclear weapons testing in the United States, above three times more than from the Chernobyl nuclear power plants disaster in the former Soviet Union.

Mr. President, it is all too clear that outlawing above-ground tests were in the interest of our nation. I strongly believe that banning all nuclear test is also in our interests.

October also marked some key steps for the Comprehensive Test Ban Treaty. On October 2, 1992, President Bush signed into law the U.S. moratorium on all nuclear tests. The moratorium was internationalized when, just a few years later, on September 24, 1996, a second step was taken—the CTBT, was opened for signature. The United States was the first to sign this landmark treaty.

President Clinton took a third important step in abolishing nuclear weapons tests by transmitting the CTBT to the Senate for ratification. Unfortunately, the Senate has yet to take the additional step of ratifying the CTBT. I am hopeful that we in the Senate will debate and vote on ratification of the Treaty, and continue the momentum toward the important goals of a worldwide ban on nuclear weapons testing.

Many believed we had conquered the dangerous specter of nuclear was after the Cold War came to an end and many former Soviet states became our allies Unfortunately, recent developments in South Asia remind us that we need to be vigilant in our cooperative international efforts to reduce the dangers of nuclear weapons.

The CTBT is a major milestone in the effort to prevent the proliferation of nuclear weapons. It would establish a permanent ban on all nuclear explosions in all environments for any purpose. Its ''zero—yield'' prohibition on nuclear tests would help to halt the development amd development of new nuclear weapons. The treaty would also establish a far reaching verification regime that includes a global network of sophisticated seismic, hydro-acoustic and radionuclide monitoring stations, as well as on-site inspection of test sites to deter and detect violations.

It is vital to our national security for the nuclear arms race to come to an end, and the American people recognize this. In a recent poll, more than 80% percent of voters supported the CTBT.

It is heartening to know that the American people understand the risks of a world with nuclear weapons. It is now time for policymakers to recognize this as well. There is no better way to honor the hard work and dedication of those who developed the LTBT and the CTBT than for the Senate to immediately ratify the CTBT.

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

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, the distinguished manager, Senator HARKIN, and I had talked yesterday about a time limit on sending of amendments. I believe that has been worked out now.

On behalf of Senator LOTT, the majority leader, I ask unanimous consent that all first-degree amendments in order to the Labor-HHS-Education appropriations bill must be filed at the desk by 2 p.m. on Thursday, today, and all second-degree amendments must be relevant to the first-degree amendments they propose, and in addition thereto, each leader may offer one first-degree amendment.

Mr. REID. Mr. President, reserving the right to object, I am not objecting other than to add to the unanimous consent request that in addition to the two leaders, each manager will also have the right to offer an amendment.

Mr. SPECTER. I accept that addendum.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. SPECTER. I understand the distinguished Senator from Nevada, Mr. REID, has an amendment which he wishes to submit. I have discussed a

time limit with Senator REID, and I ask unanimous consent the time limit be 30 minutes equally divided.

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

Mr. REID. I ask the pending amendment be set aside since it is my amendment.

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

AMENDMENT NO. 1820

(Purpose: To increase the appropriations for the Corporation for Public Broadcasting)

Mr. REID. I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 1820.

On page 66, line 16, strike $350 million and replace with $475 million.

Mr. REID. Mr. President, ''Prairie Home Companion'': My wife and I have enjoyed many Sunday afternoons listening to this great program on public radio. It lasts 2 hours; there is music, comedy, drama. It is a great program. It comes on public radio.

On public television, we all watched the series on the Civil War. I don't know if there was a more dramatic, a more effective presentation of history ever made on public broadcasting than of the Civil War.

It was tremendous.

Then several years later, the same person who produced the Civil War series produced a magnificent series on baseball, the history of baseball. It had pictures we had never seen, stories we had never heard, all on public broadcasting, all without any type of commercial interruption of any kind.

I watched on public broadcasting, public television, a presentation about the city of New York. I have been to the city of New York numerous times. Never did I see New York as it was shown in that program. I saw parts of New York I would never, ever be able to see. I understand New York better than I would have ever been able to understand New York as a result of that program on public television.

I am a fan of public broadcasting. I think America is a fan of public broadcasting. We can look back to the mid-1990s when Newt Gingrich took control of the House of Representatives and publicly proposed cutting all public broadcasting funds.

There has been an effort by public broadcasters to do all kinds of things to be able to meet the demands of their viewers. One of the things they have done—there is report language in this bill that I think is important, and that is to stand up and say what they have done as far as selling lists of their subscribers is wrong. We have public broadcasting selling lists to Democratic organizations; we have public broadcasting selling lists to Republican organizations. They were put up to bid, in effect, and that is wrong. The report that accompanies this bill says, in very strong terms, that was wrong.

It was wrong. I acknowledge that without any question. But we have to decide whether we want to have a public broadcasting system or not have a public broadcasting system. Either we fund the Corporation for Public Broadcasting so they can exist or we decide to end it. I prefer the former. I prefer that we fund the Corporation for Public Broadcasting. I suggest we increase funding as indicated in this amendment, this year, by $125 million.

I think it is important we talk about public broadcasting, what it does for this Nation. As long as the Corporation for Public Broadcasting is leery of Congress cutting their funds—and certainly they should be—I suspect they will begin to sound more and more like private broadcasting stations.

There was one article in the Washington Post, written by a man named Frank Ahrens, in which there was substantial research about what has happened to public broadcasting. We find there has been a 700-percent increase in corporate funding over just the past few years, since Congressman Gingrich got involved in this. It is not just listeners who are noticing the change. Private stations, which are not tax exempt as are these public broadcasters, are voicing their concern about an increasingly uneven playing field—as well they should.

Why do they do that? They do it because corporate support has shifted radically in the past several years. In fact, at WAMU, which is a station here in Washington, the broadcasts of which we hear all over the country, the station president said it has gone up significantly. That is an understatement.

Bob Edwards, for those of us who listen to public broadcasting—and I listen to it in the morning more than any other time; I listen to the morning edition—he is even more blunt. Bob Edwards says:

Underwriting has kept us alive.

It has cut into our air time. If you have to read a 30-second underwriter credit, that's less news you can do.

That is an understatement. There is much less news that is done. Underwriting spots sound like commercials, a trend that troubles listeners, and recent surveys show this.

As this article indicates, the public is getting upset about this. In Boston, a radio station called WBUR has aggressively pursued corporate underwriting, as many stations around America have—in fact, they have all done this. It lists 315 corporate sponsors on its web site—1 radio station.

The corporations love to advertise on public radio. They believe demographically they have an audience that listens to their messages, understands their messages; many times they are well-educated, upper-middle-class listeners who have expensive tastes and, some say, the money to indulge them. Moreover, they trust public radio much more than listeners trust, perhaps, commercial radio.

We know on WAMU and other public radio stations, the Nuclear Energy Institute, the lobbying arm for the atomic power industry, has done a lot of advertising. This comes not from the Senator from Nevada but from this article from the Washington Post. With its ads, the Nuclear Energy Institute says, by using their slogan, ''Nuclear technology contributes to life in many ways you probably never thought of.''

This upset listeners. There was a lot of complaining. As Bob Edwards, the host of the program indicated, there was an e-mail campaign suggesting NPR was in the pocket of the nuclear industry. I personally do not think they are. But when this advertising takes place, people do not have to stretch really far to come to that conclusion.

The same radio station, WAMU, decided several years ago they were going to do a show sponsored by the National Agricultural Chemical Association which advertised its products as safe. People complained because some people do not like these chemicals that are put on crops. Calls came in suggesting the radio station was in the pocket of this chemical company. That is really not true, but people can draw that conclusion because of the advertising that takes place on public radio.

Still, public radio managers are concerned and they are inventing all kinds of ways to get around FCC rules. They are creating promotions with adjectives and lengthy explanations: ''the blue-chip company,'' ''18 million customers worldwide,'' and ''converting natural gas to sulfur-free synthetic fuels.'' These are some of the catchwords they are using to try to get around some of the FCC rules.

In this Congress, earlier this year, Congressman MARKEY from Massachusetts and Congressman TAUZIN from Louisiana drafted a bill that would tighten the FCC rules and also increase spending by as much as 60 percent for the Corporation for Public Broadcasting. They were—I should not say forced; they decided on their own, I am sure, but as a result of all the publicity that was engendered as a result of learning these public broadcasting organizations were selling their subscribers' lists, they backed off this legislation. They said they were going to go forward with it soon. There is a sentiment all over America that we have to have either public broadcasting or commercial broadcasting. This mix is not working because the mix is coming out as commercial broadcasting.

It is not just lawmakers and listeners who are concerned and taking note of this advertising policy, but commercial radio stations are concerned. Public broadcasting is tax free. Commercial broadcasters believe it is unfair that public stations can air essentially the same advertising they do and not have to pay the same taxes. They are competing in a way that is unfair to commercial broadcasters. ''It's not an even playing field,'' says Jim Farley, the vice president for news at WTOP here in Washington.

I listen to WTOP. It is a great news station. I think if we are going to have public broadcasting, it should be public broadcasting. People should not have to guess whether or not it is a commercial station or it is public broadcasting. I agree with Jim Farley. It is not an even playing field.

The increased presence of corporate underwriters has led some listeners and even those within public radio to fear underwriters might influence the news coverage in segments they sponsor. There are not many other conclusions you can reach if, in fact, you are advertising some commercial product.

The reason people can come to that conclusion without a lot of stretch is, for example, ''Marketplace,'' which is a public radio program, aired stories about General Electric being indicted for price fixing but ignored a 1990 boycott of the company by the people who objected to its participation in the nuclear weapons industry.

Why did some people come to that conclusion? Because General Electric provides more than 25 percent of the funding for this program. There was no other conclusion one could reach. The show's general manager now calls the fact they did not run stories about this boycott a lapse, a mistake. I submit, we should not have these problems with public broadcasting.

My amendment simply says if we are going to have public broadcasting, we should have public broadcasting. Even though this money I am suggesting we vote for is not enough to solve all the problems, it is a step in the right direction and will take some of the pressure off public broadcasting.

This is money well spent. It is important we in America feel good about our public broadcasting. I submit that programs such as ''Prairie Home Companion,'' the series on the Civil War and baseball and New York and a multitude of other programs we have all enjoyed should continue without commercial interruption.

I believe we should adequately fund this organization. Whether it is adequate funding or not is something we can all debate, but it is at least a step in the direction of giving public broadcasting a shot in the arm, funding which has been taken from them as a result of the activities of Congress since 1995.

Mr. President, I ask for the yeas and nays on my amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The distinguished Senator from Pennsylvania is recognized.

Mr. SPECTER. Mr. President, I ask unanimous consent that no second-degree amendment be in order prior to the vote on or in relation to the pending amendment.

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

Mr. SPECTER. Mr. President, I oppose the amendment offered and argued by the Senator from Nevada because the subcommittee worked out a very carefully crafted set of priorities, joined in by the Senator from Iowa, Mr. HARKIN, my distinguished ranking member. In structuring a bill of $91.7 billion, we had to take into account many programs, some 300 programs. There is difficulty in having this bill accepted with 51 votes considering the expenditures involved.

We have given priority to items such as education where the bill is $500 million in excess of the President's request. We have given priority to programs for the National Institutes of Health and raised $2 billion. We have had to cut some programs which I, frankly, did not like to see cut. But we have established the priorities.

With respect to the Corporation for Public Broadcasting, we have increased their funding by $10 million, from $340 million to $350 million. This year's allocation of $340 million was an increase from $300 million the year before and an increase from $250 million the year before that. It is true that back in 1992, the Corporation for Public Broadcasting had an allocation of $327 million and it has gradually been built up. I have been supportive of public broadcasting. The question is on priorities, and it is my judgment that in a tight fiscal year with tight budget constraints that we have been reasonably generous with the Corporation for Public Broadcasting.

On another matter I think ought to be commented upon, although it is not the reason for opposing the amendment by the Senator from Nevada, is the finding by the inspector general of the Corporation for Public Broadcasting that 53 of the 591 public broadcasting grantees exchanged donor lists with or rented them to political organizations, which is a matter of some consequence. Earlier this year, the Boston Globe reported that the local public television station in Boston, WGBH, exchanged its donor list with the Democratic Party. There were other media reports about exchanges involving public broadcasting with WNET in New York, WETA in Washington, DC, and WHYY in Philadelphia.

Steps have been taken by the Corporation for Public Broadcasting to stop that practice, but I do think it is a factor which ought to be in the public record and ought to be commented upon at this time.

It would be a curious reward if, in the face of a problem this year of this magnitude, we had a proportionately large increase in the Corporation for Public Broadcasting. These factors were considered very carefully when our bill was crafted. I do listen to public broadcasting myself, and I do concur with Senator REID that it is a very useful instrumentality, given the considerations on commercial broadcasting. But we have gone about as far as we can go in allocating a $10 million increase which brings the corporation up to $350 million.

The PRESIDING OFFICER. The Senator from Nevada is recognized.

Mr. REID. Mr. President, the manager of this bill and the Senator from Iowa have done a good job in constructing this $91.7 billion bill, and they have included things regarding health and education. There is nothing more educational for the American public than to do a good job for public broadcasting.

As I said earlier, the sales of the donor lists were brought about because of the financial pressure on these institutions. I do not condone that, and I agree with the language of the report which does not condone that.

I suggest this is money well spent out of $91.7 billion. This money is a mere pittance and it would be very important to spend to help the American public.

I ask unanimous consent that the actual vote on this amendment not take place until there is an agreement between the two leaders as to when it should take place.

Mr. SPECTER. I thank the Senator from Nevada for that observation. It is my hope we can stack the votes until late this afternoon. We find that the votes set for 15 minutes with a 5-minute leeway go much longer. We have an amendment lined up by the Senator from Arkansas, Mr. HUTCHINSON, to start in 10 minutes, and behind that—in sequencing we have had two amendments from that side of the aisle, so we are looking for another Republican amendment behind Senator HUTCHINSON. Then we will have Senator GRAHAM of Florida.

We wish to move this bill expeditiously giving ample time with time agreements. So we will be looking to stack the votes very late this afternoon. Then we have lined up an amendment on ergonomics to come late this afternoon. It is anticipated there will be considerable debate on that. But we want to move through the ''meat'' of the day, so to speak, getting as much done as we can. So I concur with what Senator REID has had to say about stacking the votes later.

The PRESIDING OFFICER. Is there objection to the Senator's request?

Without objection, it is so ordered.

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. I also say, while we are waiting for Senator HUTCHINSON to come to the floor, that we have the 2 o'clock cutoff for the submission of amendments. We hope Members will come forward with amendments as quickly as possible, recognizing we are trying to move this bill along as quickly as we can. So we hope everyone, especially the staffs who are listening, will take that into consideration, as I am sure they are—that consideration will be given to the submission of amendments, working under the time constraints we have.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative assistant proceeded to call the roll.

Mr. SPECTER. 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. SPECTER. Mr. President, while not an enormous matter, while we are waiting for the next amendment to be offered, the issue has arisen as to whether the lists were made available to which political parties. I have been furnished, by staff, with a response by the inspector general of the Corporation for Public Broadcasting to Congressman DINGELL's questions in the House of Representatives.

This is one question:

When stations made donor lists available to Democratic organizations either directly or through list brokers/managers, were the lists made available to Republican organizations as well?

Answer by the inspector general, as represented to me here:

Although, none of the identified exchanges or rentals of donor names from public broadcasting stations involved Republican organizations, we could not conclude that such names were not available to them. In this regard, we found no indications or evidence that Republican organizations had ever sought or been turned down for names requested from public broadcasting stations. In addition in visiting two stations, we were advised that when they learned that names were being exchanged with or rented to Democratic organizations, they had proposed exchanges with Republican organizations to their direct mail consultant or list broker. These stations were later advised that such exchanges were turned down.

I think it advisable, having read from part of these responses, that the full text of the responses to Congressman DINGELL's questions be printed in the RECORD. I ask unanimous consent that the full text of the responses be printed in the RECORD.

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

CORPORATION FOR PUBLIC BROADCASTING,
Washington, DC, September 24, 1999.

Hon. JOHN D. DINGELL,
Ranking Minority Member, Committee on Commerce, Room 2125, Rayburn House Office Building, Washington, DC.

DEAR CONGRESSMAN DINGELL: The Office of Inspector General appreciates the opportunity to clarify any questions Congress has resulting from our recent report on Public Broadcasting Stations exchange or rental of membership/donor names with political organizations. We have accordingly prepared Attachment 1 which contains the office's conclusions regarding the questions raised in your September 20, 1999 letter.

If your staff wishes to discuss these matters further, please have them contact me at (202) 879–9660.

Sincerely

KENNETH A. KONZ,
Inspector General.

ATTACHMENT 1

RESPONSES TO CONGRESSMAN DINGELL'S QUESTIONS

1. Is there any evidence to suggest that any donor list transactions between stations and Democratic organizations were politically motivated?

No. Stations across the country universally denied that any decisions to exchange donor lists or rent names to any outside organization were politically motivated. Additionally, top management officials were not aware that such exchanges were being made. Instead, such exchanges seem to grow from the need to utilize direct mail solicitation as a basis for raising membership revenue for the station. Because dealing with political organizations was such a minor part of their direct mail solicitation process, we concluded that political motivations were not considered.

2. When stations made donor lists available to Democratic organizations either directly or through list brokers/managers, were the lists made available to Republican organizations as well?

Although none of the identified exchanges or rentals of donor names from public broadcasting stations involved Republican organizations, we could not conclude that such names were not available to them. In this regard, we found no indications or evidence that Republican organizations had ever sought or been turned down for names requested from public broadcasting stations. In addition in visiting two stations, we were advised that when they learned that names were being exchanged with or rented to Democratic organizations, they had proposed exchanges with Republican organizations to their direct mail consultant or list broker. These stations were later advised that such exchanges were turned down.

3. Were any contacts with political organizations initiated directly by station representatives? What role did list brokers/managers play in these transactions?

Based on the responses we got to the survey and our visits to stations, we found that all arrangements with political organizations were made by direct mail consultants or list brokers. Generally, such consultants developed plans for direct mail campaigns. Given the number of solicitations planned, the consultant proposed various lists from which names could be exchanged or acquired based on the demographics of the target audience and success in using, such lists in previous direct mail solicitations. The stations simply saw the names of the proposed lists and were given the opportunity to eliminate those organizations they did not want to exchange with. Therefore, they usually went along with the lists recommended. In cases where political organizations desired exchanges, they would go to the list broker who (in some cases) had authority to exchange names or who, if they did not have authority, would get back to the stations to obtain authorization or rejection.

4. Is there any evidence of a station, or list broker/manager acting on behalf of a station, refusing a request for a list exchange or rental from either a Republican organization or a list broker/manager known to be acting on behalf of a Republican organization?

We saw no indication that exchanges or rentals from Republican organizations were turned down. On the other hand, we saw some exchanges with Democratic organizations were turned down because the stations had a policy of not exchanging with political organizations.

As a general rule, we saw stations looking for names for use in direct mail solicitations. In this regard, in reviewing acquisition of names, stations obtained names not only from apparent Democratic organizations, but also from apparent Republican organizations. For the stations we visited, more than one third of the stations got significant portions (20 percent or more) of such names from apparent Republican organizations. Thus, we have no basis to conclude that exchanges sought by Republican organizations would have received any different consideration from those sought by Democratic ones.

5. In your judgment, did any station violate any Federal of State law or regulation in conducting these donor list transactions?

Our office did not find clear evidence of any violation of Federal or State laws or regulations. CPB has the authority for making grants to public broadcasters under section 396 of the Communications Act of 1934, as amended. In examining the provisions of the Act, as well as CPB grant terms and conditions in affect at the time of grant award, we noted that no specific restrictions existed related to direct mail solicitations and the exchange of membership/donor lists with other organizations. Since we were unable to find evidence showing political motivation to support particular parties or candidates, we did not identify any violations of existing CPB statutes or regulations.

Our office is not an expert in all the Federal or State laws or regulations which might govern the exchange of rental of membership/donor lists. we have in this instance heard that questions have been raised regarding the possibility that stations may have violated provisions of the Internal Revenue Service (IRS) requirements concerning non profit organizations. We understand the IRS was looking into the situation. They would be the appropriate organization to indicate whether there were any violations to that law.

6. How did stations benefit from list exchanges or rentals with political organizations?

In our opinion, stations did not obtain any extraordinary benefit from exchanges or rentals with political organizations. While on one hand the stations did get names from such organizations, they paid for them just like other exchanges with or rentals from non profit organizations or even commercial entities. In both cases, the cost of direct mail solicitations was reduced when names were acquired through exchanges, rather than rentals.

In evaluating benefits to the station, we noted that successful lists only averaged one contribution or membership for every 100 direct mail solicitations (1 percent). Furthermore, only a small proportion of the names used in direct mail solicitations were derived from political organizations. For the stations we visited names from apparently political organizations, ranged from only .3 percent to 6.4 percent of the names acquired for direct mail solicitations. Thus, we concluded that involvement with political organizations in this process did not provide material benefits to public broadcasting stations.

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

Mr. REID. Mr. President, if the Senator would withhold.

Mr. SPECTER. I do.

Mr. REID. Mr. President, I did not want to get into a ''who did this; who did not do that.'' I acknowledge, selling the lists was wrong. The fact is, though, that PBS stations made these lists available to both parties. Without getting too partisan, we know the Bush family has made their lists available to groups, also. These groups include the

Citizens for a Sound Economy and the Heritage Foundation. These are certainly if not Republican organizations, I would clearly say, Republican-leaning organizations.

I also think it is important to note we are talking about the Corporation for Public Broadcasting. And the Corporation for Public Broadcasting has a policy——

The PRESIDING OFFICER. The time requested by the Senator has expired.

Mr. REID. Yes. We are not on the Senator's time now. We are waiting for Senator HUTCHINSON to come. I got the floor on my own.

The PRESIDING OFFICER. We have a time agreement on the amendment. There is a current time agreement. If the Senator wishes to——

Mr. SPECTER. I yield time from my side to the Senator from Nevada.

I ask the Senator, how much time would you like?

Mr. REID. Just a few minutes, a couple minutes.

Mr. SPECTER. Two minutes. We only have about 4 minutes left. If you take 2 minutes, I will have 2 minutes.

The PRESIDING OFFICER. The Senator from Pennsylvania has 6 minutes 20 seconds remaining.

Mr. SPECTER. Take 3.

The PRESIDING OFFICER. The distinguished Senator from Nevada is recognized for 3 minutes.

Mr. REID. Mr. President, the Corporation for Public Broadcasting now has a policy. We do not need to talk about what has gone on before. We all recognize it was wrong and is wrong.

I again state I approve wholeheartedly with the language in the report that was submitted by the manager and the ranking member of this bill and which I understand had the full committee chairman's undying support; that is, the Senator from Alaska was also upset about the trading of lists, which we all agree is wrong.

I support the present policy. If you want to sell your list to a political party, you are not going to get any funding from the Corporation for Public Broadcasting.

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, on the Senate floor we do not frequently have the quality of evidence which assures authenticity, unlike a courtroom where you have to have witnesses who saw, observed, or documentation which is authenticated.

I have marveled, from time to time, during my tenure in the Senate how many representations of fact are made which have no authentication. We had a little time left over from the debate, so the Senator from Nevada and I have talked a little bit about these lists being made available to political parties.

You have the inspector general's report which will be made a part of the RECORD which says what it says. I have already stated that. I am not going to repeat it. But what we say on this Senate floor is viewed by a lot of people. I am sure the Corporation for Public Broadcasting will be looking very closely at what Senator REID and I have had to say. And other public institutions will be on notice, as well, that when there is public money involved, it is a public trust and not to be partisan for either Democrats or Republicans, and that we will take a look at it.

Again, I repeat that, notwithstanding this concern, we did not seek to have that influence our determination as to what the funding should be. We added $10 million. We know the problem has been rectified, but we want the Corporation for Public Broadcasting, and everyone else, to be on notice that the Congress will not tolerate partisanship or political activity of either party with public money, which is a Federal trust.

Mr. President, I move to table the pending amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The vote will be postponed.

Mr. SPECTER. Mr. President, the hour of 12:30 has arrived. We expect the offerer of the next amendment to be here within a very short period of time. In the interim, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative assistant proceeded to call the roll.

Mr. COVERDELL. 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. COVERDELL. Mr. President, in a moment, the next amendment will be offered in the queue by the Senator from Arkansas. I ask unanimous consent that the amendment be awarded one hour of debate, equally divided, with no second-degree amendments.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The Senator from Iowa.

PRIVILEGE OF THE FLOOR

Mr. HARKIN. Mr. President, I ask unanimous consent that Tom Hlavacek, a fellow in my office, be granted the privilege of the floor during consideration of this appropriations bill.

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

The PRESIDING OFFICER. The distinguished Senator from Arkansas is recognized.

Mr. HARKIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, parliamentary inquiry. A unanimous consent was asked. Was there approval that there be a time limit on this amendment?

The PRESIDING OFFICER. That is correct.

Mr. HARKIN. The time limit is what?

The PRESIDING OFFICER. One hour of debate equally divided with no second-degree amendments.

Mr. HARKIN. Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from Arkansas.

AMENDMENT NO. 1812

(Purpose: To transfer amounts appropriated.)

Mr. HUTCHINSON. Mr. President, I have an amendment at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative assistant read as follows:

The Senator from Arkansas (Mr. HUTCHINSON), for himself, Mr. DEWINE, Mr. ALLARD, Mr. THOMAS, Mr. CRAPO, and Mr. HELMS, proposes an amendment numbered 1812.

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

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

The amendment is as follows:

At the end of title I, add the following:

TRANSFER OF FUNDS FOR THE CONSOLIDATED HEALTH CENTERS

SEC. . Notwithstanding any other provision of this Act, $25,472,000 of the amounts appropriated for the National Labor Relations Board under this Act shall be transferred and utilized to carry out projects for the consolidated health centers under section 330 of the Public Health Service Act (42 U.S.C. 254b).

Mr. HUTCHINSON. Mr. President, I ask unanimous consent to add Senators DEWINE, ALLARD, THOMAS, CRAPO, and HELMS as cosponsors of the amendment.

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

Mr. HUTCHINSON. Mr. President, I am pleased to offer this amendment to the appropriations bill on Labor-HHS. I think it is one that should be easy for Members to support. Let me very basically explain it, and then I will go into more detail.

This would shift $25.472 million from the National Labor Relations Board to the Consolidated Health Centers Program. The $25.472 million is the increase in spending that has been added to the budget of the NLRB. I will explain this in further detail, but this would take that expense and shift it to what is a critical program for underserved areas in health care in this country.

The NLRB requested an increase of $25.472 million in funding for the fiscal year 2000. Their argument is they need that increase in funding to reduce their backlog in cases. However, when one looks at the situation at the NLRB and looks at their own statistics provided by the National Labor Relations Board, justification for an increase is simply not there.

In its annual report, the NLRB stated the number of cases that were pending before the NLRB declined from 37,249 in fiscal year 1997 to 34,664 in fiscal year

1998. The NLRB further reported the number of cases the NLRB is receiving declined from 39,618 in fiscal year 1997 to 36,657 in fiscal year 1998.

From their own statistics, it is clear that the National Labor Relations Board can fulfill its statutory mandate to administer the National Labor Relations Acts without the better than $25 million increase in funding. In fact, the NLRB did not receive an increase last year and was not only able to fulfill their mandate but achieved these results which I have cited in seeing a decrease in the number of cases.

How is that possible? When adjusted for inflation, from 1980 to 1998, while the NLRB budget declined by 21 percent, the number of charges received and processed has declined by 31 percent. While the NLRB can rightly say they have had a declining budget, if you look at the number of charges they have received and processed, it has had an even more dramatic decline.

In his statement before the House Subcommittee on Labor-HHS, on March 25, the NLRB general counsel, Fred Feinstein, stated that the NLRB has adopted a program called Impact Analysis through which the NLRB has moved beyond the first-in-first-out approach in an effort to assure that the cases it gets to first are those that are central to its core mission.

He further stated that the Impact Analysis Program has allowed the NLRB to assure that its backlog consists of lower priority cases. Not only has the backlog decreased but the cases that are in their own system are not of a lower priority.

The NLRB estimates that of the 35,000 total charges filed each year, only approximately one-third—or 10,500—are found to have merit. The NLRB further estimates that of the 10,500 charges each year that are found to be meritorious, 86 percent—or 9,030—are settled.

Therefore, the NLRB adjudicates only approximately 4 percent—or 1,470—of the charges it receives each year. So over 35,000 total charges, less than 4 percent, or about 4 percent, are ever adjudicated. So from the NLRB's own numbers, only 10,500 of the 35,000 charges have merit and 65 percent of all unfair labor practice charges are dismissed or withdrawn.

Let me reiterate. Sixty-five percent of all unfair labor charges are dismissed or withdrawn because they are found to be without merit.

Where does that leave us as a body? How do we justify funding their request at better than a $25 million increase at a time that the number of cases is decreasing and the number of adjudications is down 40 percent? How do we justify that?

I know. I simply can't justify that. I think many of my colleagues will agree.

If a society can be judged by how it treats its less fortunate, if a society is judged by how it treats its most vulnerable members, then we must and the NLRB must make better use of resources and decide that we will tip the scales this time in favor of individuals, particularly children, who need health care.

That is why my amendment will shift $25.472 million from the NLRB to the Consolidated Health Centers. It is not a cut in NLRB funding but a shifting of what would have been an increase in their funding to a critically urgent program, the Consolidated Health Centers.

The Consolidated Health Centers Program is a Federal grant program funded under section 330 of the Public Health Service Act to provide for primary care health services in medically underserved areas throughout the United States.

I suspect that the occupant of the chair, the Senator from Kansas, knows well about these kinds of underserved areas. In my home State of Arkansas—we have many in the Mississippi Delta region—they are desperately in need of these kinds of community health clinics. Specifically, this program makes grants to public and nonprofit private entities for the development and operation of community, migrant, and homeless health centers.

Key to the mission of the Consolidated Health Centers Program is its recognition of the contours of our country and its diverse geography. Health care is needed in areas where economic, geographic, and cultural barriers limit access to primary health care for a substantial portion of the population. It might surprise a lot of folks, but today one-fifth of Americans live in rural areas. And many are in desperate need of health care.

I grew up in a little town of 894. It is now up to 1,300. It is in a rural part of Arkansas. I wouldn't trade that place for growing up for any place in the world. But I know that while we have serenity, we have low crime—we had wide open spaces to run on the farm, and it was a wonderful place to grow up—there are also a lot of amenities most people take for granted which we didn't have. Whether it is in Kansas or Arkansas or Iowa, people living in those rural areas may be willing for the benefits they receive not to have the metro system, not to have a nice theater, not have the grand malls, and some of the things we enjoy so much in the Nation's Capital.

However, the tragedy is not only do they give up those amenities but too often in Iowa, Kansas, Arkansas, across the Mississippi Delta and other rural areas, they also give up opportunities because of the economic deprivation of some of the areas that have good quality health care. Indeed, some don't have adequate health care facilities at all, while we take for granted such areas as the Pentagon City Mall, Tysons Corner, full service hospitals, dental centers, podiatrists, chiropractors, virtually a doctor for every part of your body.

But that does not happen in the Mississippi Delta, rural Kansas, or Iowa. These health centers provide access to basic yet essential health services, including preventive health and dental services, acute and chronic care services, appropriate hospitalization, and specialty referrals. These centers are the safety net providers for those who fall through the cracks in our current health insurance marketplace. We may fight and we may argue on the floor of this Senate as to what we should do about managed care reform, what we should do about providing health care for those uninsured, but we don't need to argue about the need to increase funding for these vital community health centers. They are the ultimate safety net in our society.

Health centers provide health care to people regardless of their ability to pay. By law they serve anyone who walks in through their doors—rich or poor, insured or not. Of the clients received by community health centers, 44 percent are children, 66 percent have incomes below poverty level. That is the issue before the Senate in this amendment: Are we going to fund more bureaucracy at the NLRB at a time they have a declining number of cases or are we going to shift the increase for small rural communities desperately in need of greater health care? In Arkansas alone, 41 health centers currently serve 80,000 Arkansans. Once again, 44 percent are children and two-thirds have incomes below the poverty level.

Last month, during our August recess, I had the opportunity to visit 13 counties in the delta region. They are the poorest of the poor. They don't need a handout, but they need a helping hand, especially in the area of health care. I recently visited a new health clinic in Parkin, AR, made possible through a grant in this program, Consolidated Health Centers Program. I commend all the dedicated public servants and health care professionals at the Parkin Medical Clinic and all of the health centers in Arkansas for the invaluable contributions they make to their communities and commitment to improving public health.

At a time when the number of uninsured in our country is over 40 million and growing, the community health centers play a pivotal role in providing care to those who need it most, the uninsured. By spending $25 million more for the health centers, we will enable them to serve 83,000 more people. That won't cover the expected need, but it is a step in the right direction. They say they need $264 million more to maintain current levels of coverage and care. Last year, we increased funding by $100 million for the health centers. Senator SPECTER—and I applaud his efforts in this appropriations bill—increases funding for the health centers by $99 million in addition. That is a good start, but they say in order to maintain current service they need $264 million.

I believe this is a good investment and it is an easy choice. The choice is funding more bureaucracy at the NLRB

at a time caseload is falling or shifting that increase to the communities, to the deprived and neglected communities of this country in which there is a high percentage of uninsured and a high percentage of children who don't have access to health care. We can help that situation and provide tens of thousands of people health care by the simple passage of this amendment.

How much time remains?

The PRESIDING OFFICER. The Senator from Arkansas has 17 minutes 51 seconds.

Mr. HUTCHINSON. I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time in opposition to the amendment?

Mr. ENZI. Mr. President, I ask unanimous consent to make a unanimous-consent request.

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

Mr. HARKIN. Reserving the right to object, I didn't hear.

Mr. ENZI. I ask unanimous consent, without it being taken off of the Senator's time.

Mr. HARKIN. I object. If the Senator wants to speak, why not have the Senator yield time?

Mr. HUTCHINSON. Mr. President, I am happy to yield to the Senator from Wyoming whatever time he desires.

Mr. ENZI. Mr. President, I rise in support of the amendment by the Senator from Arkansas. I am Chair of the Senate Subcommittee on Employment, Safety and Training. I have worked closely with Senator HUTCHINSON to assure small businesses are treated fairly by the NLRB. I have numbers as well that show there is difficulty with that.

I held a hearing in July that clearly illustrated how small business owners that win against the NLRB on an action against the employer get left with thousands of dollars of legal bills. Aggressive actions continue to be brought against the small business owners with no relief in sight. That has to be solved.

Regarding this movement for community health centers, regardless of how much it takes to take care of the present situation, Wyoming doesn't have a community health center. We have a need for it equally. I hope that is included in the suggestions for where this money will be going. I understand the need to raise enough funds to be able to support the current efforts.

I ask people to take a look at the record of the hearings we held on this subject of the National Labor Relations Board and the unfairness with which they have treated some of the employers, the huge bills employers have been left with, in spite of some of them representing themselves before the committee. Such practices are wrong and need to be stopped.

We shouldn't have additional funds for a function that is actually decreasing the load. We also find there is a decrease in cases going before those people.

Earlier this year at a field hearing about the National Labor Relation Board's treatment of small businesses by the safety subcommittee, a small business employer named Randall Truckenbrodt testifies that in one year alone, over 36 unfair labor practice charges were filed against his company. After a prolonged legal battle, Randall won all 36 charges. The cost of defending himself, however, totaled a whopping $80,000, a sum which he testified, ''could have been triple had I not represented myself.'' As a former small business owner, I shudder to think that such a practice could ever occur—much less to a small business—and I am dumbstruck by reports that what happened to Randall happens all the time. Such practices are more than wrong, they should be stopped. I support this amendment, which would allow NLRB to focus on their existing responsibilities and not allow additional funds for random, meritless claims brought against small businesses by the NLRB—an intimidating bureaucracy that can sometimes strong-arm the little guy who doesn't have the resources to defend himself.

I have great concerns over the actions of the NLRB against small businesses, and before we give it 25 million additional dollars, I think we need to get to the bottom of NLRB's treatment of these smallest of businesses. I support Senator HUTCHINSON's amendment which would transfer the $25.7 million increase for the National Labor Relations Board to Consolidated Health Centers under the Public Health Service Act.

Community health centers play a vital role in providing primary care services to underserved areas. The Labor HHS bill provides a $99 million increase for CHCs—Consolidated Community Health Centers Program—for poor, rural areas. HRSA, however, testified and requested $264 million just to maintain levels of coverage and care.

Health centers serve over 10 million people nationwide, over 4 million of which are uninsured. By spending $25 million more for health centers, health centers estimate that they will be able to serve over 83,000 more people.

Bottom line, this amendment will bring better health care to millions of Americans, rather than harming more small businesses by allowing the NLRB to run wild in filing meritless claims against them, and therefore I rise to strongly support it.

I yield the floor.

Mr. SPECTER. Mr. President, when this bill was crafted with some 300 items, great care was exercised on the establishment of priorities. That is always a difficult matter. Where is the $1.800 trillion in Federal money to be spent? We have a bill of $91.7 billion. We have had a series of amendments to change the allocations and assessments of priorities which the ranking member and I came to initially with staff, and then the subcommittee and then the full committee.

I am inclined to agree with my colleague from Arkansas about the desirability of having more money in the consolidated health centers. He came from a small town, as he recited, of several hundred that has grown to more than 1,000. The town where I went to high school was a big city by comparison. It had several thousand people. Russell, KS, has now 4,998 people. It used to have 5,000 until Dole and I left town.

I appreciate what the Senator from Arkansas has had to say about the virtues of living in a small town. I have appreciated the virtues of living in a small town even more since I moved to a big city. I knew Russell, KS, was a great place to live, but after I moved to Philadelphia I concluded Russell, KS, was a greater place to live.

When the Senator from Arkansas talks about smalltown life and the need for health centers, he is right. They are needed not only in Arkansas but in Pennsylvania, in Kansas, and everywhere.

When we made the allocations, as has already been noted by the Senator from Arkansas, we paid a very substantial increase to consolidated health centers. Consolidated health centers were a little over $900 million and we added $99.3 million to bring them to $1.24 billion. That is, I am advised, $79 million over the President's request.

But, even so, when the Senator from Arkansas says he would like to have more money, I would not disagree with him. But then it is a question of establishing priorities, as to what we do. I listened closely to the statistics which were cited by the Senator from Arkansas on the decrease in the backlog. But even after the backlog has decreased—and I am searching for those exact statistics myself—there still is an enormous backlog which is pending before the National Labor Relations Board.

When the Senator from Arkansas makes a comment about the board establishing priorities, I think that is to the board's credit. They are not going to be able to take all the cases, so they ought to establish priorities. I hope their priorities are not subject to as much challenge as mine are on the floor. I am not really too serious about that, there haven't been too many challenges. But then the day is not over yet, either. We are waiting for all the amendments to be filed by 2 o'clock this afternoon.

But I compliment the National Labor Relations Board for establishing priorities, to take up the most important cases first. The fact that there are a great many unmeritorious claims filed is not surprising. There are sometimes unmeritorious amendments filed—not this one. But there are lots of cases filed in court or any adjudicatory process where there are unmeritorious matters. But I do not think that can be the basis of judgment. My analysis of the caseload of the National Labor Relations Board, and I am going to put these figures into shape during the

course of this debate, to be specific and put them into the CONGRESSIONAL RECORD, is that this funding is needed.

The National Labor Relations Board, by word of just a little explanation for those who may be watching on C–SPAN2, is a board created to take into consideration complaints, either by labor or by management, as to what is happening in a labor practice and to identify unfair labor practices and to produce labor peace by having an administrative remedy which would stop people from going into court.

I know there are others who wish to speak who are waiting now, but I think a careful analysis of the backlog, of the procedures of the National Labor Relations Board, and the entire picture, will show that this kind of increase is warranted and certainly in consideration of the significant increase accorded to the consolidated health centers, which I have already noted.

The PRESIDING OFFICER. Who yields time?

Mr. SPECTER. How much time would my colleague from Iowa like?

Mr. WELLSTONE. Might I ask my colleague from Iowa a question?

Mr. HARKIN. I do not have the floor yet.

Mr. SPECTER. There is a question pending of the Senator from Iowa, how much time does he want?

Mr. HARKIN. Just 5 minutes.

Mr. WELLSTONE. Mr. President, before I leave the floor, might I ask my colleagues from Iowa and Pennsylvania a question? I want to know the parliamentary situation. Do we have an agreement for no second-degree amendments and this would only be debated for an hour? Could I get some information about this?

Mr. SPECTER. If I may respond to the question, I was off the floor for a moment, actually, in the lunchroom. I came back to the floor. A unanimous consent request had been propounded for an hour time agreement, equally divided, with no second-degree amendments. It was later determined that was not really acceptable to the Democratic side of the aisle. I said to the Senator from Iowa, when I came back in: If it causes you heartburn, we will eliminate it.

I now ask unanimous consent that the part as to ''no second-degree amendments'' be rescinded, but the time as to 1 hour equally divided remain in effect.

Mr. HUTCHINSON. Objection.

The PRESIDING OFFICER. Objection is heard.

Mr. WELLSTONE. Mr. President, if I could make it clear to the Senator from Iowa, if there is an objection—I thank the Senator from Pennsylvania. I think his unanimous consent request is very much in the spirit of fairness.

I say to my colleagues on the other side of the aisle, if that is not acceptable, kind of sneaking a unanimous consent request in—this is a very important amendment. There ought to be second-degree amendments on every single amendment introduced to this bill forthwith with no time agreement if we are going to play that way. That is just not acceptable. We need much more time and we certainly should have the right to second-degree amendments.

The PRESIDING OFFICER. The Senator from Iowa is recognized. I think he was yielded time.

Mr. HARKIN. I assume I have some of my 5 minutes left—I hope?

The PRESIDING OFFICER. The Senator has 5 minutes.

Mr. HARKIN. Mr. President, first, I say I thank the Senator from Pennsylvania. He is a true gentleman, I think, in the spirit of comity on the Senate floor, to recognize the unanimous consent request that was proffered earlier was not acceptable to this side. I bear some responsibility for that. I was engaged in a conversation with my staff and did not even hear the unanimous consent request propounded, so I bear some responsibility for that.

As I said, in the spirit of comity and the smooth functioning of the Senate, my friend from Pennsylvania, the chairman of the appropriations subcommittee, came back on the floor and said he would move to vitiate that unanimous consent agreement, which he did, I think, again, in the true spirit of comity and smooth functioning of the Senate. That then was objected to, I guess, by the Senator from Arkansas?

Mr. SPECTER. Will the Senator yield?

Mr. HARKIN. I will yield the floor back to the Senator.

Mr. SPECTER. Mr. President, when I heard there was a problem—we work together on too many matters over too long a period of time. If it was inadvertently entered into, we are prepared not to hold anybody to it. We have a lot of work to do. If we did not have a lot of work to do, we still would not hold them to it if it was inadvertently entered into.

I have just discussed that with my colleague from Arkansas. I think we can work this out in the course of the next few minutes, if the Senator from Iowa will take his 5 minutes to argue on the merits.

Mr. HARKIN. If I can have another 5 minutes to talk about the amendment itself?

Mr. SPECTER. I allocate 10 minutes to the Senator from Iowa.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, the amendment propounded by the distinguished Senator from Arkansas really would harm the NLRB drastically. The Senator from Arkansas said the caseload had gone down. That is true, the caseload did go down, I assume because we increased some of the funding and they were able to, then, hire some more staff and decrease the caseload.

If now, however, we cut the funding, they are going to have to release those people and fire people who were hired; therefore we will be right back where we started from.

We keep hearing about the backlog. What is the backlog? The NLRB, at the end of last fiscal year, had 6,198 cases pending at the end of the last fiscal year. I understand some of those were reduced last year, but we are still in the neighborhood of about a 5,500-case backlog. So I do not know how the Senator from Arkansas can argue we are making great progress. We are making a little bit of progress. But to take the $25 million out of the NLRB would put us right back where we were before, and you would see the backlog start going back up again. That may not be his intention, but that is exactly what would happen.

At this funding level, the staffing, I am told, would have to be reduced by at least 100 people below the current level. That would be about a 5-percent reduction. Again, that would mean the backlogs would continue to go up. The time to process the claims would grow significantly, and that would hurt not just the employees but also the employers. Both sides are harmed when they get this kind of backlog at the NLRB. Again, they are most effective when they can get at this in a hurry. Workers who are fired for union organizing must sometimes wait weeks or months for cases to be processed. Then when the remedy does come through it is too late. People have to move on with their lives. They have found other jobs, they get the remedy, but it is too late to make any kind of difference at all.

Employers are hurt because a delay causes back pay to add up until the case is resolved. This creates uncertainty. It destabilizes the workplace. I have had employers who have contacted my office and said: Can't you do something about NLRB? There is a case pending. It is causing us a lot of headaches. So it is not just labor, but it is also management that is hurt when you have this kind of backlog.

If this amendment goes through the funding level right now would put us, as I understand it, below the 1993 inflation-adjusted level for the NLRB. During that period of time, the number of cases has gone up. So you can see the number of cases has gone up. We took a little bit out last year because of some additional staffing we gave them. This budget cut would put us back where we were in 1993.

Of course, not only would the present backlog of cases take more time, we could see actually more cases piling up behind the ones that are there.

Again, there is some thought that the NLRB is a kind of a prolabor organization. The NLRB is effective because it is a nonmanagement, nonlabor, independent board. It promotes stable and productive labor relations. If they are not able to do their job, our whole society breaks down.

Let me get to the point. The Senator from Arkansas wants to take $25 million out of this and put it into community health centers. I take a back seat to no one in supporting community

health centers—consolidated health centers I guess they are now called—and have worked over the years with Senator SPECTER, as a matter of fact, to increase funding for our community health centers. They do a great job. In many cases, they are really the only source for a lot of low-income people who have no health care insurance.

We worked very hard—Senator SPECTER, I, and our staffs—to get a $100 million increase. We are up to slightly over $1 billion now for community health centers, and they need the money. But I do not think they need the money at the expense of taking it out of the NLRB. We gave them a $100 million increase. I believe this will be more than sufficient to help get new community health centers started next year and to adequately fund the ones in existence.

While I support community health centers, this is not the way to get money for them, by taking it out of the NLRB and taking it out of the more rapid resolution of the backlog of cases. Many times, the workers who are waiting to get a case heard are the same ones who are low income and need to have their cases resolved so they can get on with their jobs and their lives.

I yield back whatever remaining time I have.

Several Senators addressed the Chair.

The PRESIDING OFFICER (Mr. BUNNING). Who yields time?

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. HUTCHINSON. Mr. President, I yield such time as he may consume to the Senator from Wyoming.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

PRIVILEGE OF THE FLOOR

Mr. ENZI. Mr. President, I ask unanimous consent that Patrick Thompson from the HELP Committee staff and Mark Battaglini, who is a fellow, be granted the privilege of the floor during the debate on S. 1650, the Labor, Health and Human Services, and Education Appropriations Act.

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

Mr. ENZI. Mr. President, I want to respond to some of the numbers used a minute ago in talking about the number of cases filed and the number of cases disposed of in this seemingly inverted pyramid of backlog of cases. It did not happen that way.

In 1997, there were 37,000 cases pending. In 1998, there were 34,000 cases pending. That is a decrease in the number of cases pending. That is not the same as the number of cases filed. There were 39,000 cases filed in 1997; there were 36,000 cases filed in 1998. Both of those numbers show a decrease in cases—a decrease in the number that were pending and a decrease in the number that were filed. The Senator from Iowa mentioned there was a decrease in the backlog, that they were working that down.

Let me tell you how part of that backlog happens. In my previous life, before I came to the Senate, I was an accountant. One of the people I did accounting for received one of these notices of audit from the National Labor Relations Board. They came in—it was about 10 days work for me—and they looked over all of the accounts and decided at the conclusion of that time verbally, not in writing, that there was no violation. We said: Great; we will wait for your letter. It is my understanding they are still waiting for that letter.

As far as they know, that is still a case pending. All of the work was done, a decision was rendered verbally, and that ought to dispose of it. I know for that year it was still a case pending. For an employer, sometimes this gray cloud hangs over, even after they have been assured there is no problem. That shows up in these statistics of the backlog.

The other number presented, the number they worked, actually increased; the number pending evidently was not pending in the next year. So they were working a full 37,000 cases in 1997, plus a few more to work that backlog down.

This agency has been working the cases. They have been eliminating extra cases, some of which I do not think should have been part of the backlog anyway. Now we are talking about significantly increasing the amount of dollars. There would be an appropriate time to do that.

One of the things we talked about in a hearing in the subcommittee was the legal fees these businesses have to put up when cases are brought, and the cases, in some instances, are frivolous. At any rate, the decision ought to be on whether the small business wins or not, and if they win, they ought to get back the costs they have expended on this.

Part of the testimony in that hearing was from some other employers who would never take a case to the NLRB because they know it is going to be more expensive to fight it than to pay it. That is not the way the American Government is supposed to work. Businesses are not supposed to live in fear of expensive litigation by their Federal Government with their tax money.

Perhaps an increase ought to accompany making a change where there is some reimbursement for these small business employers who win—only when they win. But there could be a degree of fairness built in this at the same time there is an increase. Until that happens, the community health centers are the place to put the money.

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

The PRESIDING OFFICER. Who yields time?

The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, first I will speak to procedure and then to substance.

I apologize to my friend from Arkansas, for whom I have a lot of respect even though we do not agree on all issues. I used the words ''sneak through,'' and I should not have said that. He is above board, and I know that. However, I do want to make it clear, my very good friend, Senator HARKIN, was talking to someone when that happened and therefore was not fully aware of this agreement.

The fact is, on our side we believe this goes against our understanding of the way we operate. There was no intention of going forward with a unanimous consent agreement that would limit this to 1 hour with no second-degree amendments.

I say one more time, I certainly hope my colleague from Arkansas will understand that. I hope he will understand this is above and beyond the debate. We can always debate issues. This is generating a lot of anger and indignation.

For my own part, I am committed to doing a second-degree amendment on every amendment that comes to the floor forthwith, with no time limit at all, because I believe this should not have gone this way as a unanimous consent agreement.

The reason I feel strongly about the procedure is because of the substance of what this is about. To me, it is a matter of justice delayed is justice denied. I tell you, what is real important in our country is that people have the right to organize and bargain collectively, to earn a decent living, to give their children the care they know they need and deserve.

Frankly, we ought to be doing much more by way of labor law reform. But when you cut into the NLRB's budget, and you are going to reduce staff by an additional 100 women and men, the only thing you are doing is you are making it impossible for many working people to have justice.

I do not even know the figures because I came rushing to the floor when I heard about this, but there are well over 10,000 people who are illegally fired. And quite often——

Mr. HUTCHINSON. Will the Senator yield for a question?

Mr. WELLSTONE. I am pleased to yield for a question.

Mr. HUTCHINSON. Is the Senator aware that the amendment does not cut the budget for the NLRB, that it only flat-lines, it only eliminates the increase in funding at a time when only 4 percent are being adjudicated and the number of cases is falling?

Mr. WELLSTONE. I say to my colleague from Arkansas, I am well aware that it flat-lines, but it is similar to what we talk about with the veterans' health care budget. When you flat-line, and you do not take into account additional inflation, then basically the effect of it is a reduction.

My understanding is that you have a reduction of about 5 percent. If that is the effect, and if we cut into the man and woman power requirements of the

National Labor Relations Board, I am unalterably opposed to this because working people in this country have a right to be able to make an appeal. It should not be profitable for companies to illegally fire people. It should not be easy for companies to break the law. When we try to go after the NLRB, what we are doing is going after the rights of working people.

So I say to my colleagues, an awful lot is at stake here. The National Labor Relations Board is all about a framework of laws we have set up in our country. It is all about making sure working people have certain rights. I think this amendment guts some of those rights by basically stripping away some of our enforcement power.

So I say to my colleague on the other side of the aisle that I do not accept this choice he presents to us. I think my colleague from Iowa probably will be talking about what he has heard from the community health care clinics. But to pit one group of low-income citizens against another group of low- and moderate-income people, working-income people, I think is simply outrageous.

Knowing the people I have met who work at the community health care clinics, I doubt the people who work at our community health care clinics are interested in some additional funding for them if that means taking away from the rights of working people. We are basically talking about the same group of citizens—hard working, not necessarily making a lot of money, hoping that they will get a fair shake, hoping that they will get decent health care, or hoping that their rights will be respected.

I again say to my colleagues that when you flat-line the budget, you effectively cut the budget. You cut into the NLRB's capacity and ability to represent working people. There will be more and more and more delay. As my colleague from Pennsylvania said, justice delayed is justice denied. That is what this amendment is—it is a justice delayed/justice denied amendment as it affects working people in this country.

Therefore, I would like to have the opportunity—we would like to have the opportunity to offer a second-degree amendment. I hope my colleague from Arkansas will reconsider, given the fact that there is, at best, confusion about what happened; and we are hoping we can go on together in good faith. If not, I say, one more time, that for my own part, I will just offer second-degree amendments to every single amendment offered on the other side of the aisle, with no time limit whatsoever.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. HARKIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. How much time does the Senator from Pennsylvania have left?

The PRESIDING OFFICER. Eight minutes 40 seconds.

Mr. HARKIN. If I could have 3 minutes.

Mr. SPECTER. I yield 3 minutes to Senator HARKIN.

Mr. HARKIN. I appreciate the Senator yielding.

I hope I can have the attention of Senators and the Senator from Arkansas, the proponent of the amendment.

I just spoke with the National Association of Community Health Centers on the phone. They said to me that I could say the following things publicly:

No. 1, they did not ask for nor seek this amendment.

No. 2, they are quite happy with the Specter-Harkin increases that came in the appropriations bill and hope that we can keep it in conference—which I publicly assure them and others that we will do everything we can to keep the $100 million increase.

And, No. 3, while they appreciate the intention of the Senator from Arkansas to get more funding for community health centers, they do not want it to happen at the expense of the NLRB.

So I just spoke with the National Association of Community Health Centers. I wanted to make that point; that they would not want this to happen at the expense of the NLRB.

I yield back my time, I guess.

Mr. HUTCHINSON addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. HUTCHINSON. If I might just respond to the Senator from Iowa.

I do not know who he spoke to at the health centers. I suppose whoever it was is a spokesman for all of them. But the ones I would like to speak for are the 83,000 people who could be served if this amendment were adopted. The $25 million, it is estimated, would allow these health centers to be able to serve 83,000 more people. Those are the ones I am concerned about. I am not so much concerned about whoever in Washington, DC, decided that the NLRB needed a big increase.

The fact is, the NLRB has said with this increased funding they will hire 122 more people, and they will buy an $11 million computer system. So I would say to the Senator from Minnesota, that is the issue. Do you want an $11 million computer system for the NLRB and 122 more employees or do you want to help 83,000 more people to get health care in the delta and the poor areas of this country who are currently not receiving it?

It is a pretty simple issue. We can try to cloud it with parliamentary questions. We can try to cloud it with questions about a UC that was adopted. But there is a very fundamental question in which I believe very strongly.

I oftentimes hear the Senator from Minnesota speak with great passion and the Senator from Iowa speak with great passion as to how they are prepared to create a problem in the Senate in order to further their goals. I admire them. I respect them for their commitment.

I just say, I have a deep belief about those who are being served by these community health centers. I have visited them. I see the good work they do. I see the fact that poor people can walk in and not have to worry about presenting an insurance policy in order to get help. I know the value of helping those little children in the delta when they get preventive health care services now and what that is going to save us down the line, not only in terms of our budget but in terms of the quality of life that they are going to be able to live.

Once again, I reiterate the numbers concerning the NLRB. We have seen, over the last 25 years, their budget cut by 21 percent, while the caseloads have dropped 31 percent. This isn't a new thing. Last year, we flat-lined their budget, and the result was they had fewer cases filed and a smaller backlog with a flat-line budget.

I think anybody who will listen to the arguments and look at the numbers will have a difficult time accepting the logic that they need to hire 122 more people and buy an $11 million computer system, having a $25 million increase in their budget at a time we could be helping poor people get health care around this country.

So it is a very clear question. I think clouding it is not the answer as to how we resolve it.

I reserve the remainder of my time.

Mr. SPECTER. 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. SPECTER. 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. SPECTER. I think we have just reached an agreement informally, which I would like to propound now as a unanimous consent request.

The earlier unanimous consent request prohibiting a second-degree amendment is vitiated. We will now proceed to have the Senator from Arkansas offer a second-degree amendment to his first-degree amendment. We will have 30 minutes of debate.

It has now been reduced to writing. I will begin again. I ask unanimous consent that the previous consent agreement relating to the pending Hutchinson amendment be vitiated. I ask consent that prior to a motion to table the second-degree amendment to be presented forthwith by the Senator from Arkansas, the time be limited to 30 minutes equally divided, and following the disposition of the Hutchinson second-degree amendment, Senator WELLSTONE will be recognized to offer a second-degree amendment.

Mr. HUTCHINSON. Reserving the right to object—and I don't intend to object—should the motion on my second degree be a motion to table and the

tabling motion failed, would my second degree still be the pending business? I need an up-or-down vote.

Mr. SPECTER. If it fails, then Senator WELLSTONE will be recognized for offering a second degree.

Mr. HUTCHINSON. Should the motion to table fail, I would assume by voice vote my second-degree amendment would be adopted, and then at that point Senator WELLSTONE would be recognized to offer a second degree. Is that the understanding?

Mr. HARKIN. I could not hear all of this.

Mr. HUTCHINSON. My question is, at the end of the 30 minutes of debate on my second-degree amendment, should there be a motion to table my second degree, and if the motion to table were to fail, my assumption is that we would at that point adopt my second degree by voice vote, at which point Senator WELLSTONE would be recognized to offer his second degree. I just wanted that clarified.

Mr. HARKIN. That is right.

The PRESIDING OFFICER. Is there objection?

Mr. COVERDELL. Reserving the right to object, a question to the manager: Wasn't there a time limit agreed to, if there is a Wellstone second degree. I thought we were at 30 or 45 minutes equally divided.

Mr. SPECTER. Will the Senator from Minnesota be willing to stipulate now to a time agreement, if he is to offer a second-degree amendment, say, to 30 minutes equally divided?

Mr. WELLSTONE. Mr. President, let me say, in good faith, that I am not going to make it open-ended. I am now waiting word from other offices as to who will be down here, so I can't agree to a time limit, although I don't intend to extend it for hours. I have to wait and see how many people want to speak. For right now, I think we should leave it as it was and hope my colleagues will trust me that I am not trying to drag it on and on. I can't agree to that right now.

Mr. COVERDELL. Mr. President, a question to the Senator from Minnesota, it is your anticipation that it would be relevant to the first degree?

Mr. WELLSTONE. That is correct.

The PRESIDING OFFICER. Is there an objection to the request of the Senator from Pennsylvania? Without objection, it is so ordered.

Mr. SPECTER. No objection to the unanimous-consent agreement which we have propounded with modifications.

The PRESIDING OFFICER. Yes. The request is agreed to.

The Senator from Arkansas.

AMENDMENT NO. 1834 TO AMENDMENT NO. 1812

(Purpose: To transfer amounts appropriated)

Mr. HUTCHINSON. Mr. President, I have a second-degree amendment at the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The bill clerk read as follows:

The Senator from Arkansas [Mr. HUTCHINSON] proposes an amendment numbered 1834 to amendment No. 1812.

Mr. HUTCHINSON. 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 first word and insert the following:

''OF FUNDS FOR THE CONSOLIDATED HEALTH CENTERS

''SEC. . Notwithstanding any other provision of this Act, $25,471,000 of the amounts appropriated for the National Labor Relations Board under this Act shall be transferred and utilized to carry out projects for the consolidated health centers under section 330 of the Public Health Service Act (42 U.S.C. 254b).''

Mr. HUTCHINSON. Mr. President, under the UC, it is my understanding that there is no time limit currently on the second-degree amendment.

The PRESIDING OFFICER. There are 30 minutes under the unanimous consent, equally divided on the Senator's second-degree amendment.

Mr. HUTCHINSON. That is fine.

I yield to the Senator from Iowa.

Mr. HARKIN. Mr. President, will the Senator yield me a couple minutes?

Mr. SPECTER. I do.

Mr. HARKIN. I don't mean to take any more time of the Senator from Arkansas. I can't help poking a little bit at him before the vote.

It is interesting that the Senator from Arkansas is trying to take $25 million out of the NLRB for the community health centers. Why didn't the Senator from Arkansas try to take $25 million out of the defense appropriations to help the community health centers? Why didn't he try to take $25 million out of energy and water or all the other 12 appropriations bills that came down here? Why go after the NLRB?

As I pointed out, I just spoke with the Association of Community Health Centers. They said that while they appreciate his intentions of giving them more money, they don't want to do it at the expense of the NLRB. I hope the amendment will be defeated.

Mr. HUTCHINSON. Mr. President, my staff talked to the community health centers, and they clarified that they do not oppose this amendment. In fact, while they may have concerns about how they are getting involved in a political fight before the Senate that may affect their relationship with the appropriators, in fact I think they would very much welcome the additional $25 million for health care in rural areas. That is where their heart is. They want to help people. They are not going to turn away $25 million to help.

The Senator from Iowa is concerned about why I didn't take this from the Department of Defense bill or shift it from something else, and why we chose the NLRB. I think I made that case very convincingly. They have done an excellent job. They ought to be commended for their priorities and their impact analysis system by which the most critical cases are taken first.

They have seen a decrease in the backlog. They have seen a decrease in the number of cases being filed—all the time not seeing an increase in their budget. To increase it by $25 million so they can buy an $11 million computer and hire 122 more people at a time when there are tens of thousands of people in the poor areas of this country being left uninsured and without access to basic health care, I think, is a pretty easy call.

While I think I can make a strong case for why we need to increase defense spending, when we have treatment goals failing in virtually every branch of the military, with the exception of the Marines, and when we see tens of thousands of our men and women in uniform on food stamps, I can tell you why I didn't take it from defense. But the more important question is why NLRB? Because it is a Washington bureaucracy that is going to get bigger under that plan to buy a computer and hire 122 more people at a time when they have seen a decrease in the workload. That is why. It is very simple.

I know there is a need in the community health centers, and I want to help them. This is a little bit of help. It is enough help to provide health care for an additional 83,000 people nationwide. And some of those folks are going to be in the delta of Arkansas.

This is not a difficult amendment to vote for. It is a pretty easy case. I have had to come down and defend a lot of amendments on this floor, but I don't think I have ever had one that I felt more strongly about personally or for which it was easier to make the case.

The budget for the NLRB has been cut over the years. From 1980 to 1998—over that 18-year period—their budget declined 21 percent. That sounds pretty bad until you realize the number of charges received and processed declined 10 percent more than that—31 percent.

To stand on the floor of the Senate and say we are disenfranchising, that we are denying justice by not increasing by $25 million the budget for a Washington bureaucracy, I am sorry; I don't think that sells. And I don't think it is too convincing to those who are going to be denied health care by the defeat of this amendment.

They have done a good job in reducing the backlog. They have done a good job in seeing a fewer number of charges. And they have done so with lower budgets over the last 18 years. It doesn't make any sense now to increase it dramatically by $25 million so they can hire 122 more people and buy an $11 million computer system.

I suggest that money would be better used by people in the poor communities, in the rural areas of this country, to ensure that they can walk in—44 percent of them are children—and not have to worry about presenting insurance documentation when they go

into these health centers; that they can get treatment. Eighty-three thousand more people would be served. I ask my colleagues to support this amendment.

I reserve the remainder of my time.

Mr. SPECTER. Mr. President, I commented earlier that I would defer to the statistics. I am about to put a detailed chart into the RECORD. It is true that the backlog went down from about 6,200 to about 5,500 because we added $10 million to the budget. We are now proposing to add approximately $24 million to the budget, which will buy a computer, which is not inexpensive. Computers are expensive. That will enable the NLRB to move part way into the latter part of the 20th century, if not the 21st century.

The projection is that the backlog would then be reduced to about 1,960 cases. If this is not done, there are many employees who are now at the NLRB who would be lost. I think it is plain that for the NLRB to keep up with the backlog and do its job, they need these additional employees.

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

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

MAJOR WORKLOAD AND OUTPUT DATA

	FY 1998 actual	FY 1999 estimate	FY 2000 request
(1) Regional Offices:			
Unfair Labor Practice (ULP) Cases:			
Situations Pending Preliminary Investigation at Start of Year	7,434	6,198	5,487
Case Intake During Year	[1] 30,422	30,200	32,000
Consolidation of Dispositions	[1] 2,327	2,880	2,880
Total ULP Proceedings	29,331	29,831	32,647
Situations Pending Preliminary Investigation at End of Year	6,198	5,487	1,960
Representation Cases:			
Case Intake During Year	[1] 6,215	6,179	6,179
Dispositions	3,091	3,012	3,218
Regional Directors Decisions	769	704	722
(2) Administrative Law Judges:			
Hearings Pending at Start of Year	1,210	1,106	1,046
Hearings Closed	444	521	573
Hearings Pending at End of Year	1,106	1,046	958
Adjustments After Hearings Closed	0	1	1
Decisions Pending at Start of Year	216	134	120
Decisions Issued	528	538	590
Decisions Pending at End of Year	134	120	107
(3) Board Adjudication:			
Contested Board Decisions Issued	426	532	556
Representation Election Cases:			
Decisions Issued	275	237	248
Objection Rulings	214	171	187
(4) General Counsel—Washington:			
Advice Pending at Start of Year	58	129	172
Advice Cases Received During Year	762	716	760
Advice Disposed	691	673	785
Advice Pending at End of Year	129	172	147
Appeals Pending at Start of Year	980	910	1,077
Appeals Received During Year	3,316	3,313	3,401
Appeals Disposed	3,386	3,146	3,828
Appeals Pending at End of Year	910	1,077	650
Enforcement Cases Received During Year	271	287	304
Enforcement Briefs Filed	145	152	161
Enforcement Cases Dropped or Settled	63	64	68

[1] Actual figures for FY 1998 are preliminary and still being reconciled.

Mr. SPECTER. Mr. President, I had announced earlier my hope to stack the votes. But in light of the procedural context that we are in now, I am advised that there will not be an agreement to set this amendment aside. It is my hope that we can vote as promptly as possible.

I move to table the Hutchinson second-degree amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. HATCH. Mr. President, I commend the Senator from Arkansas for his amendment.

I have followed the activities of the NLRB for many years—since I came to the Senate, in fact. It is certainly not clear to me that this agency needs a $25 million increase over last year's level—particularly when the subcommittee was forced to be so frugal with a number of other high priority programs.

I support the reallocation of these funds to the Consolidated Health Services account for the Community Health Centers. We have long worried about access to primary health care for low-income families. This amendment is a way that we can provide such care for 83,000 more Americans.

The Senator from Iowa said that he was told the association representing community health centers did not request this amendment. I cam appreciate the rationale of the association. They, of course, recognize the hard work done by the subcommittee in putting together this bill and wish to support that by taking a neutral position on the Hutchinson amendment.

However, let's put the amendment in perspective. The NLRB is getting a $25 million increase—an unprecedented increase—over 10 percent. There has been no justification offered for this increase. The caseload has consistently declined over the decade.

Now, the appropriations committee has provided an increase for the community health centers of $99.3 million. This is badly needed, comparison with the NLRB notwithstanding.

The additional funds provided by the Hutchinson amendment would permit health centers to serve 83,000 more people. That is the most important point, to me.

Mr. President, let's compare: $25 million for 122 more federal employees and new computers versus health care for 83,000 Americans. This is a no brainer for me.

I hope it is for my colleagues as well. I urge Senators to support the Hutchinson amendment.

The PRESIDING OFFICER. Who yields time on the amendment?

The Senator from Illinois.

Mr. DURBIN. Mr. President, is there still time remaining on the Hutchinson amendment?

The PRESIDING OFFICER. There is.

Mr. DURBIN. If that time is allocated to each side, if I might yield to the chairman of the subcommittee at this point, I don't want to delay the proceedings, if he wants to move to a vote. It is my understanding there is time remaining on the debate.

Mr. SPECTER. Mr. President, as manager of the bill, I do wish to move to a vote. I would be delighted to hear how much time the Senator from Illinois wants, to hear his closing argument, and then to proceed to a vote on the tabling motion.

How much time would he like?

Mr. DURBIN. Ten minutes would be more than enough.

Mr. SPECTER. I agree. There is another unanimous consent agreement on top of that. I ask unanimous consent that after the Senator from Illinois speaks for up to 10 minutes, we move to a vote on the tabling motion.

The PRESIDING OFFICER. Is there objection?

Mr. SPECTER. With 2 minutes for Senator HUTCHINSON to close.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Illinois.

Mr. DURBIN. Thank you, Mr. President. I thank the chairman of the subcommittee, the Senator from Pennsylvania.

This is a difficult choice which is offered to us by the Senator from Arkansas in terms of transferring money because hardly any Member of the Senate will argue that community health centers should have more resources. We opened a new one in my hometown. It is very important in many rural areas. In smalltown America, these community health centers provide health care that is not otherwise available. So in that regard I applaud his effort. I only take exception to his source.

The National Labor Relations Board has been a pain in the side of big business for over 60 years because it is a mechanism for dealing with disputes between employers and employees and employees and labor unions.

There has been an effort by those who cannot repeal the law creating this agency to reduce the resources of the agency and make the delays in the backlog so insufferable that the agency virtually was stopped in its tracks. Not that many years ago there was a hard freeze on this agency which resulted in slowing down the process for years.

As I travel around the State of Illinois, and I listen to my colleagues from other parts of the Nation, I find that if you are trying to organize a plant, for example, to bring in a labor union, and there is some dispute about whether both sides are following the law, it is almost impossible to turn to the NLRB and expect a timely decision on violations of the law. As a consequence, the whole effort of collective bargaining, which has been a recognized legal right in this country for decades, is jeopardized because of efforts to strangle this agency.

This is not a voluntary reduction in NLRB funds. This is an effort to stop its mission. Frankly, I think that is a serious mistake because we understand as well that some of the rights that are protected by the National Labor Relations Board were rights that were fought for over the years by many people who gave their blood and their lives to make certain that the concept principle of collective bargaining would be recognized.

Listen to this about the agency backlog currently facing the NLRB. Despite

the agency's success in screening out tens of thousands of public inquiries and voluntarily resolving the vast majority of its representation in unfair labor practice, backlogs continue to grow with no concomitant increases in staffing.

I salute the chairman of the subcommittee, the Senator from Pennsylvania, and his counterpart on the Democratic side, the Senator from Iowa. They have recognized it and put $25 million into the NLRB.

When you look to where this money is being spent, it is for things that are absolutely essential—training the people who work there, the attorneys, the hearing officers, and the like to make sure people get a fair chance and their day in court.

The Senator from Arkansas closes out that possibility. He takes the $25 million away.

Some of the funds here are used to modernize computer equipment to deal with the Y2K problem. The Senator from Arkansas, by cutting $25 million, makes that more difficult to achieve. A lot of the money is used for basic administration of the agency, relocating people where they are needed, where the workload is growing. The Senator from Arkansas steps in the path of that. I suggest to those listening to the debate on this amendment, don't just dwell on where the money is going. Look to the source of the money.

The Senator from Pennsylvania very eloquently has presented the fact that the backlogs are still a problem and, if we adopt the approach of the Senator from Arkansas, we are going to be, if not turning out the lights, dimming the lights in a very important agency where justice is part of the agenda; in fact, it is the reason for the existence of the agency.

Looking at what the NLRB has accomplished in a very short period of time, one understands why they need to be in business and fully staffed. Last year, the National Labor Relations Board cases resulted in reinstatement offers to 4,500 American employees who alleged unlawful firing or layoff. They also had cases that resulted in back pay and other monetary recovery to more than 24,000 American workers totaling more than $92 million. They also held nearly 3,800 representation elections affecting a quarter million American workers.

What the Senator from Arkansas does with his amendment is restrict the power of this agency to do its job, to say to America's workers from one coast to the other, they are not going to be able to call this agency and expect it to be there and be responsive.

If you decide in a democratic election by majority vote at your business to bargain collectively and to seek representation of a union, the Senator from Arkansas makes sure your telephone call goes unanswered at NLRB when you need a helping hand to resolve a dispute between employer and employee. If you are someone fired and fired illegally or unlawfully, who turns to the Federal legal network, the National Labor Relations Board, and says, I was discriminated against, I was unlawfully fired, the Senator from Arkansas makes certain your telephone call is not likely to be answered.

Mr. President, $25 million is taken out of the agency, including money for computer modernization. On the whole question of whether or not you are going to have union representation in a free and democratic process and whether you have the National Labor Relations Board to make sure both sides follow the rules, the Senator from Arkansas, with his amendment, takes the $25 million out of this agency which is necessary for them to keep up with their workload.

I say those who oppose the National Labor Relations Board and want to close it down should do it in a clean vote. Put your amendment on the floor to close it down, have it up or down, and decide whether American workers will have this forum for protection or not. But to bleed off from this agency $25 million they need to protect workers across the United States in the name of helping community health centers is a tactic that should be exposed for what it is. It is an effort to take away from a very important agency the resources they need to respond to the requests of American workers across the Nation.

I might add for those who think this is another labor amendment or antilabor amendment, those who dispute the treatment under their labor agreements, employees who believe labor organizations are not treating them fairly, have the National Labor Relations Board to turn to as well; it is not just the private sector companies.

American workers' rights are at stake here. This is not just a question of health care in rural areas, which I support; it is a question of whether or not we will protect the hard-fought-for rights of American workers across the Nation.

I urge my colleagues to support the efforts of the Senator from Pennsylvania, Mr. SPECTER, to table this motion, to stand by this subcommittee, and make sure the National Labor Relations Board has the resources it needs to do the job that is very important to American workers.

I yield the floor.

Mr. HUTCHINSON. Mr. President, I regret that the Senator from Illinois implies that I deny the employees of this country their right under the National Labor Relations Act. I certainly would not imply by his position that he supports denying 83,000 Americans health care served under the $25 million added to the budget of the health centers. I wouldn't make such a suggestion. I regret he made such a suggestion before the Senate.

If we were denying justice for employees, I would not offer this amendment. The reality is, we are not cutting a dime from the NLRB. We are only eliminating the $25 million increase so they can hire 122 more employees and a computer system at a time when the caseload is decreasing. Mr. President, a 31-percent decrease in caseload I don't think justifies a $25 million increase in funding.

It is not hard to understand. Make that case to the American people. I will go out and say this is what we should do, flat-line their budget at a time they have decreasing workload and put more money into community health centers. That is what this amendment does.

If Members want to vote against community health centers and vote for more bureaucracy, Members have their opportunity. I want to serve those 83,000 people who will receive health care because of this $25 million infusion into this very worthwhile program. It is bureaucrats at the NLRB—122 more employees—or serving people who need health care, primarily children.

I ask my colleagues to support the children of this country, not the bureaucrats in Washington.

The PRESIDING OFFICER. All time has expired.

Under a previous order, the question is on agreeing to the motion to table amendment No. 1834. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Arizona (Mr. MCCAIN), is necessarily absent.

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

The result was announced—yeas 50, nays 49, as follows:

[Rollcall Vote No. 300 Leg.]

YEAS—50

Akaka	Feingold	Lieberman
Baucus	Feinstein	Lincoln
Bayh	Fitzgerald	Mikulski
Biden	Graham	Moynihan
Bingaman	Harkin	Murray
Boxer	Hollings	Reed
Breaux	Inouye	Reid
Bryan	Jeffords	Robb
Byrd	Johnson	Rockefeller
Chafee	Kennedy	Sarbanes
Cleland	Kerrey	Schumer
Conrad	Kerry	Specter
Daschle	Kohl	Stevens
Dodd	Landrieu	Torricelli
Dorgan	Lautenberg	Wellstone
Durbin	Leahy	Wyden
Edwards	Levin	

NAYS—49

Abraham	Frist	Murkowski
Allard	Gorton	Nickles
Ashcroft	Gramm	Roberts
Bennett	Grams	Roth
Bond	Grassley	Santorum
Brownback	Gregg	Sessions
Bunning	Hagel	Shelby
Burns	Hatch	Smith (NH)
Campbell	Helms	Smith (OR)
Cochran	Hutchinson	Snowe
Collins	Hutchison	Thomas
Coverdell	Inhofe	Thompson
Craig	Kyl	Thurmond
Crapo	Lott	Voinovich
DeWine	Lugar	Warner
Domenici	Mack	
Enzi	McConnell	

NOT VOTING—1

McCain

The motion was agreed to.

Mr. HARKIN. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

VOTE ON AMENDMENT NO. 1812

The PRESIDING OFFICER. The question is on agreeing to the underlying first-degree amendment.

The amendment (No. 1812) was rejected.

Mr. HARKIN. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, under our sequencing arrangement, Mr. ENZI, the Senator from Wyoming, is next on the list. We are then going to move to the Senator from Florida, Mr. GRAHAM. We are trying to get time agreements here to move the bill along. We have a long list of proposed amendments which were filed as of 2 o'clock which we are going to try to window here.

Mr. WELLSTONE. Could we have order in the Chamber, please.

The PRESIDING OFFICER. The Senate will please come to order.

Mr. SPECTER. May I yield to the Senator from Wyoming for a brief statement as to his amendment? He has already stated a willingness to have 30 minutes equally divided. Let's see if we can get a time agreement.

Mr. REID. We object. We have objections on our side. There is no chance for a time agreement. This deals with OSHA? Objection.

Mr. ENZI. If I could briefly comment, this is a change in the OSHA budget. But what it does is allocate a portion of the ——

Mr. HARKIN. Regular order, please.

The PRESIDING OFFICER. Please, the Senate will come to order.

Mr. HARKIN. Mr. President, the Senate is not in order. I also ask for the regular order.

The PRESIDING OFFICER. The Senator from Pennsylvania was last recognized.

Mr. SPECTER. May I just suggest then that the Senator from Wyoming send his amendment to the desk and proceed since we have had an indication of the unwillingness to have a time agreement.

AMENDMENT NO. 1846

(Purpose: To clarify provisions relating to expenditures by the Occupational Safety and Health Administration by authorizing 50 percent of the amount appropriated that is in excess of the amount appropriated for such purpose for fiscal year 1999 to be used for compliance assistance and 50 percent of such amount for enforcement and other purposes)

Mr. ENZI. Mr. President, I call up amendment No. 1846.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Wyoming [Mr. ENZI] proposes an amendment numbered 1846.

Mr. ENZI. I ask unanimous consent reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 13, line 14, insert after ''1970;'' the following: ''*Provided,* That of the amount appropriated under this heading that is in excess of the amount appropriated for such purposes for fiscal year 1999, $16,883,500 shall be used to carry out the activities described in paragraph (1) and $16,883,500 shall be used to carry out paragraphs (2) through (6);''.

Mr. ENZI. I ask unanimous consent to have a technical correction from what the legislative service drafters had, to change ''line 18'' to ''line 14.''

Mr. WELLSTONE. Mr. President, reserving the right to object.

The PRESIDING OFFICER. Is there objection?

Mr. WELLSTONE. I would like to object until I look at the change in the language.

The wrong page number. I do not object.

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

Mr. ENZI. Mr. President, today as Americans head off to work, 17 of them will die and 18,600 of them will be injured on the job. All of us on the Labor Committee have worked very hard to make sure those numbers come down—not go up. We do not want an increase; we want a dramatic decrease in deaths. We want a dramatic decrease in the number who are injured. I repeat: 17 working Americans will not be returning home tonight because they will die on the job.

As chairman of the Worker Safety Subcommittee, I feel responsible to those families for making sure we are doing all we can to prevent those horrible accidents from occurring in the first place. I feel responsible for finding solutions that will help protect more workers from harm.

The Occupational Safety and Health Administration, OSHA, is the Government agency responsible for regulating safety laws in America. The way OSHA is supposed to work is that it should be providing helpful assistance to the overwhelming number of employers who are actively pursuing safer workplaces. And I can tell you that according to OSHA:

. . . 95 percent of the employers do their level best to try to voluntarily comply with OSHA.

''Voluntarily comply with OSHA''—that was stated by Frank Strasheim, the Deputy Assistant Secretary of OSHA.

Simultaneously, OSHA should be effectively targeting those employers who are willfully disregarding safety laws. They should be inspecting them. They should be fining them. And they should follow up to ensure the bad practices are stopped before accidents occur.

But everyone knows that is not what is actually happening. What is happening is that OSHA lumps all employers together—both the good and the bad—treats them the same, and tries to inspect and fine them all, no matter how small or ridiculous the violation. Meanwhile, serious and potentially deadly practices go uninspected and unstopped. The result is disastrous and, unfortunately, often fatal.

I am not trying to decrease any funding for OSHA. What this amendment does is shift the emphasis so that there is some money being spent on consultation. We have had a lot of hearings. We have had a lot of discussion. We have said that prevention is where we want to be, prevention of an accident, not persecution after a death. That is not how this is supposed to work.

As reported in the Associated Press, three-quarters of the worksites in the United States that had serious accidents in 1994 and 1995 had never been inspected by OSHA during this decade. The report also showed that even OSHA officials acknowledge that their inspectors do not get to a lion's share of lethal sites until after accidents occur because it takes OSHA, according to the AFL–CIO, over 167 years to reach every worksite in this country. We want them to be able to serve everyone, but 167 years? That means the budget would have to be increased 167 times to do that. The fact is that OSHA neither helps those good-faith employers who want to achieve compliance with the safety laws, nor effectively deters bad employers from breaking the law.

How long does it take to get an inspection? That varies quite a bit by State. Those that are State plan States get a little bit more frequent visits than those that are not State plan States. So the Federal ones, some of them, it will be more than 200 years that they have the odds of not getting an inspection.

This point is so important, I will say again, because it takes OSHA over 167 years to reach every worksite in this country. The fact is that OSHA neither helps those good-faith employers who want to achieve compliance with safety laws, nor effectively deters bad employers from breaking the law. OSHA's response has been to ask Congress for more and more enforcement dollars. I say that response is no response. I say that response only begs the question. Using OSHA's framework, the scenario would be as follows: Since it takes 167 years for OSHA to investigate every worksite in the country, we would need to increase OSHA's enforcement budget 167 times in order for OSHA to inspect every worksite every year. It doesn't take as long when they are doing consultation, and it reduces accidents.

Increasing it 167 times would be a reckless, unrealistic suggestion that doesn't even get to the heart of the problem. That is not even the worst part. The worst part is what OSHA's response for more enforcement dollars

says to those 95 percent of employers who are doing their level best to comply. It says: Hey, Mr. Good-Faith Employer, we know you are trying to comply, but you are out of luck because even if you are trying to be safe, if you don't know what you are doing, or if you make a wrong interpretation of the statute, we are going to fine you. We are going to fine you big.

Here are the facts: Employers have to read through, try to understand and interpret, and implement over 1,200 pages of highly technical safety regulations—1,200 pages. That is what I have right here. Do you know how big numbers like that are in Washington? I want to make this clear as possible so I brought a little show and tell.

Before I do that, I yield to the Senator from Georgia.

AMENDMENT NO. 1885 TO AMENDMENT NO. 1846

(Purpose: To clarify provisions relating to expenditures by the Occupational Safety and Health Administration by authorizing 50 percent of the amount appropriated that is in excess of the amount appropriated for such purpose for fiscal year 1999 to be used for compliance assistance and 50 percent of such amount for enforcement and other purposes)

Mr. COVERDELL. Mr. President, I offer a second-degree amendment and send it to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Georgia [Mr. COVERDELL] proposes an amendment numbered 1885 to amendment No. 1846.

Mr. COVERDELL. 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 first word and insert the following: ''That of the amount appropriated under this heading that is in excess of the amount appropriated for such purposes for fiscal year 1999, $16,883,000 shall be used to carry out the activities described in paragraph (1) and $16,883,000 shall be used to carry out paragraphs (2) through (6);''.

Mr. COVERDELL. I yield the floor.

Mr. ENZI. Mr. President, I was mentioning these regulations, these 1,200 pages of regulations. That is what we expect the businessman to know, understand, and implement. Just imagine, Dodd's Bootery in Laramie or Corral West Ranchware in Cheyenne or Bubba's Barbeque in Jackson. They are supposed to have understood all five of these huge volumes. There are more pages in these OSHA regulations than ''Gone with the Wind'' or ''The Canterbury Tales'' or even the Old Testament and the New Testament combined. Adding insult to injury, in many cases OSHA's regulations are so complicated and so complex that even if you read through it all, deciding one correct interpretation of a rule is nearly impossible.

Take OSHA's draft safety and health rule, for example. This is the draft one. This is one I have a lot of concern about. What this draft rule would require is for almost all employers, regardless of their size or type, to put in place a written safety plan. Now, I am in favor of safety plans. I know that safety plans make a difference in safety in the workplace. I have watched that. But this is a draft rule. It sounds right. This is not only mandatory, but the elements of the rule are completely subjective to human nature.

For example, the rule requires the program, and I quote, to be ''appropriate'' to conditions in the workplace and an employer to evaluate the effectiveness of the program. He is supposed to evaluate the effectiveness as often as necessary, and where appropriate, to initiate corrective action. So I throw out this question to the Senate: How often is as often as necessary? Is it once a month? Once a week? Every day? I can envision 1,000 different responses from 1,000 different angles. So how on Earth do we expect small businesses to cope, not only with reading these five volumes but also to understand what is meant by them, how OSHA would interpret them, and then to draw up a safety plan?

That, however, is exactly what the draft rule expects every small business in this country to do. The safety subcommittee, which I chair, has had two hearings examining the effects of OSHA. The first was a hearing to highlight how so many good-faith employers want safe workplaces but are drowning in these 1,200 pages of highly technical safety regulations. Every single one of the employers who came to the hearing agreed that they were left to their own to comply with every one of the thousands of rules without helpful assistance from OSHA.

The second hearing we held was about the flip side of that coin, how OSHA is not deterring the bad employers from willfully violating safety laws either. The subcommittee heard from family members who lost loved ones in workplace accidents and how OSHA neither helped prevent those accidents from occurring nor adequately responded after the accidents took place.

To those people who have told me that the new OSHA is on the right track and that ''if it ain't broke, don't fix it,'' I ask them to read through our hearing transcript and see if it will change their minds. Since I don't have much time, I would like to tell my colleagues about one of the witnesses who testified before our subcommittee whose name is Ron Hayes.

In 1993, Ron and his family didn't know much about OSHA and were not all that active in the worker safety scene. But in 1993, Ron's 19-year-old son, Patrick, was killed at his job in a grain elevator in Florida after being pulled under the grain and suffocated. Losing his son changed Ron's entire life. Since that time, Ron has worked day in and day out to get answers about how to make employees safer and healthier.

Ron and his wife, Dot, struggled to understand why more hadn't been done on behalf of their son and what could be done in the future to change the tide of workers' injuries and deaths.

Ron and Dot founded Families In Grief Holding Together, called FIGHT. It is a project to help other families enact changes in the arena of workplace safety and to work through grief. Ron Hayes is one of the most courageous and honest people I have ever met in my life, not to mention the fact that he has become one of the most proficient OSHA experts in the country. His story continues to inspire me and push me forward.

Reading an excerpt from Ron's testimony:

Each year over 10,000 people are killed on the job. In 1993, one of those who died was our beloved son, Patrick Hayes. I did not come here today to rebuke or chastise anyone. I am simply here to plead—no, to beg you great statesmen to work together to come up with positive solutions for a better agency. No one wants to get rid of OSHA, we just want the agency to do its job, protect workers, help train and support business. I ask you great statesmen to lay down your party affiliations and work toward a common goal.

I often wonder why the good businesses in our country continue to stay safe. Sometimes they are at a disadvantage by their own good deeds. These good businesses build into their product or bids safety measures and are sometimes undercut or underbid by other uncaring business owners, so under our present OSHA system, where is their benefit? The bad companies know OSHA is ineffective and because of the length of time it will take OSHA to inspect every work site or get around to inspecting them, the odds are on their side and even if caught, they know OSHA will not do much.

OSHA's reactive enforcement methodology has not and is not working. Letting OSHA continue in this manner and giving them more and more money each year for enforcement and getting less and less each year is just crazy. Someone has to take a stand and make some hard decisions for our very future.

Ron's strong, unwavering stand is that OSHA consultation, rather than reactive ''find and fine'' enforcement, is the answer that will save workers like Patrick from being killed on the job.

I agree with Ron. That is why I am here today with this amendment.

The amendment isn't to decrease the enforcement of OSHA. The amendment is to make sure there is an increase in consultation, an increase in the people who go to the places to look for the problem, interpret the problem, suggest the solution, and also make it a bigger penalty if they come back later and it hasn't been solved.

My amendment is simple. It puts half of the $33 million increase into OSHA's budget, into a consultation group program that helps employers know how to comply. The other half is still an increase directed towards OSHA enforcement.

What is OSHA consultation? OSHA consultation is the effective alternative to OSHA enforcement. It is what is currently working well and is highly praised by employees and employers. It is praised by the agency,

and it has been praised by this Congress.

It allows employers to call OSHA and ask them to come in and help them read through the five volumes of OSHA regulations to see what applies to them and how to turn the regulations into tangible safety solutions. It allows employers to ask questions, to get help from the inside, and partner with the agency, all without threat of fines or citations. It makes it a little safer for them to ask OSHA questions. That can be as intimidating as it would be for a person to ask the IRS questions. But the consultation function gives them that opportunity. They are expected to fix what is found.

Consultation works. The fact is that you cannot force an employer to comply with regulations he doesn't understand or does not know how to implement. It doesn't do any good to threaten employers to comply when they do not know how. If an employer isn't getting the help he needs, an inspection won't make the difference. The key is helping employers to understand what the regulations mean and how they work.

Consultation is the answer because it puts the emphasis on partnership, cooperation, and information sharing. And if, as OSHA estimates, 95 percent of American employers are trying to do the right thing, spending money on consultation is money well spent because the vast majority of employers will take OSHA's suggestions to heart and become safer without the threat of fines and coercion.

That allows OSHA to concentrate on the bad employers, to put some special emphasis there, to go after the people who don't make the correction, the people who aren't interested in safety and are relying on getting away on that 167-year inspection schedule.

You don't have to take my word for it. Look at what Vice President GORE has said about the virtues of consultation:

> No army of federal auditors descends upon American businesses to audit their books; the Government forces them to have the job done themselves. In the same way, no army of OSHA inspectors need descend upon corporate America.

In his Report on Reinventing Government, the Vice President concluded that employers should be encouraged by OSHA to use private safety professionals as a way to vastly improve the health and safety of American workers ''without bankrupting the federal treasury.'' Such an approach would ''ensure that all workplaces are regularly inspected, without hiring thousands of new employees.'' By establishing incentives designed to encourage workplaces to comply, ''[w]orksites with good health, safety, and compliance records would be allowed to report less frequently to the Labor Department, to undergo fewer audits, and to submit to less paperwork.'' He concluded by saying that ''No army of federal auditors descends upon American businesses to audit their books; the government forces them to have the job done themselves. In the same way, no army of OSHA inspectors need descend upon corporate America.''

I agree with the Vice President's praise for consultation. This amendment simply puts the money where our mouths are.

A few final remarks to remind everyone what a balanced approach this amendment really is. Does this amendment tie OSHA's hands on the enforcement front? No. It gives OSHA a 50 percent increase over its 1999 budget to use for enforcement. That is a lot of additional people to hire and train. Does this amendment strip OSHA's ability to go after that thin layer of bad work sites? No. They have more money to go after those work sites than they did last year. What it does do is help those 95 percent of employers who OSHA estimates are doing their best to comply with OSHA and to find safety solutions that work.

It helps them out, too.

This amendment is more of a statement than it is an actual change within the department. Oversight capability of seeing where the money really winds up is pretty limited, but our ability to assign it there in the first place is not.

I am pleased that there is an increase in the budget for OSHA. I am disappointed they didn't designate part of that for consultation as well. Beefing up OSHA's proactive consultation approach empowers both OSHA and the employer to achieve safer worksites.

I have seen these consultation programs work. I have seen people clamoring to have the consultation, and I have seen them get in long waiting lines for it. These are the people who want to comply, who understand that there are 1,200 pages, and who want to do the right thing. But there isn't enough consultation money out there to help them get the consultation in a timely fashion. All we are doing is saying, please earmark some of that money for consultation; don't put all of it into enforcement and persecution.

By voting in favor of this amendment, OSHA's own consultation programs will be extended to even more employers who are seeking safety and health solutions. The result will mean vastly improved safety for America's worksites.

This is something I have been talking about to all of the Members on the committee since I came to Washington. This is an approach that needs to be stated in our appropriations as well. Again, it is not an elimination of safety and not an elimination of inspection but a 50-percent increase in the money going to enforcement. That is what we need to have. But we also need to be sure the consultation programs are improving and increasing and are more accessible in a timely manner. If people have to wait a year for a consultation, accidents can happen. They are interested in doing it. They are ready to budget the money to fix it because if they don't, it doesn't do them any good.

This is an amendment that just places some priority. It doesn't say all we are going to do is enforce and that all we are going to do is find and beat you up and fine you. It says if you will ask the questions, if you are serious about safety, if you want to help, we are going to help.

I hope you will support me on this allocation of money to consultation as well as an increase in enforcement.

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

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. I thank the Chair.

Mr. President, first of all, let me point out to all of my colleagues that I think the approach we want to take here if we want to have more funding for consultation is to just simply advance that by the $9 million. But the last thing in the world I want to do is take resources away from enforcement, which is the backbone of worker safety. That is really a flaw of this amendment introduced by my colleague from Wyoming.

As a matter of fact, at our March 4 hearing, a majority of witnesses were asked why more small businesses do not take advantage of free consultation services available in all 50 States. The majority of the witnesses said—this is not a direct quote, but I will paraphrase—that many small businesses don't think they will get inspected, so it is not economical for them to take advantage of these consultations. They feel no need to. The two are interrelated. When businesses really worry about this and know that in fact there are some enforcement laws we can implement, then they are more likely to go to a consultative service.

Again, I really do not understand. It is a little bit similar to the amendment we just had where, on the one hand, you say you have more money for the community health centers and you will take it out of NLRB, which has everything to do with workers' rights to organize, and making sure equally that people who are fired are going to be able to have their day in court and make their appeal, and there isn't going to be a long delay. In that case, justice delayed is justice denied.

In this case we have an amendment introduced by my colleague from Wyoming that basically takes resources away from enforcement. Standards and regulations are no more than suggestions. They don't mean anything for working people in this country if there is not sufficient enforcement to back them up. Let me repeat that we can have standards and regulations but it is empty, it doesn't mean anything to someone if they can't be backed up through enforcement.

Even with the additions to the President's budget request, OSHA's Federal enforcement funding will fall $3 million below the level it was in 1995. By contrast, during the same period, 1995 to

2000, OSHA's State consultation program has grown from $31.5 million to $40.9 million, an increase of 30 percent.

So I question the priorities of this amendment. The very area where we have not kept up and have not made adequate investment in inspection is the very area from which my colleague from Wyoming takes funds and puts them into the consultation program where we have been making the investment.

Of the 12,500 most dangerous workplaces in the Nation, OSHA is able to inspect only about 3,000 a year. The other 9,500 will go uninspected unless there is a fatality or catastrophic accident. We need more enforcement resources, not less. I will repeat, we need more enforcement resources, not less.

If my colleagues think about the number of people who are killed at the workplace because of an unsafe workplace and the number of people who work with carcinogenic substances which take years off their life or the number of workers who go deaf or suffer other disabling injuries because of an unsafe workplace, I find it almost impossible to believe they are going to take funding away from enforcement.

I hope I don't get myself in trouble for saying this, but this is in some ways a class issue. This is in many ways a class issue. Actually, we are not talking about us and we are probably not talking about most of our sons and daughters. But we are talking about blue-collar workers. We are talking about working-class people. The whole idea of OSHA and the whole idea of NIOSH was to make sure that we followed through on our commitment for a safe workplace. The way to make sure that happens is to make sure we have the enforcement resources—not to have less.

Let me point out that in 1995 and 1996, when OSHA's inspection activity declined dramatically, so did requests for consultation services. Business for private safety consultants also fell and even vendor sales of safety and health equipment declined as well.

I go back again to our hearing that we had March 4. My colleague from Wyoming conducted that hearing where the majority of witnesses said one of the reasons small businesses don't take advantage of the free consultation services is because small businesses don't think they will get inspected.

As I hear my colleague speak about inspection, I hear him making the argument that it takes too long. In fact, I agree with him. But if my colleagues are worried about the delay in inspection, the last thing they want to do is cut the budget that deals with inspection. That is illogical. If colleagues are worried about the delay, the last thing in the world they want to do is reduce enforcement resources.

I point out to my colleagues this is an important vote. Think about the people you represent in your States: 55 percent of all OSHA inspections are in construction, which continues to be extremely dangerous. In 1998, 1,171 construction workers died on the job. Construction workers are about 6 percent of the workforce, but they comprise about 19 percent of workplace deaths. If we think that is too many workers dying on the job, and if the evidence is overwhelming there are still too many unsafe workplaces, and if Members are concerned about workplace safety, then I do not believe Senators can vote to reduce the resources for OSHA inspectors.

Again, I say to both of my colleagues, including my colleague from Arkansas, I don't know why we make this a zero sum game. Why don't we say, yes, let's do even better for consultation.

The second-degree amendment I will introduce will say we don't cut enforcement. I don't think we should. I think that just means we will have fewer inspectors, less inspections, and more workers will die. I don't think we should do that. What we could do is maintain the funding for the inspection, which is so key to worker safety, and add the additional money, forward fund the additional money or advance fund the additional money, it is only $9 million, for consultation. Why continue to play off one good idea versus another or help some business or some workers over here but end up hurting other workers over here?

I don't understand the premise of this amendment. I think it is flawed. I think enforcement is the backbone of worker safety, and this amendment which takes resources away from enforcement also means there will be less safety for workers. That is why I am opposed to this amendment. That is why I hope this amendment will be defeated.

I yield the floor.

Mr. SPECTER. Parliamentary inquiry as to how many more speakers the Senator anticipates on his side.

Mr. WELLSTONE. Mr. President, I think Senator KENNEDY may want to speak. I am not sure that we will have anyone else. I don't know that we will need to spend a lot more time. I think the Senator will be back soon. I have not heard from other Senators.

Mr. SPECTER. Mr. President, would it be in order to entertain a request for a consent agreement? Talk to your colleagues to see if we could fix a time. We have a great number of other amendments pending. We want to move to the Graham of Florida amendment, Senator DODD has an amendment, and we have amendments here. If we could make an agreement to 30 more minutes.

Mr. WELLSTONE. I am pleased to do so; I will let the Senator know.

Mr. HUTCHINSON. Mr. President, I rise to support the Enzi amendment. I compliment the Senator. He has been a tireless worker and leader in the area of OSHA reform. I think on both sides of the aisle no one would dispute Senator ENZI has been the foremost student of OSHA, the way it works, where its failings are. The legislation he has brought forward and his efforts to reform this agency deserve the praise and the appreciation of the American people. I appreciate very much his willingness to offer this amendment.

I think a few things need to be clarified. It does not cut enforcement. The Senator from Minnesota said this cuts enforcement. No, it doesn't. It takes the $33 million increased spending and says half of that will be used for compliance. Over last year's level, there is no cut in what will be available for enforcement. In fact, half of the $33 million increase will continue to go into the enforcement area.

The Senator from Minnesota said the amendment was flawed. It is not this amendment that is flawed. It is the ''find and fine'' approach of OSHA that is flawed and that needs reform. This is a small step, but a significant step that the Senator from Wyoming has offered that will help move away from the ''find and fine'' approach, the enforcement-only approach, the punitive approach to a program and a system that will assist small businesspeople who want to do the right thing, who want to have a healthy workplace, who want a safe workplace and want to comply with OSHA but they need help. Anybody who has ever worked with OSHA, anyone who has ever looked at the OSHA regulation book, knows a small businessman, if he is to comply, needs assistance. So I think this is a very well thought out and a very important amendment.

The Senator from Minnesota, as so many others do, likes to put everything in terms of class warfare. This is not a class issue. It is not in any way an inference that blue-collar workers should not have protection and should not be assured they are going to work in a healthy workplace and a safe workplace. It is a difference on what is the best approach, on how we best achieve that common goal. It is not a class issue. It is not a class warfare issue, as some would like to make it.

OSHA itself has estimated that 95 percent of small businesses—95 percent of the workplace, employers—want to comply, that they are good actors who want to be in compliance. It is among those 95 percent so many accidents are happening and that is where this kind of amendment increasing employer assistance is going to help. It is going to assist that small businessperson who wants to comply with OSHA but needs help in doing so. It is going to assure them that they are going to have the resources to be good actors and to have a safe workplace.

I do not know what the experience of the Senator from Minnesota has been, or that of others who may be voting on this, but I do know my experience. I was a small businessperson. I know it is unconstitutional, but I almost wish it were a requirement, before serving in the Senate, to be an employer; that you had to deal with Federal agencies

and you had to deal with this Tax Code and you had to deal with the regulatory agencies like OSHA. My brother and I owned a radio station and we did just that.

From my experience, let me tell you, we wanted to comply with every OSHA rule, all 1,275 pages. We wanted to comply. But we were a small business that had just a handful of employees, less than a dozen. Frankly, we did not understand. We understood radio, but we did not understand every minute, highly technical safety regulation that OSHA put forward. That is where this amendment would help. It doesn't cut OSHA's funding; it just says let's put half of the increase into compliance, into consultation service for small businesspeople.

It is hard for me to imagine why anybody would oppose this. The Senator from Wyoming has hit upon something. It is very logical. It is very much common sense. The American people out there understand this amendment. Those who may have the opportunity to see this debate and hear this debate, they will understand the difficulty that good actors, people who want to be in compliance, law-abiding businesspeople have in complying with an OSHA regulation book over 1,200 pages long.

We are not saying decrease enforcement. But I will tell you this: OSHA could send an army, we could quadruple the enforcement budget, let OSHA send an army of inspectors out across this country; they still could not get into every workplace in the country. That is simply the wrong approach if we want a safe workplace. The right approach is to put more into consultation services, work with the 95 percent of businesspeople who want to have a good workplace, assist them in ensuring they have it, and we will do more to save lives than under the ''find and fine,'' punitive, enforcement-oriented approach that OSHA has had in the past.

Again, I commend Senator ENZI for remarkable leadership, leadership that has been praised on both sides of the aisle in his tireless efforts to improve the way OSHA operates. I commend him and am glad to be supportive of his amendment today.

I have a chart I will just point to briefly. It shows 61.5 percent of the current budget is going to enforcement; less than a quarter of their budget going to compliance assistance. Senator ENZI has taken the approach that at least half of what we are putting into OSHA's budget ought to go into assistance, not taking a hammer and beating up on the small businessperson who is trying to comply with OSHA's thousands of regulations.

Once again, I am glad to be a supporter of this amendment and ask my colleagues to support Senator ENZI and his continued efforts to make OSHA a better agency and to make the workplace in this country a safer place for American workers.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I, first of all, acknowledge the strong interest that my friend and colleague from Wyoming has in the whole area of OSHA. He spends a great deal of time on this issue. Although I have areas of difference with him, he is someone who has involved himself in this issue to a very significant extent. We certainly take note of his longstanding and continuing and ongoing interest in trying to make the workplace safer.

Having said that, I do hope his position will not be sustained on this particular issue this afternoon. I hope eventually we will have the opportunity to support the Wellstone amendment that, instead of taking the money from inspections for consultation, would just add additional funding for consultations rather than denying the money for inspections.

The way that would ordinarily be done is Senator ENZI would have offered his amendment to transfer, and then Senator WELLSTONE would have come on and offered a second-degree amendment and said: All right, let us have the increased money from forward funding for the $9 million for compliance. We would have gone to the Senate, I think, with the support of the Senator from Wyoming. I think we would have resolved this issue and we would be further down the road in moving ahead on the whole question of the appropriation.

But we will go through, I guess, the vote on Coverdell, which is basically a repeat of the Enzi amendment. The Senator is entitled to offer that, to effectively cut off, at least at this time, the Wellstone amendment. Then we will have to come back in on top of that, after the Senate makes a resolution of that particular question.

Just to put the facts straight, there are very few of us—I do not know any of us—who do not believe there should be an expansion of both: Consultation, and I think there has to be a very extensive inspection program. They go hand in hand. Why do we say they go hand in hand? We have some very direct and powerful evidence. In 1995 and 1996, when the Congress cut dramatically the funding for inspections, then the number of consultations went down correspondingly, dramatically. The reason for that has been very clear from the record. If there is a reduction in inspections, and there is a sense the companies are not going to be inspected, there is less of an incentive to move ahead with consultations.

So these have gone hand in hand. What the Senator from Wyoming wants to do is put a greater emphasis on consultation and reduce the number of inspections. I do not think that is wise, given the fact that we have seen the dramatic increase in the workforce. We have 15 million more people working now than we had 6 years ago, as we saw, as Mr. Ralph Nader, interestingly, reminded us last Labor Day, indicating that and indicting the OSHA department for not having enough inspections in order to provide the kinds of protections for an expanded workforce.

Under the amendment of the Senator from Wyoming, he wants to reduce them further. It will be about a 10-percent reduction in the number of inspections. We have about 88,000 or so inspections. This would amount to about a 10-percent reduction in the total number of inspections, which is not insignificant.

It is particularly important in the areas of the construction trades, as my friend and colleague has pointed out, the Senator from Minnesota. Even though those in construction are only about 6 percent of the workforce, we find close to 20 percent of all the deaths in the workplace are in construction. This is a dangerous, dangerous industry to work in. We are fortunate in this country to have dramatic escalations of construction projects. We have them in our own city of Boston, and we have them all over this country, dramatic escalation in construction. We find these attendant accidents which happen, and also deaths which occur as well.

So if we look at the history, we find very important and powerful evidence.

We can represent what we think will happen. We can say what we would like to happen. But the fact is, in this particular situation, we know on the basis of evidence what does happen, and that is, reduction in inspections is reduction in consultations.

With all respect to my friend from Wyoming, if we want to see an expansion of the consultations, we ought to increase the number of inspections instead of reducing them. But that is not where we are this afternoon.

Finally, the administration and the Congress have seen a significant increase in consultations over the last 4 years, about a 30-percent increase. There has been important work done in the area of consultation. We certainly support—I do—that program and think it is very important.

It is interesting that the association which represents those who are involved in consultation is resisting this amendment, and the reason they are resisting this amendment is for the reason I have identified. They understand with the reduction of inspections, there is going to be a reduction in consultations.

One would think they would say: Wow, amen, let's get behind them; they are going to put more money into consultations and, therefore, we are going to get more of it.

But no, they do not. That ought to say something to us because they understand as well.

As I mentioned, I have great respect and affection for my friend and colleague from Wyoming, particularly in this area of OSHA, but in this very important area where we are talking about people's lives, what is the real purpose of this? The real purpose is the protection of workers' lives.

We have seen since the time OSHA has gone into effect a dramatic reduction—50-, 60-percent reduction—in the loss of lives on the construction site. OSHA is faced with additional problems of occupational health. It is faced with additional issues with these new toxic substances and a wide range of challenges for the new workplace they are trying to deal with and that also pose a significant and serious threat to workers. What we are basically saying with OSHA is that we in the United States want to make sure we are going to have as safe a workplace as possible for working men and women.

We believe with the increased funding provided for OSHA in this appropriations, as compared to the undermining of OSHA, as we saw in the House Appropriations Committee, we will meet that responsibility and OSHA can meet it.

Let us not put at risk what is tried and tested policy conclusions: We have strong inspections and strong consultations. That works. That is the position Senator WELLSTONE and I and others support.

I hope as a result of these votes that is where we will come out; that we will come out so there will be a modest increase which the good Senator has mentioned in terms of consultation; that we will come out and add those additional funds for the outyears but not take away from the extremely important inspection.

Finally, we can pass various pieces of legislation, but unless we are going to have enforcement, a right without a remedy does not go very far. That is true in just about every area of public policy. We learn that every single day. What we need to have is accountability. We hear a great deal of talk about accountability. This is accountability. The question of inspections is a part of accountability to protect workers. If we cut off and reduce inspections, we are denying the important accountability that is necessary to protect workers in this country, and that is an important and serious mistake.

Mr. ENZI addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Mr. President, I appreciate the kind remarks of my colleagues. I appreciate the comments they have made. We all have a tremendous interest in seeing there are safer workplaces, and there is a long way to go on that yet. But what we are having a little trouble agreeing on is the mechanism for getting there. There are some philosophical differences on how to go about safety.

I do not think they are across that big of a chasm, but if we had the opportunity to spend some time to sit down and talk about them, we could come up with some things that will help the safety of the workplace in this country. We can throw out all the misconceptions and previous solutions and work from there. That is not what is happening. What is happening is this appropriations bill.

We mentioned a record of safety and how it has been increasing. I have been very curious about that record of safety because a lot of people said when OSHA went into effect, there was a huge jump in safety in this country and it has been continuing; since OSHA went into effect, there has been a decrease in the number of deaths and accidents in this country.

I went back another 20 years beyond that and looked at the number of accidents in this country. Business had been bringing that down before OSHA went into effect. They were doing that because they knew if they were going to have a good business, they had to take care of the employee. There has been an ever-increasing awareness of that, and there has been an ever-increasing improvement in that.

My colleagues from across the aisle say consultation and enforcement have to go hand in hand. Yes, they do have to go hand in hand, and I am not suggesting any other thing. I am saying that half the money we are putting in increases ought to go for the other hand of the hand in hand. We ought to do 50 percent for each. We are already doing a whole lot more enforcement than we are consultation. I am not trying to even that up. I am trying to take part of what we are doing this year and putting it in there.

They say: Whoa, rather than do that, take another $33 million and stick it in there and that will show a real commitment to safety. Let me tell you what that would show. It would show my stupidity on management. We are doing a drastic increase on that budget. We are expecting them to take a huge increase of funds, find the people, train the people and put them out there doing enforcement.

I have faith in the people who are in that Department, and I believe they can do that, but they have a better chance not only of being able to train the people but also to get effective use out of them by putting half the money into consultation so half the people being trained are going to go out there and answer questions.

They are going to be the good guys. They are going to be the ones who say: I know you do not understand these 1,200 pages, but just let me go through your business, show you what is wrong and, by golly, you fix it. If you fix it, you have no problem. If you don't fix it, my buddy over here is going to be on your tail; this other 50 percent of the money is going to be on you.

There is a limit to how much increase you can do in a given year.

There is room for training improvement. We have looked at what kind of training there is. I have also looked at the number of inspections that are being done by the people who are there. I am not sure there is enough management over the inspections that are being done.

My colleague from Minnesota mentioned that out of those very bad employers, they were only able to inspect 3,000. That is terrible. That is rotten. That is not the way it is supposed to happen.

We have 2,500 Federal inspectors. They are not doing the State-plan States. They are only doing the Federal inspections. If they did one more inspection a year, they would double the number of inspections on those bad businesses. But we are not going to have that if we just throw a whole bunch more people into the mix. They are not going to be capable of going out and looking at the bad employers and finding those bad problems.

It takes more than a few months to train the people, and you cannot do it if you have thousands coming into the workforce at one time.

There have to be some limits. This is a reasonable approach to being sure there is an increase in enforcement, and it is accompanied by an increase in consultation.

If you look at the numbers of people who are waiting out there in non-State plan States—the State-plan States are doing pretty good with this, the ones that have said they will do the work themselves. They are doing pretty good. The non-State-plan States are having a terrible time getting to the backlog on consultations. So we need some consultation money.

I have a bill that may be the wrong approach to doing safety. I put a lot of hours into it. I sat down with everybody individually, and I talked to them about it. It is the SAFE Act, and it calls for hiring some private consultation. I have run into opposition on that. What I have heard in the way of opposition is: You cannot let the businesses hire people to do inspections. Even though those inspections would result in things being found, things stopped, things improved, you cannot do it that way. It has to be done federally or that there be some kind of a mechanism for the Federal Government to have the inspectors involved.

So I have listened. I have said OK. Under this program, the Federal Government hires the inspectors, the Federal Government hires the consultation people; it is the Federal Government that is coming in to do these consultations—totally independent, totally under the direction of OSHA.

I have been trying to listen to what is being said on all of this. This is one of the solutions that can be provided. I hope you will support increasing the funds to OSHA. I know that is a tough stand for a lot of people over here, but I want you to do that. I want you to increase the amount of money that is going to the enforcement of OSHA, but at the same time what I want you to do is take half of that money and assure that it is going to consultation.

As I said before, there is no way we can assure that it is going to consultation. Once it gets in that department budget, even though it is under a line item, there is not much of a way, even with oversight, to see if those people

who are supposed to be under consultation are doing any enforcement, and vice versa.

So it is a statement that we are making that, yes, consultation ought to go hand in hand with enforcement. It is a statement. How they use that budget, we will never know. Maybe we will know through increased enforcement. Maybe we will know with a decrease in the amount of waiting time people have to have for these inspections.

But we have a chance to do the right thing and to do it in a responsible manner that can be handled, giving the increases and making sure that to the small businessman out there who wants to understand those 1,275 pages as they apply to his business—and it isn't optional for him to do that; it is mandatory he do that—we are saying we are going to reach out and give you a little bit of a hand. We are going to come into your business. We are going to show you what is wrong, and you have to clean it up because we are hiring more enforcement people who are going to be here to check on you if you do not.

That is all we are asking. I think it is a reasonable amendment. I was hoping that it would be accepted. I am still hoping it will be accepted.

I yield the floor.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER (Mr. FITZGERALD). The Senator from Minnesota.

Mr. WELLSTONE. My understanding is that the Senator from Pennsylvania is going to try to propound a unanimous consent request.

Let me, in 2 minutes, summarize. I appreciate the amendment by my colleagues in Wyoming and Georgia. I think this is an unfortunate tradeoff. I think it is a profound mistake. I think enforcement is the backbone of worker safety.

The second-degree amendment we will offer later on would essentially say: We can do better for consultative services, and we can advance some funds there, but we are certainly not going to take it out of enforcement.

My colleague from Massachusetts has spoken about this at great length; I have as well. I will not recite the statistics again as to the number of unsafe workplaces and the need for strong inspection. I simply say that the promise of OSHA—not yet realized—is we are going to make a commitment to working people, and we are going to make a commitment that people have a safe workplace.

We are not doing as well as we should. We should do much better. But I think it would be a serious mistake for Democrats or Republicans to vote to reduce enforcement. That is a huge mistake. For all who care about worker safety, do not vote to reduce enforcement, to reduce inspection. The laws and the rules and regulations do not mean a thing unless we have the enforcement. That is why I think this amendment is flawed. That is why I hope it will be voted down.

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Just a few comments about the merits of the pending amendment; then I will move on to a unanimous-consent request.

I believe that in the bill, as it is currently drafted, there is an appropriate balance between consultation and enforcement. I agree with the Senator from Wyoming that this consultation is very important, and there are many places where consultation will work. I think there are some areas where enforcement is necessary.

I saw in my line of work as district attorney of Philadelphia, under somewhat different circumstances, what enforcement does and what deterrence does and what the prospects of penalties may do.

We have crafted this bill as carefully as we can. I think it has about the right mix, although I welcome the suggestions from the Senator from Wyoming and the spirited debate which we have had.

As I take a look at the figures, in the period from 1995 to 1999, the enforcement funding falls $3 million this year below the 1995 level; $145 million to $142 million.

By contrast, in the same period, fiscal year 1995 to fiscal year 2000, OSHA's consultation program has grown from $31.5 million to almost $41 million; an increase of about 30 percent.

Even at the level that we have here, there are 7 million workplaces in the United States but only about 2,300 OSHA inspectors. Of the 12,500 most dangerous workplaces in the Nation, OSHA is able to inspect only about 3,000 a year; so 9,500 will not be inspected. The enforcement shows that there is an average decline of some 22 percent in the 3 years following inspections.

So when I take a look at the entire picture, I think we have it about right in the current bill.

Therefore, I move to table the second-degree amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

Mr. SPECTER. Mr. President, I am now going to propound a unanimous-consent agreement on the pending matter.

I have been asked to pause for a minute so that other Senators may consider the unanimous-consent agreement.

What we propose to do by way of schedule today to move ahead is to set the vote aside, then move to an amendment by Senator GRAHAM of Florida. I hope we can work out a time agreement on that which is not yet agreed to. Then we would go to an amendment by Senator DODD for 30 minutes, equally divided, and then come back, perhaps, to Senator GREGG, and then move to an amendment which may be contentious on ergonomics, to be offered by Senators BOND and NICKLES. We would plan to have the votes before the ergonomics amendment, which may take some considerable time and move into the evening.

We are still working as fast as we can through a long list of amendments to try to see when we can bring this bill to a conclusion at the earliest moment.

May I inquire of the Senator from Minnesota if he is prepared for me to propound the unanimous consent request?

Mr. WELLSTONE. I say to my colleague from Pennsylvania, we are looking at it right now. If we can have another moment, we will be ready to respond.

Mr. SPECTER. Mr. President, I ask consent that a vote occur on or in relation to the pending second-degree amendment after 15 minutes of debate to be equally divided in the usual form, and if a motion to table is made and defeated, then the Senate immediately proceed to a vote on the pending second-degree amendment.

I further ask consent that following the disposition of the second-degree amendment, only if agreed to, Senator WELLSTONE be recognized to offer a second-degree amendment under the same terms as outlined above.

Finally, I ask consent that following the disposition of the first second-degree amendment, if tabled, the first-degree amendment be withdrawn.

I further ask consent that if the second second-degree amendment is offered, following its disposition, the Senate proceed to vote on the first-degree amendment, as amended, if amended, without any intervening action, motion, or debate.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. SPECTER. I think that is miraculous. I hardly understand much of what I just read, although it was carefully drafted and I am sure will provide a roadmap to the future.

I ask unanimous consent that we now proceed to the amendment offered by the Senator from Florida, Mr. GRAHAM. I inquire of Senator GRAHAM if he will be prepared to enter into a time agreement.

Mr. GRAHAM. Mr. President, I appreciate the courtesy of moving forward. This amendment is going to raise some very fundamental issues not only for a major social program but also for the relationship between the Federal Government and the States and the relationship between the appropriations process and the committees that have jurisdiction for authorization and the administration of the mandatory spending program.

I do not believe at this time I can indicate how long it will take to fully articulate those issues to have the kind of debate which this amendment clearly justifies.

Mr. SPECTER. Might I suggest an hour for the Senator's position and a

half hour for this side or perhaps even an hour and a half for the Senator's position and a half hour for this side. I am anxious to try to get some parameters so we know what to do with the remainder of the amendments and voting.

Mr. GRAHAM. I suggest, in deference to the effective use of time, it would be preferable if we got started with this amendment and then saw, as we were into it, what might be a reasonable time.

Mr. SPECTER. Mr. President, I ask consent to yield back the time on the Enzi amendment and ask that the amendment be laid aside.

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

The Senator from Florida.

AMENDMENT NO. 1821

(Purpose: To restore funding for social services block grants)

Mr. GRAHAM. Mr. President, I ask that amendment No. 1821 be called up.

The PRESIDING OFFICER. The clerk will report.

The legislative assistant read as follows:

The Senator from Florida [Mr. GRAHAM], for himself, Mr. WELLSTONE, and Mr. ROCKEFELLER, proposes an amendment numbered 1821.

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

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

The amendment is as follows:

At the end of title II, add the following:

SOCIAL SERVICES BLOCK GRANT

SEC. . Notwithstanding any other provision of this title, the amount appropriated under this title for making grants pursuant to section 2002 of the Social Security Act (42 U.S.C. 1397a) shall be increased to $2,380,000,000: *Provided,* That (1) $1,330,000,000 of which shall become available on October 1, 2000, and (2) notwithstanding any other provision of this title, the amount specified for allocation under section 2003(c) of such Act for fiscal year 2000 shall be $2,380,000,000.

Mr. GRAHAM. Mr. President, this amendment, in which I am joined by Senators WELLSTONE, ROCKEFELLER, and DODD, will have the effect of reversing a decision made by the appropriations subcommittee to cut by more than 50 percent the funding in title 20 of the Social Security Act for social services block grants.

This amendment will restore the program to the level that was authorized by the Finance Committee, which is $2.38 billion. This program, title 20 of Social Security, allocates funds to the States in block grant form, allowing them to provide services to vulnerable, low-income children and elderly, disabled people. The purpose of this program is to assist in maintaining the well-being of those Americans who, but for these types of services, might become direct, individual recipients of Social Security funds, whether they fell into such because of a disability, because of their circumstances in terms of losing the support of an adult, or because of the aging process.

I can tell the Senate, as a former Governor of Florida, the State which has the highest percentage of persons over 65 in the Nation, and now, as a member of the Finance Committee, which has responsibility for the authorization of this program, I am aware of the positive contribution this program has made to the well-being of millions of Americans and to the fiscal well-being of the Social Security program. I am particularly concerned about the draconian cuts that have been made and the fact that they have been made with almost no discussion or attention to the very serious policy implications.

My Finance Committee colleagues and I, joined by colleagues from the House Ways and Means Committee, have agreed that this program should be funded at the level of $2.38 billion for the fiscal year 2000. In fact, the two committees of responsibility, the Senate Finance Committee and the House Ways and Means Committee, made a commitment to the States that the social services block grant would be guaranteed at the level of $2.38 billion until welfare reform is reauthorized in the year 2002.

However, the Senate appropriators, rather than simply appropriating the statutory funding level for the fiscal year 2000 at $2.38 billion, have slashed the social services block grant to $1.05 billion for the fiscal year 2000. This harsh, unauthorized reduction would be on top of a 15-percent reduction made to title 20 in the 1996 welfare law.

These enormous reductions will have adverse consequences for substantial numbers of frail elderly persons, disabled individuals, and children and their families. In my State of Florida, critical programs will be at serious risk if these cuts are made.

For example, these reductions will affect services that protect children from child abuse and that enable poor elderly and disabled persons to remain in their homes rather than being placed prematurely in nursing homes or other institutions.

Our State was one of the first to start a program called Community Care for the elderly, begun over 20 years ago. It had as its objective to allow older Americans to live the life they wanted to live, a life of maximum independence in their homes, in their communities, not to be forced prematurely into an institution. That program was funded both by State funds and by the use of some of these social service block grant programs. That program has had not only enormous positive benefits in terms of the quality of life of the beneficiaries—and, I might say, has now become a program that has been identified for substantial expansion by our current Governor, Governor Bush—but it also has been a program that has saved both Medicare and Medicaid substantial funds by maintaining the best possible state of health for many frail elderly and avoiding the extreme costs that are entailed when an individual has to be placed in a nursing home.

We heard at a luncheon earlier today from a program that has shown great promise in terms of providing a successful educational environment for our youngest students. One of the primary keystones of that success is appropriate early intervention with children before they become public school students, while they are still in the infant and toddler ages, if they have physical or other disabilities, to begin to deal with them at the earliest stages, to give them an appropriate learning environment in preschool.

Again, those are precisely the programs that are funded through title 20 of the Social Security Act. Those are precisely the programs that are going to be eviscerated if we adopt this budget with this over 50-percent cut.

To add to all of that, I direct the attention of the Senate to page 212 of the conference report which has been issued on the Labor-HHS appropriations bill. In that conference report, there is an explanation of why this cut is being recommended. The report states:

The committee recommends an appropriations of $1.50 billion for the Social Services Block Grant. The recommendation is $1.330 billion below the budget request (read the recommendation of the House Ways and Means Committee and the Senate Finance Committee) and $859 million below the 1999 enacted level. The committee has reduced funding for the block grant because of extremely tight budget constraints.

I would like for the Presiding Officer and my colleagues to listen to this particular part.

The committee believes that the States can supplement the block grant account with funds received through the recent settlements with the tobacco companies.

So the subcommittee's rationale for this particular reduction is that the States can now be directed to use their tobacco settlement money in order to fund what previously had been a partnership of Federal-State funds for the frail elderly, for the disabled, and for children and their families.

Mr. President, I fervently object to this outrageous, irresponsible and, I would say, nonsensical rationale.

As you will recall, this spring we had a fervent debate about the question of whether the Federal Government should reach in and mandate how all or a portion of the States' tobacco settlements should be spent. We fought that out for weeks in the Senate.

I thought after a series of rejections of exactly this proposition that the States could now with some comfort step back and say the Federal Government has decided, properly so, that we were the entities which secured these tobacco settlements; that the Federal Government would be saying we have the respect of the States that they have the good judgment to decide what is in the best interests of their citizens in the methods of spending these tobacco settlement funds; that the States could breathe easy; that they no longer

were faced with the threat that the Federal Government would want to play big father and tell them how to spend their money.

It was only in March of this year that the Senate overwhelmingly by a margin of approximately 71 to 29 defeated an amendment that would have required the States to spend part of their tobacco settlement according to a Federal list of priorities. In June, the entire Congress voted for the Federal Government to stand back, to keep its hands off the tobacco settlement, which the States had with such effort and commitment achieved; that the Federal Government was saying to the State: We respect you, and we put our confidence in your decisions as to how to spend this money.

Now we have a few months later this language saying that it is one of the most important social programs we in Washington are going to effectively, by withdrawing Federal funds, direct how the States are going to spend their tobacco settlement.

It is outrageous.

The commitment that we made for hands off was a binding commitment, just as our commitment to fund the title XX program that we made to the States to fund it at its current level to the year 2002 in order to play a role in the successful completion of the welfare-to-work law was also a binding commitment, commitments that we are now about to breach.

Today, many of the same individuals who voted to allow the States to use these funds as they saw most appropriate for their citizens are about to tell the States that they need to reallocate tobacco settlement dollars in order to pick up the Federal social services block grant which we are going to slash by over 50 percent. That is blatant hypocrisy.

The argument that the tobacco funds should be used to fill a $1.33 billion cut in title XX is quite simply—no pun intended—a smoke-and-mirrors tactic that does not address the issue at hand. Senate appropriators have no valid argument in defense of their drastic cuts in this critical program.

Have no doubt that the ultimate loser in this exercise is the child—the child who is currently receiving child care in a title XX funded center. The loser is that other American who has sought refuge from abuse through adult protective services, the disabled woman who receives treatment through a title XX funded center. Perhaps the reason our appropriators believe that they can get away with this raid on the social services block grant is that the American people are unclear about the services that this program provides.

So I would like to take this opportunity to enlighten my Senate colleagues and the American people on what are the programs funded under title XX of the Social Security Act.

The social services block grant was established in 1975. So it is now about to celebrate its 25th year of an important part of the safety net that helps those persons who might otherwise have to rely on expanded Social Security funds.

It provides States with funds to address the social service needs as the States determine to be of the greatest priority. States have broad flexibility in determining which services to provide, who should deliver services, and which families and individuals to serve.

I know our Presiding Officer had a distinguished career of service in his State before being elected to the Senate. So he has no doubt dealt with some of the programs that are funded under title XX of the Social Security Act.

Adoption, case management, congregate meals, counseling services, adult day care, day care for children, education and training services, employment services, foster care services, health-related services, home-based services, home-delivered meals, housing services, independent living services for youth, legal services, child and adult protective services, recreation services, residential treatment, special services for youth at risk, and the disabled—these are some of the services that are provided under title XX.

As you can see, many of the SSBG-funded services focus on children and youth.

In fiscal year 1996, some 15 percent of the SSBG funds supported programs providing child care for low-income children. An additional 21 percent was spent on services to protect children from abuse and provide foster care for children.

SSBG funds programs for nearly half a million people with mental retardation and other physical and mental disability, including transportation, adult day care, early intervention, crisis intervention, respite care, employment, and independent living services. These services help such individuals remain at home and out of expensive and often inappropriate institutions. These services also help people with disabilities to work, to the extent it is possible for them to do so.

These programs drew the support of the House Ways and Means Committee and the Senate Finance Committee, the two committees with responsibility for Social Security, to support the level of funding which is in the amendment currently pending.

For those who have suggested this more than 50-percent slash in this program, what is it they know about this program that the House Ways and Means Committee and the Senate Finance Committee did not know or did not take into proper account? What we should be doing is not slashing this program but, if anything, we should be increasing this funding in order to assist particularly in this important time of transition from welfare to work.

It should be noted that the Senate Labor-HHS-Education appropriations bill appears to reduce the percentage of a State's Federal TANF block grant, another of the programs that will be critical to the transfer from welfare to work, will reduce the percentage of a State's Federal TANF block grant that can be transferred to the social services block grant from 10 percent to 4.25 percent for fiscal year 2000. Not only are the States facing a draconian reduction in the social services block grant but also a limit in the flexibility of those funds. The 4.25-percent ceiling further limits States' abilities to compensate for the impact of the overall social services block grant funding.

One might ask, should the States also use tobacco money to fill the hole for this further cut, as well? Should the States perhaps be called upon to use tobacco funds to supplement all Federal funds for social programs?

It is critical we keep the national commitments to the most vulnerable members of our society. That commitment cannot be fulfilled by slashing title 20 funds by over 50 percent. The President has said he would veto this bill in its current form. He cited the deep cuts in title 20 as a key reason for doing so. I applaud the President if it were to be necessary—and I hope desperately it will not be necessary—to exercise that veto because of these unwise cuts in title 20 and the attempt to direct the manner in which the States will spend their tobacco settlement funds.

There has been a cascade of opposition to this recommendation. The National Governors' Association, the National Council of State Legislatures, and the National Association of Counties have spoken out against this cut. They are joined by over 600 Federal, State, and local groups that understand the importance of these title 20 programs.

I ask immediately after my remarks a series of letters from groups across America be printed in the RECORD expressing their objection to this proposal.

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

(See exhibit 1.)

Mr. GRAHAM. Mr. President, the social services block grant cut of the magnitude reflected in this bill would substantially reduce a State's ability to provide services to vulnerable children, elderly, and disabled people. Because of the dimensions of such a cut, as well as the fact that most 1999 State legislative sessions have already adjourned, most States would not be able to offset this loss with additional State funds, tobacco or otherwise. That is the real point of this debate. This debate is not about tobacco money nor is it about what States do with their dollars. This debate is about the cutting of a program that was designed to help the most vulnerable Americans to live better lives and the devastating impact such a cut will have on their lives and our communities.

As I come to a close, a word of caution: The raiding of title 20 programs

could serve as an example of what will happen when a program is block granted. In the eleventh hour of last year's budget debate, a budget bind had developed and the means of escaping from that bind was to use title XX funds, if you will believe it, to fund road and highway spending. Today we are again sacrificing the same social services block grant on the altar of budgetary expediency.

This year it is not highway funds but let's tell the States how to spend their tobacco settlement. These experiences should serve as a big red flag as we structure our social services funding. Thus far, we seem willing to use Meals on Wheels' funds to continue the illusion we are not breaking the budget caps. Will we ever fund the census from moneys from our children's educational future? If the answer to this question is yes, can similar cuts to Social Security and Medicare and other social programs critical to the well-being of millions of Americans be far behind?

The implications of this action this afternoon are ominous. They are odious. We have the opportunity to avoid them.

EXHIBIT 1

INTERGOVERNMENTAL RELATIONS,
Milwaukee, WI, September 30, 1999.

Hon. BOB GRAHAM,
Washington, DC.

DEAR SENATOR GRAHAM: I am writing to you on behalf of Milwaukee County to express our strong support for your amendment to the Labor-HHS Appropriations bill to restore funding to the Social Services Block Grant (Title XX). Funding the Title XX program at its authorized level of $2.38 billion is critically important to Milwaukee County.

In addition, Milwaukee County urges you to retain current law provisions that allow states to transfer up to 10 percent of their TANF block grants into Title XX.

As you know, the SSBG program has been cut three times in the past three years, totaling a half a billion dollars in funding. With current funding down to $1.9 billion for FY 1999, Wisconsin has experienced a decrease in funding of over $7.6 million for this year, with the state's counties bearing the brunt of these significant cuts.

In Wisconsin, it is the state's counties that provide critical social services to vulnerable populations such as supportive home care and community living and support services for elderly and disabled adults and children. Milwaukee County also utilizes SSBG dollars to provide a wide range of other services, including drug and alcohol abuse treatment, temporary shelter service for homeless families, and outpatient treatment for individuals with mental health issues.

In addition, Wisconsin is currently transferring the full 10 percent of its TANF block grant, nearly $32 million, to fund Title XX services. If the current 10 percent transferability level is reduced to the proposed 4.25 percent, Wisconsin would lose the ability to transfer over $18 million in TANF funds.

Again, Milwaukee County strongly supports your efforts to restore full funding for the SSBG. Thank you in advance for your active support of Title XX.

Sincerely,

JOE KRAHN,
Milwaukee County Washington Representative.

WISCONSIN COUNTIES ASSOCIATION,
Monona, WI, September 30, 1999.

Hon. BOB GRAHAM,
Washington, DC.

DEAR SENATOR GRAHAM: I am writing to you on behalf of the Wisconsin Counties Association (WCA) to express our strong support for your amendment to the Labor-HHS Appropriations bill to restore funding to the Social Services Block Grant (Title XX). Funding the Title XX program at its authorized level of $2.38 billion is critically important to Wisconsin's counties.

In addition, WCA urges you to retain current law provisions that allow states to transfer up to 10 percent of their TANF block grants into Title XX.

As you know, the SSBG program has been cut three times in the past three years, totaling a half a billion dollars in funding. With current funding down to $1.9 billion for FY 1999, Wisconsin has experienced a decrease in funding of over $7.6 million for this year, with the state's counties bearing the brunt of these significant cuts.

In Wisconsin, it is the state's counties that provide critical social services to vulnerable populations such as supportive home care and community living and support services for elderly and disabled adults and children. Wisconsin's counties also utilize SSBG dollars to provide a wide range of other services, including drug and alcohol abuse treatment, temporary shelter service for homeless families, and child abuse prevention and intervention services.

In addition, Wisconsin is currently transferring the full 10 percent of its TANF block grant, nearly $32 million, to fund Title XX services. If the current 10 percent transferability level is reduced to the proposed 4.25 percent, Wisconsin would lose the ability to transfer over $18 million in TANF funds.

Again, WCA strongly supports your efforts to restore full funding for the SSBG. Thank you in advance for your active support of Title XX.

Sincerely,

JOE KRAHN,
WCA Washington Representative.

JULY 13, 1999.

Hon. TED STEVENS,
Senate Appropriations Committee, Washington, DC.

DEAR SENATOR STEVENS: The Board of Directors of Generations United urge you to fund Title XX, the Social Services Block Grant (SSBG) at its present entitlement level of $2.38 billion included in the Personal Responsibility and Work Opportunity Act of 1996.

We are pleased that the Clinton Administration has requested restoration of this program to the fully authorized level for the next fiscal year. We believe that this proposed funding level is a formal recognition by the administration of the importance of this block grant and we hope you will endorse this recommendation. We do however continue to have concerns about reducing the states ability to transfer funds from TANF into Title XX to no more than 4.25 percent. We would like to ensure that state flexibility remains.

SSBG is an important source of intergenerational support providing flexible federal dollars that helps states respond to their most pressing human service needs. SSBG has a proven record of addressing dependent care needs across the generations. Essential programs supported by SSBG include:

FOR CHILDREN

Services that support the success of the Adoption and Safe Families Act. For example, in 1997, States reported using 2.2 percent of SSBG funds for adoption foster care and child protection services.

SSBG is also an important source of support for Child Care.

OLDER ADULTS

SSBG are essential for keeping older adults independent and out of institutions.

In 1997, an estimated 318 million was used for adult day care and home-based services.

Forty-five states reported using the funds to provide home-based services to the elderly, 38 for elderly case management and 46 for child protection.

Generations United is the only national organization that promotes intergenerational policies, programs, and strategies. We represent more than 100 national organizations and millions of individuals who support reciprocity between the generations and the social compact that calls for using the strengths of one generation to meet the needs of the other. We believe a health society should not have to choose between its most vulnerable members—children, youth and the elderly—but instead should support the basic needs of each generation.

We urge you to fund Title XX, the Social Service Block Grant at its fully authorized level of 2.38 billion.

Sincerely,

THE BOARD OF GENERATIONS UNITED.

NATIONAL NETWORK FOR YOUTH,
Washington, DC, September 30, 1999.

DEAR SENATOR: The National Network for Youth is a 24 year-old non-profit membership-based organization committed to advancing its mission to ensure that young people can be safe and grow up to lead healthy and productive lives. Representing hundreds of non-profit, community-based youth-serving organizations, youth workers and young people from around the nation, the National Network for Youth urges Congress to support the amendment offered by Senators Graham, Wellstone, and Rockfeller to restore funding for the Social Services Block Grant so states can continue to provide children and youth in high-risk situations and their families the services they need.

Established under Title XX of the Social Security Act, the Social Services Block Grant provides funding critical to states' ability to offer services to vulnerable children, youth and families. In 1997, 5% of the funding available was designated for vulnerable youth. Over 200,000 youth received SSBG services including temporary housing, residential treatment, counseling, therapy, support and training to live independently, vocational training, and case management. Without the support of state and local services, vulnerable youth have a high risk of homelessness, teen pregnancy, poverty, and entering the criminal justice system.

The homeless youth population is estimated to be approximately 300,000 young people each year. Physical and sexual abuse and neglect are among the key causal factors for runaway behavior. States and local governments have the primary responsibility for protecting children from abuse and neglect, and preventing youth at high risk from entering the criminal justice system. In Fiscal Year 1997 more than 2.3 million children were protected from abuse and neglect through services funded by the Social Security Block Grant, supplementing other federal programs offering aid to state and local programs protecting children and youth.

Funding for the Social Security Block Grant was reduced from $2.8 billion in 1995 to $2.38 billion in 1996. The Social Security Block Grant has since faced repeated cuts and is currently funded at $1.9 billion. Additional funding cuts to the Social Services

Block Grant could weaken those services critical to the aid of vulnerable youth and other at-risk populations. The National Network for Youth urges Congress to support the amendment offered by Sens. Graham, Wellstone, and Rockefeller to restore funding for the Social Security Block Grant in FY2000.

Sincerely,

DELLA M. HUGHES,
Executive Director.
MIRIAM A. ROLLIN,
Director of Public Policy.

CALIFORNIA STATE
ASSOCIATION OF COUNTIES,
Sacramento, CA, September 30, 1999.

Hon. BOB GRAHAM,
Washington, DC.

DEAR SENATOR GRAHAM: I am writing to you on behalf of the California State Association of Counties (CSAC) to express our strong support for your amendment to the Labor-HHS Appropriations bill to restore funding to the Social Services Block Grant (Title XX). Funding the Title XX program at its authorized level of $2.38 billion is critically important to California's counties.

In addition, CSAC urges you to retain current law provisions that allow states to transfer up to 10 percent of their TANF block grants into Title XX.

The SSBG is a major source of human service funding for California, and repeated federal cuts will impair services for vulnerable populations. Our state is one of the largest recipients of SSBG funds, and due to last year's $471 million reduction in the block grant, California lost over $56 million in funding. Two of the major services California funds with SSBG are In-Home Supportive Services (IHSS) at $116.2 million, and Development Disability Services for kids in CWS at $111 million.

The SSBG is a cost-effective program that has been slashed by close to one billion dollars over the past five years. The SSBG funds services that allow people to remain in their homes, a much more desirable solution than the costly alternative of institutionalization. According to HHS data, in FY 1997 the SSBG funded home-based services that allowed over 60,000 elderly Californians to remain in the community. Overall, the SSBG funded services for 1,665,349 Californians, including 191,000 disabled and 87,195 elderly that same year. In addition, in 1998, California transferred $183 million from TANF to the SSBG to fund child care services.

Again, CSAC strong supports your efforts to restore full funding for the SSBG. Thank you in advance for your active support to Title XX.

Sincerely,

JOE KRAHN,
CSAC Washington Representative.

AMERICAN HUMANE ASSOCIATION,
Washington, DC.

Hon. BOB GRAHAM,
Washington, DC, September 28, 1999.

DEAR SENATOR GRAHAM: I am contacting you to commend your amendment to fund Title XX, the Social Service Block Grant at its present entitlement level of $2.38 billion for the FY 2000 budget. Title XX is one of the few programs available to support lower-income working families. This block grant has also been a significant funding source for programs that protect abused and neglected children.

Founded in 1877, the American Humane Association (AHA) is a nationwide association of child welfare professionals, public and private social services, medical and mental health professional, as well as educators, researchers, judicial and law enforcement professionals and child advocates. AHA's Children's Division continues to be a voice dedicated to the protection of children.

AHA strongly believes that Title XX deserves to be placed high on the list of priorities. This block grant allows states the flexibility to provide much needed services for vulnerable children and families in near crisis situations and has helped support reforms in state foster care systems.

AHA is pleased that the Clinton administration has requested restoration of this vital program to the full entitlement level for the next fiscal year. We believe that this proposed funding level is a formal recognition by the Administration of the vital importance of this block grant and we hope you will endorse this recommendation. We do, however, continue to hold great concerns with regard to the administration's proposal to reduce the states' ability to transfer funds from TANF into Title XX to no more than 4.25 percent. We would like to work closely with you, as well as the Administration, to ensure that state flexibility is retained.

By helping to keep people in the community, the Social Services Block Grant actually saves the federal government and the nation's taxpayers the cost of expensive institutional care. Therefore, we strongly urge you to fund the Social Services block Grant at its fully authorized level of $2.38 billion.

Thank you for your hard work and attention to this issue. If you have any questions or concerns, please do not hesitate to contact us at (202) 543–7780.

Sincerely,

ADELE DOUGLASS,
Director, Washington DC Office.

AMENDMENT NO. 1886 TO AMENDMENT NO. 1821

(Purpose: To restore funding for social services block grants)

Mr. GRAHAM. I send to the desk a second-degree amendment to the amendment currently pending.

The PRESIDING OFFICER. The clerk will report.

The legislative assistant read as follows:

The Senator from Florida [Mr. GRAHAM], for himself, Mr. WELLSTONE, Mr. ROCKEFELLER, Mr. DODD, and Mr. KENNEDY, proposes an amendment numbered 1886 to amendment No. 1821.

Mr. GRAHAM. I ask unanimous consent reading of the amendment be dispensed with.

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

Strike all after the first word and insert the following:

''Notwithstanding any other provision of this title, the amount appropriated under this title for making grants pursuant to section 2002 of the Social Security Act (42 U.S.C. 1397a) shall be increased to $2,380,000,000: *Provided*, That (1) $1,330,000,000 of which shall become available on October 1, 2000, and (2) notwithstanding any other provision of this title, the amount specified for allocation under section 2003(c) of such Act for fiscal year 2001 shall be $3,030,000,000.''

Mr. WELLSTONE. Mr. President, I ask unanimous consent I be able to follow the Senator from Pennsylvania.

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

The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, in listening to the arguments by the Senator from Florida I can understand his interest in adding funds to what the committee mark is. I have no disagreement with the importance of the funds which are at issue.

I am constrained to oppose the amendment because in constructing this overall bill for $91.7 billion, in collaboration with the ranking Democrat on the subcommittee, we have juggled some 300 programs. If we are going to add a very substantial amount of additional funding to education, which we have some $2.3 billion over last year, and if we are to add $2 billion for the National Institutes of Health, and to have an initiative against juvenile violence, it is a matter of the allocation of priorities.

The comment has been made about the use of the tobacco funds. Those are very substantial sums of money, some $203 billion over a number of years.

I fought on the Senate floor to try to bring some of those tobacco funds to the Federal Government so we would have more moneys available. It is an obvious suggestion, when the States are the recipients of so much of that funding, that some of it be used where other Federal funds had been made available. This is another illustration, along with the request for additional funds for after school, $200 million more, or for class size, for the Corporation for Public Broadcasting—all of those are items which, under normal circumstances, I would say are very good programs, they are very good approaches, we would like to see them. But when it comes to assessing priorities, it is my sense, after working through very carefully with staff and then with the Democratic staff, the full subcommittee and the full committee, that this is an appropriate assessment of priorities.

Therefore, even though I have sympathy for what the Senator from Florida has had to say and think these are good programs, on a priority basis I have to oppose this amendment.

I yield the floor.

The PRESIDING OFFICER (Mr. HAGEL). The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, I am pleased to join with the Senator from Florida, Mr. GRAHAM, on his amendment.

I want to respond to my colleague from Pennsylvania. I will start out with Minnesota, and then I will go to the country at large. Actually, in Minnesota, for reasons I will explain, these social service programs and funding are passed directly to counties. The State cannot replace the money with tobacco money or anything else, and certainly not for next year, which is a bonding legislature. But above and beyond that, in any case, the tobacco money has already been spent for other programs.

The point is, we do not know what will happen. This is what my colleague concluded. We do not know what will happen with these programs that are so important to poor people, to vulnerable people, elderly people, people with disabilities. To cut the social service programs by 50 percent and then say

States have tobacco money so we will count on them to do it is an abandonment of our commitment. It is an abandonment of our commitment.

What we have done is cut the social services block grant program by more than half. What my colleague from Florida has done—and I am pleased to join him in this amendment—is to restore the funding to the full formula amount of $2.38 billion. We are talking about programs that are so important to the lives of the most vulnerable citizens in our country: The elderly, the very young, the poor, and the disabled.

The question is, What is this SSBG fund? Are we talking about something important?

Yes, we are talking about something important, if you think adoption services, congregate meals, counseling services, child abuse and neglect services, day care, education and training services, employment services, family planning services, foster care services, home-delivered meals, housing services, independent and transitional living services, legal services, pregnancy and parenting services, residential treatment services, services for at-risk youth, and special services for families for the disabled and transportation services are important. If we think these services are important, then how in the world can we cut this funding by 50 percent?

I respect my colleague from Pennsylvania. He has done the very best, given the budget caps under which he has worked. But I do not believe a good argument against the amendment we have introduced is: Well, there is tobacco money out there and the States can use that money.

Some States do not have that money to use. Some States can't use that money. In any case, whatever happened to our commitment at the Federal level to try to fund some services that would help the most vulnerable citizens in our country? That is my question.

Let me talk a little about some of these programs and then go further with the argument I want to make. Let me take Meals on Wheels. Why do we not think about this in personal terms? I think, I say to Senator GRAHAM, we are going to get support for this amendment. I believe we can pass this amendment. Are Senators going to vote to cut funding for the Meals on Wheels program? That is a program for people, many of them elderly, many of them disabled. Both my parents, for example, had Parkinson's disease. They might not even be able to get to congregate dining, which is a great program. They might not even be able to get into town; they cannot drive. Quite often there is not the transportation. In Minnesota it is cold; it is wintry weather. Maybe during the winter they cannot get out and freely move around. So you have the Meals on Wheels program where you deliver a hot lunch, a nutritious meal, to elderly citizens. And we are going to cut this program?

Let me repeat that. We are going to cut this program? We can do better. We can do much better.

Talk about independent and transitional living services; here we have some services—I will talk about this in some detail—that would enable an elderly person or someone with a disability to live at home in as near normal circumstances as possible, with dignity. It is a range of support services. It might be nursing services, community health outreach services, making sure those people are able, with a little help, to stay at home. We are going to cut this program, potentially by half? We are going to cut services that enable people to live at home with dignity as opposed to being put into a nursing home? We cannot do that. We cannot do that.

According to the Title XX Coalition, in fiscal year 1997 more than 1.1 million elderly people and over 740,000 people with disabilities benefited from the social services program. State and local prevention and treatment services reached over 2.3 million children and their families. I thought we cared so much about the elderly. I thought we cared so much about the children. I thought we cared so much about making sure at least there is an investment in some resources that will enable people with disabilities to live lives with independence and dignity. That is what the disabilities movement is all about. We cannot say that if we cut these services, if we cut these programs by over 50 percent.

In my home State of Minnesota, SSBG funds are used, in some counties, to augment child care for single women and their families. We talk about the importance of moving from welfare to work, but if a mother works and cannot find child care or cannot afford child care, how is she going to do it? Or if you have working poor people and they work 52 weeks a year and they work 40 hours a week and one of them is working or both of them are working, affordable child care is a hugely important issue for them. There are not Senators in this Chamber who would not want to make sure their children were able to get good child care. And we are cutting into services for child care?

Many Minnesota counties use SSBG money for home care services for the elderly. We are talking about funds to pay for a care giver to go to a vulnerable elderly person's home and help them with ''home chore services,'' such as taking their medicine on time and in the right doses, keeping their homes clean and safe, helping people take a bath, making sure there is food in the refrigerator.

I am sorry, I am not going to get worked up, but I do not understand how in the world we can justify cutting those services for elderly people. I do not understand that. That is exactly what we went through with my mother and father in Northfield, MN. That is exactly the struggle we had in trying to help them stay at home. We did all we could among Sheila, myself, and our children.

Sometimes one needs some help. At the county level, if there is a public health outreach program, somebody can help elderly people to make sure they take their drugs, to make sure they take the right dosage, to help someone like my dad who had Parkinson's disease and his body shook and my mother was not able to help him take a bath, to help people live at home, help people keep their independence. This is mean-spirited to cut these programs.

We cannot say: Well, but there is the tobacco money and States can use tobacco money. We do not know whether all States can. We do not know whether all States will and, in any case, this is a commitment that we have made in the Senate. We are a national community. Can we not as a national community, represented by the Senate, Democrats and Republicans alike, at least make a commitment to fund these services that are so important for vulnerable people?

I was speaking with Marien Brandt, the human services director in Sibley County, MN, a rural county, who told me her county spends SSBG funds primarily to serve vulnerable populations who are not eligible for assistance under other funding programs. She suggested that many of the people her agency serves would be forced into institutionalized care without SSBG funds.

She gave me the example of the child who might have to go into an out-of-home placement if her agency becomes unable to provide counseling services that help the child's parent learn to adequately care for and protect that child.

The vulnerable adults they help with SSBG money tend to be elderly people, seniors, disabled people who get home health care services, people they help stay at home, the very people about whom I talked.

If we are talking also about counseling services for parents and for children at risk, what in the world are we doing cutting those services? Marien told me that in Sibley County, SSBG money is used especially in the rural areas to fund transportation for the elderly and the disabled so they can go to the doctor, so they can buy groceries, so they are simply not isolated.

Let me point out what we are doing. All too often we say SSBG and people do not know what we are talking about. And we throw the money around: increase $1.2 billion, subtract $1.3 billion. I will translate it into personal services. Here is an example of one of many counties—I could take hours on this—where we use this money to provide transportation. Sometimes it is not the big buses. Sometimes it is smaller, a dial-a-bus so an elderly person can go to the doctor, people can go to the grocery store, they can go to congregate dining, they

can go places and they are not isolated. What in the world are we doing cutting this funding by 50 percent?

This SSBG money, I say to my colleague from Florida, is used to fund services for people who otherwise would fall through the cracks. This money is used to provide services for the most vulnerable citizens in our country.

I do not understand exactly—I understand what my colleague from Pennsylvania said. He cares a lot about these budgets as they affect people. But I really do not know how we got to the point where we cut these social service programs by 50 percent. I do not understand that. I am afraid one of the things I think happens is that quite often, when we work under these caps—I do not know if my colleague from Florida will be angry with me for saying this, so therefore maybe I will not, now that I think about it.

We put ourselves into fictional politics. These caps do not work, and everybody seems to be locked in with these caps. We are engaged in mutual deception. Nobody wants to talk about breaking the caps. That is not what this amendment does, although advance funding, whatever, we all know we need to spend more.

In my opinion, this amendment goes to the heart of what this debate is all about. We ought not, I say to the Presiding Officer—a good Senator—to be cutting these kinds of programs. These programs are for the most vulnerable citizens in our country. We ought not to be cutting programs that enable someone to get Meals on Wheels, that enable someone to go to congregate dining, that provide home health care services so people can stay at home rather than being institutionalized, that provide child care, help for families so they can afford child care. We ought not to be cutting these kinds of services by 50 percent. I fear one of the reasons we end up doing it is that these are the citizens who do not have the clout. It is just too easy to make cuts based upon the path of least political resistance. It is just too easy to cut services for the very poor and the most vulnerable. This is wrong.

This amendment goes to the heart and soul, I hope, of the Senate.

I will not go over reports from many counties, but I want to talk briefly about how my own State is going to be impacted.

Minnesota communities currently receive $41.6 million annually. If these proposed cuts are enacted, Minnesota is going to lose $23.2 million in funding. We will receive only $18.3 million in fiscal year 2000.

We are unique, I will concede that point, because by law the SSBG funds bypass the Governor and flow directly to the local level. The State cannot touch the money. We cannot add or subtract funds from the block grant.

Minnesota law further requires local level programs to run balanced books, which means they cannot carry any budget surplus from one year to the next. What this means, if these cuts to the SSBG go through, the State will not be able to offset any of the lost funds with funds from other sources. The local level programs will have no budget surpluses to fall back on, and these Federal level program cuts will be reflected immediately in local level cuts; in other words, right there in the counties where the people live. It would mean substantial reductions or perhaps even the elimination of local Minnesota programs.

So when I come to the floor and speak about this with some sense of urgency, it is because we could lose senior congregate dining. We could lose Meals on Wheels. We could lose a host of other local community-based programs that are so important to our citizens.

It would also mean cuts in health and substance abuse programs. Minnesota is one of only seven States in the country that relies more heavily on title XX grants than its SAMHSA grant to fund mental health services. We are going to see draconian cuts in mental health services as well.

Furthermore, next year, in my State it will be a ''bonding legislature,'' one in which they will not be able to consider policy issues. So the Minnesota Legislature is not going to be able—I think my colleague from Florida was alluding to this in other States—to take up any legislation to change the law governing the flow of SSBG funds in 2001.

I will tell you, I give the example of Minnesota because this is one hugely important issue in my State. But I also want to say to my colleagues that Senator GRAHAM has done a good job of talking about how this is going to affect all of the States. In a report that was put out yesterday, the Center on Budget and Policy Priorities explained that if the Senate Labor-HHS appropriations bill becomes law, SSBG funding will have been cut 87 percent since 1977 in inflation-adjusted terms—87 percent. An SSBG cut of the magnitude proposed in this bill will substantially reduce our State's ability to provide services to vulnerable children, to elderly, and disabled people.

This amendment, that I am proud to cosponsor with Senator GRAHAM, is an effort to say to the Senate that we have to do the right thing and that we must restore full funding for the title XX social services block grant program.

I will wait to hear if there is debate on the other side. I have many more examples to present from many counties in my State, both rural and urban. But I will repeat it one more time. As far as I am concerned, the fundamental core question for us to address, the issue for us to debate, is whether or not we in the Senate want to cut the social services programs that are so important to the most vulnerable citizens in our States—important to elderly people so they can have transportation and not be so isolated; important to people like my parents, who are no longer alive, so someone can come to their apartment and help them live at home when they have a disabling disease; important to a family where the single parent is working and she wants to make sure there is affordable child care; important to the person with disabilities so he or she can live at home with dignity; important for people who are not well enough and cannot even physically be able to go to congregate dining, who need Meals on Wheels, so someone can come and deliver them a nutritious meal.

By the way, the Meals on Wheels program is inadequately funded right now. We cannot cut these critically important programs and services that make life better for vulnerable citizens in our country. We cannot do this.

The States have a tremendous amount of leeway in how they use their SSBG funds, and this is one program in which they are able to try to develop innovative and creative programs to help the poor and needy (people with incomes up to 200 percent of the poverty line are eligible for SSBG funds). Title XX only specifies that the money be used to help people achieve and maintain economic self-support and self-sufficiency to prevent, reduce, or eliminate dependency. The law also allows the money to be used for services that prevent or remedy neglect and abuse, and to prevent or reduce unnecessary institutional care by providing community-based or home-based noninstitutional care. States use this money to care for people who would otherwise slip through the cracks; these funds are critical for the well-being of the most vulnerable people among us—the elderly and the very young, the poor, and the disabled. These are people who most need our help, and we should not be slashing the very money that is most likely to serve them.

Title XX of the Social Security Act specifies that $2.38 billion is to be provided to the States for fiscal year 2000. The Senate Labor-HHS appropriations bill, though, slashes funding for this block grant to only $1.05 billion. This cut comes on top of a 15 percent cut to the block grant made as part of the 1996 welfare reform law, a cut that the states reluctantly accepted only with a commitment from Congress that we would provide stable funding for the block grant in the future. I am pretty sure that a 50-percent cut doesn't qualify as stable funding by anyone's definition.

And what kind of a message do we send to the States when we talk about cutting block grant funds? Congress sold welfare reform to the states on the promise that they would have the flexibility to administer their own social service programs. But as the National Conference of State Legislatures point out, ''these cuts [to the SSBG] would set the precedent that the federal government is reticent to stand by its decision to grant flexibility to states in

administering social programs.'' SSBG funds are used by the states to provide services for needy individuals and families not eligible for TANF, and to reduce federal Medicaid payments by helping vulnerable elderly and disabled live in their homes rather than in institutions. States also use SSBG funds for child care services and other supports for families moving from welfare to work. When Congress proposes slashing these funds, we send a clear, and I believe extremely damaging, message to the States. I think we are telling them not to invest in these kinds of social support programs, because they just can't count on the money being there.

But let's just say for a minute that we do go back on our word and break our commitment to the States—so what? What exactly does SSBG fund? Anything important?

Only if you think adoption services, congregate meals, counseling services, child abuse and neglect services, day care, education and training services, employment services, family planning services, foster care services, home delivered meals, housing services, independent and transitional living services, legal services, pregnancy and parenting services, residential treatment services, services for at-risk youth and families, special services for the disabled, and transportation services are important. All of these programs are funded, in part at least, through the SSBG.

According to the Title XX Coalition, in fiscal year 1997, more than 1.1 million elderly people and over 740,000 people with disabilities benefited from SSBG. State and local prevention and treatment services reached over 2.3 million children and their families. The SSBG also reached 1.5 million individuals and families by supporting their physical and mental well-being, and by helping them overcome barriers to employment and economic self-sufficiency. And child care-related services were provided to over 2.3 million children through SSBG.

In my home State of Minnesota, SSBG funds are used in some counties to augment child care for low-income single women and families. Even with these additional funds, there are currently huge waiting lists for subsidized day care in most counties. If we further cut the title XX funds, these county level programs are going to have to reduce or eliminate services that they provide. And when a single mom who has just gotten off welfare and is trying to make ends meet while she starts working at her new job, loses the subsidized day care that she counts on, what do you think is going to happen? Which do you think is more likely—that she'll be able to afford to pay for day care herself, or that she'll be forced to go back onto welfare?

Many Minnesota counties use SSBG money for home care services for the elderly. These counties use SSBG funds to pay for a care giver to go into a vulnerable elderly person's home and help them with basic ''home chore'' services like taking their medicine on time and in the right doses, keeping their home clean and safe, taking a bath, or making sure there is food in the refrigerator. These are simple, basic services, but they often mean the difference between allowing someone to stay in their own home or being forced into an institution. If SSBG funds are cut, vulnerable elderly are likely to lose home care services like a visiting nurse or case management person, which might then force them into a nursing home or an assisted living situation that would, in the end, cost much more money.

I was speaking with Marien Brandt, the Human Services Director in Sibley County, Minnesota who told me that her county spends SSBG funds primarily to serve vulnerable populations who aren't eligible for assistance under other funding programs, and she suggested that many of the people her agency serves would be forced into institutionalized care without SSBG funds. Marien gave me the example of the child who might have to go into an out-of-home placement if her agency becomes unable to provide counseling services that help the child's parent learn to adequately care for and protect that child. The vulnerable adults they help with SSBG money tend to be elderly people, seniors or disabled people, who get home care services—someone to come in to help them clean their home and maintain a safe environment, bathe, have food to eat, to see that they take the right amount of medicine when they are supposed to. Oftentimes these people are not eligible for medical assistance, so there is not another source of funding available to them when they are living in the community. What will happen if SSBG funds are cut is that they will wind up having to go into a nursing home in order to qualify for funds to pay for their care.

Marien told me that in Sibley County, SSBG money is also used, especially in rural areas, to fund transportation for elderly and disabled, so they can access services like doctors, getting groceries, and just simply so they are not so isolated in their home (a ride to the senior center, perhaps). There is no other funding source that will pay for this. For disabled people who are just over eligibility guidelines for medical assistance, SSBG money is used to help meet their needs—managing medication, transportation, and community based services like training and counseling.

The way Marien explained it to me, her county basically counts on SSBG money to pay for services for people who otherwise fall through the cracks. They count on this money to provide simple, basic services that keep the most vulnerable among us in their homes and out of much more costly institutions.

Sue Beck, the Director of Human Services in Crow Wing County, Minnesota told me a similar story. She explained that her county also counts on SSBG funds to make sure that vulnerable populations, the elderly, the disabled, children, and poor people, have the services they need to live economically secure, self-sufficient lives. Over the past several years, due to SSBG cuts that have already been imposed, her county has had to cut back services in transportation and ''chore services''—for disabled and elderly people who need just a little bit of help—things like help shoveling snow or grocery shopping. They use SSBG money currently to augment their employability budget—to provide supported employment, and community based employment for people who other wise might not be able to compete successfully in the job market. All of this is at risk when we talk about cutting SSBG in half.

Dave Haley, from the Ramsey County Department of Human Services also told me about his county spends SSBG money. The first example he gave me was that of a typical family of a single-mother who has three young children. The oldest child, a 7-year-old boy, has missed a significant number of school days. The mother is experiencing problems with chemical dependency and involved in a violent relationship with her boyfriend. The mother cannot make sure that the child gets up every day on time, and is promptly fed and dressed for school. The family does not have a car or other personal means of transportation. Through programs partially funded with SSBG money, the County is able to provide support to the mother to resolve her chemical dependency problems and domestic abuse. Services ensure that the seven-year-old is attending school on a regular basis and the boy is beginning to make academic progress.

There are over 2,000 young children in Ramsey County currently in this situation. Ramsey County and local school districts have been able to develop a very active program to address these educational neglect issues and insure that children attend school on a consistent basis. They will be forced to scale back this effort, though, if SSBG funds are cut by more than 50 percent.

Another example that Dave gave me is that of a 30 year-old woman that is living in her own apartment in her home community. Thirty years ago, a similar individual with moderate mental health needs would have been placed in a state hospital miles from their family home. Over the last three decades, needed supports have been developed, including programs to monitor and assist individuals in managing their medications, checking on their money management and assisting when necessary with proper budgeting, teaching needed independent living skills, and employment support to maintain their current job. Without periodic weekly checks, the individual would have great difficulty managing their daily life, and might be forced

into an institutionalized living situation.

The system that has developed over the last three decades has not only improved the lives of hundreds of people in Ramsey County, it has also enabled the state and federal government to save hundreds of thousands of dollars on more expensive institutional care.

Currently, Ramsey County receives $5 million in SSBG funding. If this were reduced by half, it would affect far more than what I have briefly mentioned. SSBG money also supports chemical dependency prevention efforts, homemaker and other support services for seniors to prevent nursing home placement, and support efforts for families with a child with developmental disabilities to enable the family to stay together and avoid or delay out of home placement, to name only a few. If these funds are not restored, all of these programs, and all of the people they serve, will suffer.

So you tell me, which of these programs deserves to go, because something is going to have to if this provision passes. Who do you think we should turn away? Maybe low-income families with children? Or perhaps the elderly or disabled? What difference does it make if someone goes to bed hungry, or homeless, or just plain afraid that they won't make it through tomorrow? We have a budget cap to maintain, after all. And that is what this Congress has defined as really important here, right? Not helping our constituents, or keeping our commitments to the States, because I certainly don't see how anyone in Congress could argue differently when I see an effort like this to eliminate one-half of the SSBG funding.

In my own State of Minnesota, these cuts will have an immediate and deeply felt effect. Minnesota communities currently receive $41.6 million annually. If the proposed cuts are enacted, Minnesota will lose $23.2 million in funding, receiving only $18.3 million in FY 2000.

Minnesota is unique among all the states, though, because, by law, SSBG funds by-pass the governor and flow directly to the local level. The state cannot touch the money—they can neither add nor subtract funds from the block grant. Minnesota law further requires local levels programs to run balanced books. Which means that they cannot carry any budget surplus from one year to the next. So what that means is that if these cuts to the SSBG go through, the state will not be able to help offset any of the lost funds with funds from other sources, the local level programs will have no budget surpluses to fall back on, and these federal level cuts will be reflected immediately at the local level in program cuts. It would mean substantial reductions, or perhaps even the elimination of local Minnesota programs like senior congregate dining, Meals on Wheels, and a host of other local community based programs. It would also mean cuts in health and substance abuse programs, as Minnesota is one of only seven states in the country that relies more heavily on its Title XX grant than its SAMHSA grant to fund mental health services. Furthermore, because next year will be a ''bonding legislature,'' one in which they will not be considering policy issues, the Minnesota legislature will not be able to take up legislation to change the law governing the flow of SSBG funds until 2001.

So some of my colleagues may be saying to themselves, well that's unfortunate for Minnesota, but in my home state we'll be able to supplement the cuts with other money—maybe the money we got from the tobacco settlement, or perhaps we will just transfer money from our TANF surplus. First, let's talk about the tobacco settlements: in some states, anti-smoking and other health needs will receive first priority for use of the settlement funds, not unanticipated reductions in SSBG funds. Also, some states have already enacted legislation committing the tobacco funds for other purposes. Okay, well, then if not the tobacco settlement funds, then maybe the TANF surplus funds. But right now, seven states—Delaware, Illinois, Indiana, Massachusetts, Missouri, Nevada, Oregon—currently have no unobligated TANF funds. And if the House gets its way, 3 billion dollars in TANF surpluses will be rescinded from the states. This will leave another 12 states—Alabama, Connecticut, Kansas, Kentucky, Maine, Michigan, Nebraska, New Hampshire, North Carolina, North Dakota, Utah, and Vermont—who if they used every single cent of their remaining TANF surplus still won't have enough money to cover the lost SSBG funds. That's a total of 19 States, more than a third of all states, that won't have the social service funds available to offset the SSBG funding cuts proposed in this bill.

I have here a letter from a group called ''Fight Crime, Invest in Kids,'' which is an organization made up of over 500 police chiefs, sheriffs, prosecutors, victims of violence, and violence prevention scholars, written in support of this amendment. They write to explain that recent cuts in SSBG have short changed child care, child abuse prevention, removal and placement of abused children, drug treatment, and other critical crime prevention investments.

As they point out in this letter, one of the Government's most fundamental responsibilities is to protect the public safety. To meet that responsibility, Congress must close the crime-prevention gap—the gaping shortfall we ought to be making to help our Nation's children get the right start.

The Graham-Wellstone amendment to restore funding to the SSBG would provide over $591 million to protect children from abuse and neglect. Since abused and neglected children are almost twice as likely to become chronic offenders, it is clear that these services can have an important crime prevention impact. The amendment would also provide $300 million to support child care in 47 states. A study by the High Scope Foundation showed that quality child care can dramatically reduce the chances of children becoming criminals. It is clear that we must continue to provide the funds for these programs, and we can only do that by restoring the title XX grant to its full formula amount.

In a report they put out yesterday, the Center on Budget and Policy Priorities explained that if the Senate Labor-HHS appropriations bill becomes law, SSBG funding will have been cut by 87 percent since 1977 in inflation-adjusted terms. An SSBG cut of the magnitude proposed in this Senate bill will substantially reduce the States' ability to provide services to vulnerable children, elderly, and disabled people. Please, do the right thing and restore the SSBG money by supporting the Graham-Wellstone amendment to restore full funding for the Title XX Social Services Block Grant.

If the Senate does not support this Graham amendment, then, in my view, the Senate does not have a soul. If the Senate does not support this Graham amendment, then, in my honest to God opinion, the Senate does not have a soul.

I yield the floor.

Mr. COVERDELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. COVERDELL. I am ready to make a motion, if the other side does not wish to use the remainder of their time. If there is something further they have to say, I do not want to cut that off.

Mr. GRAHAM. Mr. President, it is my understanding we are not operating under a time agreement, so there is not a clock ticking on this issue.

I see one of the cosponsors of the amendment, the Senator from Connecticut, is on the floor. I do not know if he desires to speak on this issue or not.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, I appreciate that. I am very impressed with the level of my colleagues' debate. I commend my colleague from Florida, Senator GRAHAM, and my colleague from Minnesota, Senator WELLSTONE, for articulating what I think the rationale and support for this amendment means to make a huge difference in our States and localities and to underserved Americans.

I have an amendment that I will be offering shortly on behalf of Senator JEFFORDS and myself, Senator SNOWE, and others, on child care. I am prepared to offer that, but I do not want to in any way cut into the debate of my colleague from Florida or others who may want to continue with regard to his particular amendment.

Again, I commend him for it. I am delighted to be a cosponsor of it. I

think it makes a significant contribution. I point out, in my State alone—I represent the most affluent State in America, something of which I am proud. I also tell you I am not so proud of the fact that the largest increase in child poverty in the country occurred in my State over the last several years—a 60-percent increase in child poverty.

So here is a small State, Connecticut, with 3.5 million people, enjoying unprecedented prosperity. Yet in the midst of this small State, we are also finding an unprecedented hardship on the part of a lot of people, particularly young people. One out of every five children in my State is growing up in poverty.

What the Senator from Florida and the Senator from Minnesota have offered is some relief for people in that category, to see to it that they might also enjoy the prosperity of our country.

Meals on Wheels, adult day care, foster care—there is a wide variety of other issues. But as my colleagues know, I have tried to focus my attention, over the years, particularly on children and their needs; and hence the amendment I will offer with Senator JEFFORDS in a moment on child care and afterschool care.

But I realize this amendment being offered by the Senator from Florida covers more than just children. For example, it covers adult day care. Three generations living under the same roof—we find that a more frequent occurrence in our society. The wonderful advances in medicine allow people to live longer, more fruitful lives, but it also creates generational burdens in many ways.

So this is not an unreasonable request for a nation of almost 280 million people to see to it that those who are the least well off—carrying some of the most significant burdens—can also share in the prosperity we are enjoying. That is what I think we would all like to think of when we talk about America: a nation where there is equal opportunity.

What this amendment does is create opportunity. It does not guarantee success, but it gives people a chance to maximize their potential. For those reasons, I strongly urge the adoption of the amendment, and again I am pleased to be a cosponsor.

Mr. GRAHAM addressed the Chair.

The PRESIDING OFFICER. The Senator from Florida.

Mr. GRAHAM. I would like to reserve time to close. If there are any speakers in opposition to the amendment, I would defer to them and then I would like to close.

Mr. COVERDELL. Mr. President, we are prepared to move to the close on behalf of the distinguished Senator from Florida.

Mr. GRAHAM addressed the Chair.

The PRESIDING OFFICER. The Senator from Florida.

Mr. GRAHAM. The arguments in favor of this amendment are numerous. The Federal Government made a commitment to the States as part of the welfare-to-work legislation that it would maintain funding for this program at the level of $2.38 billion each year. That commitment was made out of a recognition of the importance of the programs funded through title XX of the Social Security Act toward achieving the results, the goals of welfare to work. We are about to breach that commitment—not just to breach it, we are about to obliterate that commitment.

Second, the proposal directs the States to spend a portion of their tobacco settlement to replace these Federal funds, the funds we have committed to make available to the States.

We have voted in this Senate on numerous occasions, by margins of 70 to 30 or more, against that specific proposition, against the attempt of the Federal Government to play big father and direct the States as to how they should use their tobacco settlement money. Now, having beaten back the efforts at the front door, we see this effort coming in through the back door saying: Well, we are not going to tell you that you have to spend your money. We are just going to cut over half of a critical Federal partnership program with the States, a program we committed to as part of the States entering into the Welfare-to-Work Program. We are just going to suggest. And, by the way, you ought to spend your tobacco money to fund it. Outrageous.

Third, this is not just a matter of what is in our heart; this is also what is in our mind. The reason Congress adopted this program in 1975—which, if I recall, was under the administration of President Ford—was the recognition that expenditure of Federal funds on programs that kept older Americans out of nursing homes, expenditure of Federal funds on programs that alleviated the suffering and the potential for further suffering of the disabled, saved the Federal Government money, programs that kept families together, that helped children in need, saved the Federal Government money. With almost no consideration, we are about to turn the clock back on this accomplishment of President Ford and 25 years of demonstrated success of this program in both helping people and saving the Federal Government money.

Most important, we are about to pick out the most vulnerable people among us and say: It is upon your back that we are going to attempt to reduce the imbalance in our budget accounts. We are going to turn to the weakest to say: You should carry the fullest load.

I don't want to just speak these closing remarks in my words. I will use the words of a few of the many organizations across America which, in the short period of time since the alert went out that this ridiculous action was even being considered by the most deliberative body in the world, have responded with their assessment of what this would mean. Let me mention a few of them.

The National Governors' Association had this to say:

> Over the past few years, the [social services block grant] has taken more than its share of cuts in federal funding. As part of the 1996 welfare reform deal, Congress made a commitment to Governors that the SSBG would be level funded at $2.38 billion each year.

Congress made a commitment to the States that this funding would be maintained. Now we are about to cut that funding by more than 50 percent, according to the National Governors' Association.

The Fight Crime Invest in Kids Coalition, an organization that represents over 500 police chiefs, sheriffs, prosecutors, victims of violence, leaders of police organizations and violence prevention scholars, had this to say about this proposal:

> The GRAHAM-WELLSTONE amendment to restore funding of $2.38 billion for the Title XX Social Services Block Grant would:
>
> Provide over $591 million to protect children from abuse and neglect. Since abused and neglected children are almost twice as likely to become chronic offenders, it is clear these services can have an important crime prevention impact.
>
> Provide $300 million to support child care in 47 States. The High/Scope Foundation study showed that quality child care can dramatically reduce the chances of children becoming criminals.

That is what 500 chiefs of police and sheriffs and other leaders in the criminal justice community have said about the importance of this amendment.

Catholic Charities USA said this in its letter:

> Cutting funds to services that keep people independent and in their communities is short sighted and will lead to unnecessary suffering and increases in other federal programs.

This is what the Girl Scouts said about this proposal:

> The further cuts to this program which have been proposed by the Senate will no doubt negatively impact our communities, most of which are already struggling with limited resources for much needed services.

Finally, the National Conference of State Legislatures in their letter stated:

> The current proposal in the Senate Labor, Health and Human Services and Education appropriations legislation will jeopardize services to the elderly, disabled and children and families. It also represents a retreat from Federal commitments made during the enactment of welfare reform legislation.

For all of those reasons, as well as the fact that Senators KENNEDY and CLELAND have asked to be added as additional cosponsors to this amendment, I urge my colleagues to step back from the precipice of irresponsibility and repudiation of commitment, to step back from the cliff that would have us, through the back door of this ill-considered proposal, breach our commitments to the States to keep our hands off their State-won tobacco settlement, and particularly so we can look in the eyes of the American people who would

be most affected by this—the children, the disabled, and the frail elderly—and say: You are not the forgotten Americans.

I urge the adoption of this amendment.

Mr. MOYNIHAN. Mr. President, I rise to voice my displeasure at the severe reduction this year's Labor-Health and Human Services appropriations bill includes for the Social Services Block Grant. This program was established under Title XX of the Social Security Act to help people who are least able to help themselves; the elderly, the disabled, and children of low income families. The money is put to good use in some two dozen areas such as foster care services, day care, intervention and prevention for at-risk families, and special services for the disabled. The Labor-HHS Subcommittee has produced a bill that cuts SSBG funds from $1.9 billion to $1 billion. Just short of cutting it in half. The committee report cites tight budget constraints and suggests that states can make up the difference with proceeds from the tobacco settlement. Mr. President, money from the tobacco settlement should be used for anti-smoking programs and other health programs. The basis of that litigation was that smoking caused health problems which the states had paid for. So health care programs that were deprived of funds in the past should be the beneficiaries of the tobacco money, as should anti-smoking programs. We should not tell the states that we're pulling the rug out from under the SSBG and it is up to them to make up the difference if they choose to. Some states have already passed legislation that allocates the tobacco money.

The Social Services Block Grant program is an entirely egalitarian program. The formula could scarcely be simpler. The proportion of the money each state gets is the proportion of the national population it has. New York has seven percent of the population. It gets seven percent of the funds. So this draconian cut affects states evenly. Everyone should be concerned about it.

One further point. This is a block grant. It allows the states to decide how best to spend money on a range of similar needs. The alternative would be a handful of categorical programs to which the states would apply individually. From time to time Senate debate centers on the merits of block grants versus categorical programs. Education comes to mind, for example. The opponents of block grants frequently say that once you block grant a group of existing programs, it becomes significantly easier to cut their funding. If this $900 million reduction is allowed to stand, the opponents of block grants will have a shining new example of the damage that can be done to a block grant and the proponents of block grants will have a more difficult time gaining their objectives in the future.

Mr. ROCKEFELLER. Mr. President, I am proud to be a cosponsor of the Graham amendment to restore funding for Title XX, the Social Services Block Grant. This program is critical to the ability of our states to meet the needs of our most vulnerable citizens—children, the elderly and the disabled.

The present Senate Labor-HHS-Education appropriations bill contains a provision to cut funding for the Social Services Block Grant by more than half, from $2.38 billion to $1.05 billion. This program has been under attack for years. In 1996, Title XX was cut by 15%. In 1998, the highway bill used cuts in Title XX to pay for the out years of highway spending in 2001. While I understand the importance of roads for economic development, should we pay for it by cutting basic funding for needy children, disabled Americans, or senior citizens?

In the last few years this Congress has sent a message to the states. We have said, ''We trust you to know how to take care of your own people. We want to support you, and help you, and at the same time, give you the flexibility to design your own programs.'' This was one of the clear messages of welfare reform.

As one of the members on this side of the aisle who voted for the 1996 welfare law, I have to say that I truly believe that these Title XX cuts will weaken welfare efforts in our states. The Social Services Block Grant is used to provide many important support services that help complement the efforts of welfare reform in helping individuals go to work and continue working—education and training services, employment services, transportation, and child care are all among the important programs supported by this block grant. Indeed, as part of the welfare reform package that I agreed to, we promised the states that we would maintain funding for Title XX at the $2.38 billion level until reauthorization in 2002. How can we take back that promise now?

You know, one of the greatest features of the Social Services Block Grant is its flexibility. States, and even communities, can determine how to best serve their poor, their elderly, their children and their disabled citizens. My state provides an excellent example of this. While nationally states used an average of 14% of the Title XX block grant for foster care program for abused and neglected children, in West Virginia we use over 30% of our block grant for foster care and 34% for protective services for abused and neglected children. West Virginia cannot afford such a drastic cut in Title XX. It will undermine our State's commitment to abused and neglected children just when tough, new federal time lines are being enforced to move more children from foster care into safe, permanent homes faster.

If we cut this funding by more than half, my state will face enormous challenges in its efforts to keep children safe and stable in their homes and communities. This is intolerable.

Nationally, 12% of the Title XX block grant is spent on services for the elderly, including protective services for seniors who are victims of abuse and neglect. In West Virginia, 10% of our block grant—a little over $1.6 million—is spent on these services for seniors. This not only provides them with support and protection, it helps them remain in their own homes, rather than being placed in nursing homes or other institutions.

What message are we sending to our poor, elderly neighbors, if we cut these services in half?

As a former Governor, I understand why Governors want the flexibility of block grants. But the history of Congress is to push for block grants in the name of ''flexibility'' but then to slowly but surely cut the funding of block grants, leaving states and families in the lurch. As a member who cares deeply about poor children, disabled Americans and needy families, I am worried about how such cuts will effect the small communities and our most vulnerable families.

We should not cut these vital funds. There is a unique and strong coalition fighting to protect this vital investment ranging from government groups like the National Governors Association and National Association of Counties, to dedicated service providers like Catholic Charities and the United Way. If we believe in community programs and the importance of non-profit charities, how can we justify cuts to Title XX which will hinder their partnership projects?

The Social Services Block Grant is not just good for people, it is also good policy. It gives the states flexibility. It helps communities to be innovative in taking care of their own by supporting local partnerships. It makes sense.

These funding cuts undermine many of our priorities. We cannot say we want to invest in children and families, then cut the Title XX Social Services Block Grant. This is worse than many of the budget gimmicks in this legislation because cutting Title XX hurts vulnerable families in communities across America. We should not cut this program.

Mrs. HUTCHISON. I would like to briefly discuss with my colleague, Senator GRAHAM, some language that appeared in the Appropriations Committee Report for the fiscal year 2000 Labor, HHS, and Education Appropriations bill. Senator GRAHAM, I understand that the Report states, with regard to the funding reduction in Social Services Block Grant program, that ''the States can supplement the block grant amount funds received through the recent settlements with tobacco companies.'' Senator GRAHAM, I understand you have seen this language?

Mr. GRAHAM. Yes I have, and I thank my colleague from Texas. I must say I was very surprised by this report language, particularly considering the fact that the Senate only this year voted several times and decisively to prevent the federal government from seizing the money the States earned as

part of their tobacco settlements. Legislation that you and I offered in the Senate passed overwhelmingly, and amendments to that language to force the states to spend their settlement funds according to a specified formula were soundly rejected.

Mrs. HUTCHISON. That is an excellent point. In fact, I think it should be pointed out for the RECORD that, on March 18 of this year, the Senate voted 71 to 29 to protect our States' settlement funds by defeating an amendment that would have directed that states spend at least half of their settlements according to whatever specific list of programs the Secretary of Health and Human Services designated during any given year. Thus, the Senate rejected the notion that the federal government should have an annual veto over more than $140 billion of state funds. I think it is also worth noting that the Hutchison/Graham legislation we introduced this year to protect these state funds from federal seizure had 47 cosponsors, including substantial bipartisan support. The legislation was signed into law by the President on May 21, 1999.

Mr. GRAHAM. I thank the Senator for that clarification. Our effort certainly struck an unmistakable blow for states' rights, and I am pleased and proud that our states and others are now free to use their funds for children's health, health research, smoking control, and the many other health, education, and public welfare programs that they are pursuing.

Mrs. HUTCHISON. In fact, I would like to point out that, of the roughly $1.8 billion that Texas is spending during the present budget biennium, virtually every dollar is going toward health care. For example, the state is allocating over $200 million for a permanent endowment for children's cancer research; $200 million for smoking control and research activities; $100 million for emergency and trauma care; $180 million to expand health insurance for low income children; and over $1 billion in various permanent endowments for many of our state's public and teaching hospitals. I am proud of what Texas is doing, and I am proud that you and I and so many of our colleagues had the courage to stand-up for the right of our states to pursue those priorities and programs that best meet the needs of their residents.

Mr. GRAHAM. I thank my colleague for her statement, and for her leadership in this important area.

Mrs. HUTCHISON. I thank the gentleman for his leadership as well, and I am glad we had the opportunity to clarify the intent and the will of the Senate in this regard. I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. COVERDELL. Mr. President, on behalf of the manager, I move to table the amendment by the Senator from Florida, Mr. GRAHAM, and the Senator from Minnesota, Mr. WELLSTONE, and I ask for the yeas and nays.

The PRESIDING OFFICER. To which amendment is the Senator referring?

Mr. COVERDELL. I am referring to the amendment by Senator GRAHAM of Florida.

The PRESIDING OFFICER. The second-degree amendment or the first-degree amendment?

Mr. COVERDELL. 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. COVERDELL. 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. COVERDELL. To clarify the motion, I apologize, I did not realize it was a second degree. The motion I have just made would be to the first-degree amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. COVERDELL. Mr. President, I am about to propound a unanimous consent that will explain what the remainder of the evening will be. We are waiting for the other side to sign off.

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. COVERDELL. 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. COVERDELL. Mr. President, I ask unanimous consent that the pending amendment be laid aside in order for Senator DODD of Connecticut to offer his amendment and that no second-degree amendments be in order to the Dodd amendment prior to a vote on a motion to table.

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

Mr. COVERDELL. If the Senator will pause for one moment, I think what we are close to doing is having about four votes that would occur at around 5:15. So Senators can be on notice. We need to get one more sign off on that matter before we officially announce it. But that is the intent of the managers of the bill.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

AMENDMENT NO. 1813

(Purpose: To increase funding for activities carried out under the Child Care and Development Block Grant Act of 1990)

Mr. DODD. Mr. President, I thank the manager of the bill.

I call up amendment No. 1813

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Connecticut [Mr. DODD], for himself, Mr. JEFFORDS, Ms. SNOWE, Mr. KENNEDY, Mr. LEVIN, and Mrs. MURRAY, proposes an amendment numbered 1813.

Mr. DODD. 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:

In the matter under the heading ''PAYMENTS TO STATES FOR THE CHILD CARE AND DEVELOPMENT BLOCK GRANT'' in the matter under the heading ''ADMINISTRATION FOR CHILDREN AND FAMILIES'' in title II, strike ''$1,182,672,000'' and insert ''$2,000,000,000''.

Mr. DODD. Mr. President, I offer this amendment on behalf of myself, Senator JEFFORDS, Senator SNOWE, Senator KENNEDY, Senator MURRAY, Senator LEVIN, and others.

Let me begin these remarks by apologizing to my colleagues who, once again, are being asked to vote on a child care amendment. The obvious question raised is, Why am I voting on this for the third or fourth time? The simple reason is—and I appreciate the votes. We have had good votes in the Senate, and strong bipartisan votes on this issue. But for a variety of reasons, which I will not take the time of this body to go into, the matter has been dropped in conference, or bills have died, or for other reasons. So despite the good and strong and positive efforts on behalf of Members of the Senate, we have not been able to adopt the language on child care that my colleagues, by overwhelming votes, have adopted already in these past 10 months.

Again, Senator JEFFORDS, myself, and Senator SNOWE are proposing this amendment. It is somewhat different than the other ones in this regard only. Earlier, amendments dealing with the child care proposal actually had mandatory spending in them. This is discretionary spending. In fact, the amendment I am offering—properly the credit goes to Senator CHAFEE of Rhode Island, who has been a champion on child care issues. This amendment is basically the Chafee amendment on child care that we think is deserving of our support on a bipartisan basis.

By increasing margins, as I have indicated, this body has supported additional funding for the child care block grant. The first vote we had was 57–43, the second vote was 60–33, and by the third vote it was unanimously adopted.

I apologize again at the outset for asking my colleagues, once again, to cast a child care vote since you think you have done so, and already you have. But basically our opportunity to provide some additional funding is still the same. The arguments have not changed. The bill hasn't changed, except this is discretionary and not mandatory, and obviously the need across our country has not changed over the last number of months.

I will take a few minutes. We have a very short time agreement on this amendment. We have debated it extensively over the past year. I don't want

to take any more of this Chamber's time than is necessary on this amendment.

But the amendment would increase child care assistance to working families by doubling the discretionary fund in the child care development block grant from $1 billion to $2 billion.

I continue to believe the best place for a child to be is with their parents. That is the best place—no question about it. But when both parents are working—as many do in this country, trying to put food on the table, a roof over their children's heads—that is difficult. When there is only one parent—regretfully, that happens too often in our society—you can imagine the burdens on a single parent who has to work and also has young children and trying to provide for child care needs.

So the reality is that good, affordable child care is a necessity. In the absence of parental care, we try to do the best we can to approximate the kind of care that parents would give.

That is what this amendment is all about.

The child care block grant is almost a decade old. My good friend and colleague from Utah, Senator HATCH, and I authored the child care block grant almost a decade ago. It won support and the signature of President Bush who signed the legislation into law, and it has provided a lot of decent assistance to people over the years.

It provides direct financial assistance to help families pay for child care and does not dictate where that care must be provided. Parents across this country can choose a child care center as the child care provider. They can choose a home-based provider, a neighbor, a church, a relative, or whatever they think is best for that child. We leave that entirely up to the parents to make that decision.

This block grant is also the largest source of Federal funding for critical afterschool programs.

Again, we all appreciate, I think, the growing need for afterschool care.

I point out to my colleagues that 30 percent of the child care block grant is used by parents to pay for care to school-age children. That translates into almost $1 billion a year.

That is a major, major source of assistance to parents who worry about who is watching their children after school in State after State across our country.

The only downside to this now almost decade-old program is that it has been underfunded because of the lack of resources. The Child Care and Development Block Grant Act is available only to 1 in 10 eligible families in America today.

Despite all the efforts over the years—and I appreciate the votes and the support we have received—still only one 1 in 10 eligible families get any assistance under this program.

Because of a lack of resources States have been getting under the block grant—it goes to the States—States have had to severely ration child care assistance to families in need.

So what States have done is they create a threshold, a dollar threshold, an income threshold. They say that anybody above that threshold cannot get the child care development block grant assistance. They have lowered the threshold—that is all the time—because the scarce dollars mean that they can only provide it to some families.

Let me explain what I mean.

Two-thirds of all of the States in the United States have cut this child care assistance to families earning under $25,000 a year—two-thirds of all the States. Fourteen of those States have cut off all assistance to families earning over $20,000 a year, and eight States even ration the funds more stringently.

In the States of Wyoming, Alabama, Missouri, Kentucky, Iowa South Carolina, and West Virginia, if you are a family earning in excess of $17,000, you get no child care assistance.

I don't know how a family making $17,000 a year trying to work—this is a working family; I am not talking about somebody getting welfare. These are working people. If you are a working mother, and you have a $17,000-a-year income, you have two children, you do not have child care. I am sorry. You don't. You may be lucky and have a grandmother, aunt, or next-door neighbor, and probably juggling it every day. But if you are in those eight States, even in one of those 22 States, and make $20,000 or less, I don't know how people do it.

That is because we have underfunded for the block grant. I am not going to be able to take care of everybody. Senator JEFFORDS, Senator SNOWE, I, and others who have supported these amendments know we are not going to make a difference for every family. But if we can get a little more money by doubling this amendment from $1 billion to $2 billion in this discretionary program, maybe these States—we think they will—will raise those threshold levels, and as a result, more families in these States will get that kind of good child care assistance that they need.

Let me tell you how bad this problem is. Even with these stringent income eligibility requirements that I have just enumerated, consider the waiting list that exists across America. I will not recite all 50 States.

Let me tell you for almost every State that we have, the numbers are high.

In California, there are 200,000 children waiting for a child care slot, even with the income levels as low as they are.

So even when you have an income level of $17,000 or lower to get child care, or $20,000 or lower, there are 200,000 children in those States whose parents qualify financially. They are earning less than $20,000. But because there are so few funds, 200,000 are on a waiting list.

Texas, 34,000; Massachusetts, 15,000; Pennsylvania, almost 13,000; Alabama, 19,000; Georgia, in excess of 12,000.

The list goes on.

These are families that are meeting those income criteria. But even with the income criteria, there are not enough dollars to go around to provide child care to these families.

There is a waiting list even with these low-income levels.

Other States ration their limited child care dollars by paying child care providers poverty level wages.

That is hardly the way to ensure good, quality child care. Again, the lowest paid teachers in America are child care providers.

What a great irony. I don't think anyone argues we probably ought to have the best prepared teachers for the most vulnerable of our society—kids. A case could be made, I suppose, that someone in a higher education institution needed less care. But imagine a 6-month-old baby and the person who watches that 6-month-old, 1-year-old child is one of the lowest paid workers.

I am urging my colleagues to adopt this amendment so we can raise some of the income levels, we can get a few more dollars to the child care providers who are so necessary, and we can also see if we cannot help our Governors raise some of the income levels.

We have voted on this now three times. I am deeply apologetic to my colleagues. I have had unanimous support for this amendment as recently as a few months ago. Because of bills dying or being dropped in conference, we are back at it again. I apologize for taking the time of my colleagues on this amendment that Senator JEFFORDS and I have offered. We cannot let this issue go away. It is too important to too many families.

I thank publicly Senator ABRAHAM of Michigan, Senator CAMPBELL of Colorado, Senator CHAFEE, Senator COLLINS, Senator DEWINE, Senator FRIST, Senator HATCH, Senator JEFFORDS, Senator ROBERTS, Senator SNOWE, Senator SPECTER, Senator WARNER, and more. I will not read the entire list of Republican colleagues who have been supportive of this amendment. The Senators have made a difference voting for this. I thank the Senators for their support.

The votes I had then were for the mandatory program. This is discretionary funding. It is substantially different. Some in the past may have said vote for this, it is mandatory; this is a discretionary program. Obviously, we are dealing with Senator SPECTER's bill. It is different in that regard, probably less of a problem politically for some.

I am deeply grateful for the strong bipartisan support and I am confident we will have support again this afternoon on this issue which has developed strong bipartisan interest in this body.

My principal cosponsor from Vermont is here. I want to make sure he has some time to talk about this.

Mr. SPECTER. Mr. President, I ask unanimous consent a time agreement be entered into, with 10 additional minutes for the proponents of the amendment, and 15 minutes for myself and whomever I designate.

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

The Senator from Vermont.

Mr. JEFFORDS. Mr. President, I join my good friend from Connecticut. We have been working for years to draw the attention of the public to the essential need that we pay more attention and provide help in the child care area. Each year we get the support of our Members. Each year we have successfully gotten agreements for billions of dollars of the budget, but the time is now to do something real. That is why we are here, to make sure we make a commitment, not only make a commitment but provide the funds to enable our society to be able to take advantage of all that can be done to make sure our children have an opportunity to participate in the best possible way in our society.

This amendment will almost double the funds that provide low-income working families with the help they need. The amendment increases funding for the child care and development block grant from about $1.83 billion to $2 billion. This block grant has always been forward funded so no offset will be required. States are struggling to meet the escalating child care needs of low-income families, and they are transitioning off of welfare. States have already transferred $1.2 billion in TANF funds into the child development block grant; other States use TANF dollars directly to pay for child care costs; while still others have spent all of their TANF funds and have nothing left to transfer.

Still this is not enough. States have waiting lists for child care subsidies provided under the CCDBG. In addition, many States provide subsidies so low-income families are forced into the cheapest and in many cases the poorest quality child care.

There are more than 12 million children under the age of 5, including half of all infants under 1 year of age, who spend at least part of the day being cared for by someone other than their parents. There are millions more school-age children under the age of 12 who are in some form of child care at the beginning or end of the school day as well as during school holidays and vacation. More 6-to-12-year-olds who are latchkey kids return home from school to no supervision because parents are working and there are few, if any, alternatives.

While the supply of child care has increased over the past 10 years, there are still significant shortages for parents in rural areas with school-age children or infants and for lower income families. The cost of child care for lower middle-income families can rival the cost of housing and the cost of food. The most critical growth spurt is between birth and 10 years of age, precisely the time when nonparental child care is most frequently utilized.

A Time magazine special report on ''How a Child Brain Develops'' from February 3, 1997, said it best:

> Good, affordable day care is not a luxury or a fringe benefit for welfare mothers and working parents but essential brain food for the next generation.

The Senate has voted on and passed similar amendments three times this year. There were two votes on the budget resolution, and a modified version of the amendments was included in the conference report. Again, in July, Senator DODD and I introduced a similar amendment through the tax bill which was subsequently dropped in conference. Hopefully, this fourth time will be the charm and the Senate will pass this amendment and retain it in conference.

I ask my colleagues to vote for this amendment which is so critical for low-income working families and their children.

I yield to my colleague from Connecticut.

Mr. DODD. Mr. President, I thank my colleague and I thank so many of our Republican friends who worked with us on a bipartisan basis. I thank the manager, my good friend from Pennsylvania. We have been together many years. We both first arrived in this Chamber and we worked so closely together back 20 years ago, in 1981, on a caucus for children. It seems like a long time ago. Senator SPECTER, on numerous occasions, has been a real stalwart battler and fighter on behalf of the Child Care Block Grant Program. I am deeply grateful to him for his support on that.

Senator JOHNSON desires to be added as a cosponsor.

I know my colleague from Pennsylvania wants to be heard on this. I thank my colleague from Vermont and I thank my colleague from Maine. I thank Senator CHAFEE who has been a champion on this issue.

The mandatory bill is gone and we are down to the discretionary bill. I apologize, I say to the manager. I know Members think we vote on this issue every other day, but each time we have been dropped in conference despite unanimous votes in the Senate on this issue. I hope, as the Senator from Vermont has said, the fourth time may be a charm and we will be able to provide some additional funds on a very worthwhile and needed program.

I, again, thank my colleague for yielding. I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, before proceeding to the discussion of the amendment on the merits, I would like to announce to my colleagues we will shortly begin voting on four stacked votes: the Reid amendment, Graham amendment, Dodd amendment, and the Coverdell second-degree amendment to the Enzi amendment.

I ask unanimous consent we begin voting on these matters at 5:10.

Mr. REID. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. I say to my friend, the manager of the bill, it is my understanding there will be 1 minute on each side to explain the amendments.

Mr. SPECTER. Fine.

Mr. REID. Two minutes, equally divided.

Mr. SPECTER. I incorporate that into the unanimous consent request.

Mr. REID. And the Reid amendment will be the first amendment we will vote on?

Mr. SPECTER. Yes.

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

Mr. SPECTER. Has all time elapsed for Senator DODD?

The PRESIDING OFFICER. The Senator from Connecticut has 10 minutes remaining.

Mr. SPECTER. The Senator from Connecticut has 10 minutes remaining?

The PRESIDING OFFICER. That is correct.

Mr. SPECTER. The unanimous consent agreement gave him 10 minutes total. Since that time, Senator JEFFORDS has spoken and Senator DODD has spoken.

Mr. DODD. If my colleague yields, we will yield back whatever time we have. I realize he is trying to move things along.

Mr. SPECTER. I am trying to find out what is happening with the time.

The PRESIDING OFFICER. The time of the Senator from Vermont was charged to him, and he yielded back his time to the Senator from Connecticut.

Mr. SPECTER. Is the remaining time between now and 5:10 on my side?

The PRESIDING OFFICER. There are presently 8 minutes 35 seconds remaining for the Senator from Pennsylvania.

Mr. SPECTER. And the other time has been yielded back?

The PRESIDING OFFICER. And 10 minutes remaining——

Mr. DODD. I yield back all time except 1 minute to sum up.

Mr. SPECTER. Mr. President, I find it extremely difficult to speak to and vote on this amendment because I have supported this amendment on so many occasions. Senator DODD accurately relates, when we were elected in 1980, we cochaired the Children's Caucus. Then, in 1987, after we were reelected, we were cosponsors of the first parental leave program which had just begun. We have been soldiers in the field. I have voted for this amendment again and again and again. But I am deeply concerned if we agree to this amendment at this time and add another $900 million to the current bill of $91.7 billion, we are not going to have any bill at all. We are not going to get 51 votes in this Chamber to pass this bill and to go to conference. I say that because of the deep-seated concerns which have

been expressed by so many Senators about where we are.

We have a bill at $91.7 billion which is within the budget caps. We have to go to conference with the House. We have to present a bill which the President will sign. I do not believe we will be able to do that if we add $900 million more.

I can count the number of cosponsors which the persuasive Senator DODD has. It may be he will have enough sponsors to defeat a tabling motion. I think next Tuesday, when Republican Senators return, on the vote on the underlying merits it may be different, although I very much would like to support him. We have been very concerned about children in this bill. We increased the child care block grant $182 million for fiscal year 2000, which brings it to $1.182 billion. Senator DODD would like to have it added to $2 billion, and so would I, if I thought we could get that bill passed. This $1.182 billion is in addition to the child care entitlement which was increased $200 million, to $2.367 billion next year. So we have on child care more than $3.5 billion.

In addition, States can transfer up to 30 percent, or $4.8 billion, of their temporary assistance to needy families, the so-called TANF block grants, to the child care block grant. At the end of the first quarter of fiscal year 1999, States had $4.220 billion in unobligated TANF balances.

So there have been very substantial allocations for children. I might say, this is an especially tough vote for me because earlier today, my daughter-in-law, Tracey Specter, took the lead in establishing a child care center in Philadelphia where she and her husband, my son, Shanin Specter, have made a very generous contribution for child care. I know of the importance of child care so working mothers can provide needed assistance for their families in an era of two-wage-earner families and in an era of single mothers. I know how vital child care is. But this is going to be the log that breaks the camel's back. I think the camel now is burdened so that a straw would break the camel's back, but this is not a straw, this is a log.

I do not know quite where we are going to be when final passage comes on this bill and we do not have 51 votes. So it is a longstanding partnership I have with the Senator from Connecticut, elected on the same day to this body, worked hand in glove, almost as longstanding a relationship as with Senator JEFFORDS. Usually Senator JEFFORDS says, ''Jump,'' and I say, ''How high?'' on matters which he has in mind. But it is with the greatest reluctance that I say I cannot support this amendment, much as I would like to, for the reasons I have given.

Mr. President, how much time remains?

The PRESIDING OFFICER (Mr. SMITH of Oregon). The Senator has 3 minutes 20 seconds.

Mr. SPECTER. Let me yield a minute or so to Senator DODD.

Mr. DODD. I appreciate my colleague's very gracious comments on this, and I appreciate the burden he is under. It is not easy to be the chairman of a committee. You have responsibilities to meet and you have a lot of good requests that come your way.

I would make the case to my colleagues, I think there has been a strong indication this is a matter in which we have been able to come together. We were so divided on so many issues, but on child care we found common ground three times already in the last 7 or 8 months, the three votes that have been cast on this issue. In fact, the previous ones were on mandatory spending. This one is discretionary, so it ought to be somewhat more palatable for people.

I appreciate the comments of the Senator from Pennsylvania on how much is already committed. But, of course, I still make the case it still only serves 1 in 10 families—I know he knows—and there are a lot of people on waiting lists, thousands in each State, even with the income levels down. As I said, in 8 States it is $17,000 less; in 14 States, it is $20,000 less. I don't know how a family earning $20,000 a year with all the other financial burdens they have also can meet a child care expense they may have.

So while I am deeply appreciative of the quandary he is in, I make a case this strengthens the likelihood we might get 51 votes for the bill. It is the kind of bipartisan proposal that has enjoyed so much support. It was unanimously adopted only a few weeks ago, so that it might, in fact, bring some people who would feel otherwise disinclined to support the legislation, but doing something, as he properly points out, for working families—it is all working folks now—trying to make ends meet, hold their families together. I know he knows this. I know he cares about it deeply.

I hope in the coming minutes before the vote occurs on this, while people may have voted one way on a variety of different bills, on this one, this amendment, they might say: On this one, we ought to, with forward funding, find that extra $900 million so we can make a difference for these families.

I am deeply appreciative of his kind words and his continuing efforts and fight. I was going to facetiously suggest, since his wonderful daughter-in-law and son went into the business, maybe the chairman might have to recuse himself on the vote since he may be compelled to vote to table. I say that only facetiously.

I am delighted his daughter-in-law and son have felt the need to be involved in the issue, and I am not surprised, knowing the Senator and his spouse, that their children would want to carry on this terrific tradition they have started.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. I thank my colleague from Connecticut for those generous comments. He is almost pervasive enough to get me to change my mind, but passage of this bill is more important.

Mr. President, I ask unanimous consent that after the first rollcall vote, which is 15 minutes in accordance with our practice, with a 5-minute leeway, that the subsequent votes be 10 minutes in duration.

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

Mr. SPECTER. Mr. President, with great reluctance, I move to table the Dodd amendment.

Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 1820

The PRESIDING OFFICER. There are now 2 minutes equally divided on the motion to table the Reid amendment.

The Senator from Nevada.

Mr. REID. Mr. President, if Members of the Senate have enjoyed and appreciated ''Prairie Home Companion,'' the great work of Ken Burns' ''Civil War,'' ''Baseball''—and now he is doing a new one on Susan B. Anthony and Liz Stanton dealing with the women's movement—and if they have enjoyed with their children ''Sesame Street,'' which is Big Bird and Elmo, then every person in the Senate should support my amendment.

We want to keep public broadcasting public and not commercial broadcasting. We do not want it, like most everything else in America, to be commercialized. Our children and the rest of America at least deserve this much from their Congress.

This amendment cries out for support. This is an education and labor bill, and I underline education. There is nothing more important as it relates to education than having a sound public broadcasting function of our Government.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, it is with reluctance, again, that I am compelled to oppose the Reid amendment. I like public broadcasting, but this bill has been crafted with some 300 programs. Public broadcasting is getting a $10 million increase. This is in the face of some very substantial problems which were raised with public broadcasting on the sale of lists to political organizations. Public broadcasting is very important, and with tight budget constraints, I think $350 million is an adequate allocation.

I must say, as the Senator from Nevada mentioned ''Sesame Street,'' again, it is a family matter. My three granddaughters are mad about ''Sesame Street.'' On goes the television, and their behavior is a model.

This budget can only stretch so far. It is crafted for more than 300 programs. The better course is to take the

$10 million increase, and $350 million is sufficient.

Parliamentary inquiry: Is there a tabling motion pending?

The PRESIDING OFFICER. The question is on agreeing to the motion to table amendment No. 1820. The yeas and nays have been ordered. The clerk will call the roll.

The legislative assistant called the roll.

Mr. NICKLES. I announce that the Senator from Arizona (Mr. MCCAIN), the Senator from Florida (Mr. MACK), the Senator from Rhodes Island (Mr. CHAFEE), the Senator from Ohio (Mr. DEWINE), and the Senator from Wyoming (Mr. THOMAS) are necessarily absent.

The result was announced—yeas 51, nays 44, as follows:

{Rollcall Vote No. 301 Leg.}

YEAS—51

Abraham	Feingold	McConnell
Allard	Fitzgerald	Murkowski
Ashcroft	Frist	Nickles
Bennett	Gorton	Roberts
Bond	Gramm	Roth
Brownback	Grams	Santorum
Bunning	Grassley	Sessions
Burns	Gregg	Shelby
Campbell	Hagel	Smith (NH)
Cleland	Hatch	Smith (OR)
Cochran	Helms	Snowe
Collins	Hutchinson	Specter
Coverdell	Hutchison	Stevens
Craig	Inhofe	Thompson
Crapo	Kyl	Thurmond
Domenici	Lott	Voinovich
Enzi	Lugar	Warner

NAYS—44

Akaka	Feinstein	Lieberman
Baucus	Graham	Lincoln
Bayh	Harkin	Mikulski
Biden	Hollings	Moynihan
Bingaman	Inouye	Murray
Boxer	Jeffords	Reed
Breaux	Johnson	Reid
Bryan	Kennedy	Robb
Byrd	Kerrey	Rockefeller
Conrad	Kerry	Sarbanes
Daschle	Kohl	Schumer
Dodd	Landrieu	Torricelli
Dorgan	Lautenberg	Wellstone
Durbin	Leahy	Wyden
Edwards	Levin	

NOT VOTING—5

Chafee	Mack	Thomas
DeWine	McCain	

The motion was agreed to.

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

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. There are now 2 minutes equally divided on the motion to table the Graham amendment.

Who seeks recognition?

The Senator from Alaska.

Mr. STEVENS. Mr. President, our staff tells me that we now have 62 amendments pending to this bill. That means we are going to be here an awful long time on this bill. I think I am going to request that the leader initiate a weekend session if we are going to get this bill passed.

We had this bill out of committee with the hopes that we could get it passed today at the end of the fiscal year so we could once again get back to the habit of passing all the bills in the Senate that come from the Appropriations Committee by the end of the fiscal year at least.

I hope Senators will tell us seriously how many of these amendments they intend to call up. There are 41 on that side of the aisle and 21 on this side of the aisle. Most of them are riders, and if you put them on the bill, we will drop them in conference anyway. Beyond that, those amendments that take money, you have to take money from some other Senator to get them passed.

Let's not play games with this bill. It is the last bill. It is the biggest bill. This is the largest bill. Two-thirds of this bill is not even subject to our control. Two-thirds of the bill is entitlements. I hope we will start watching those entitlement bills and understand it is a very hard bill to put together.

I congratulate the Senator from Pennsylvania and the Senator from Iowa for their handling of the bill. But I plead with you to tell us which of these amendments you really want to call up.

I see my good friend from Nevada. He doesn't have on the right tie today. But he is a man who believes, as I do, that bills should move forward as rapidly as we can move them. I hope I have his help in urging Senators to tell us which of these amendments you really want considered by the Senate and give us a time agreement on them so we know how long it will take before we finish this bill.

Does the Senator wish the floor?

Mr. REID. Mr. President, I say to my friend from Alaska that the managers of the bill on our side have suggested maybe we should drop your amendments and our amendments. Would the Senator be willing to do that?

Mr. STEVENS. I would be happy to move to table them all and go to conference tonight.

Mr. REID. That is something we were talking about over here.

I say to the chairman of the full committee that we have already looked at these amendments. A number of Members on this side are waiting to see what amendments are being offered on the other side. There are a couple of amendments that are going to cause this bill a really slow ride through these Halls. One is on ergonomics, which is a real problem; we have a dozen or so Senators who want to speak in relation to that amendment.

So I think a lot depends on what amendments are offered on the majority side to see how we can weed out some of these amendments over here.

Mr. STEVENS. Mr. President, I ask the Parliamentarian to look at all of the amendments and see which of them are subject to rule XVI. I intend to raise rule XVI against any amendment I can raise it against.

The PRESIDING OFFICER. The Senator from Florida has the floor.

Mr. GRAHAM. Mr. President, I suggest the Senate is not in order.

The PRESIDING OFFICER. The Senator is correct.

The Senate will be in order.

The Senator from Florida.

AMENDMENT NO. 1821

Mr. GRAHAM. Mr. President, we are talking about one of those entitlement issues Senator STEVENS just described.

The Finance Committee of the Senate and the Ways and Means Committee of the House established the funding level for title XX of the SSBG of their bill at $2.38 billion. The appropriators have reduced that amount to $1.50 billion, a cut of over 50 percent. This violates a commitment the Congress made with the Governors in 1996 as part of the welfare-to-work legislation. Therefore, the Governors are opposing the position the committee has taken.

This is a backdoor violation of the commitment that 71 Senators made when we voted against having the Federal Government direct how the States' tobacco settlement was spent.

Why is this? Because the way in which the subcommittee recommends we make up this difference is to direct the States to use their tobacco money to fill this gap. Seventy-one Members of the Senate—48 Republicans and 23 Democrats—voted in March of this year to do exactly the opposite of what we are now being asked to do.

Mr. President, this is a matter of honor of the Senate and our commitment to our partners in the Federal system, the States.

I urge that this motion to table be defeated.

Mr. SPECTER. Mr. President, as much as I have always favored the social services block grant program, the funding level in this bill is established as a matter of priority.

If we want to add to education $2.3 billion, significant additions to the National Institutes of Health, and crafting some 300 programs, this is the level which is appropriate. The States can transfer up to 5 percent of their temporary assistance to needy families in this program through these block grants, which amounts to $16.5 billion. Mr. President, $825 million are available there.

At the close of the first quarter of fiscal year 1999 States had $4.22 billion, so it can be made up. People may not want to consider the tobacco funds, but the States have about $203 billion which has been given to them, where the argument was it should have come to the Federal Government to support these block grant programs.

If we are to pass this bill, if we are to get 51 votes, $91.7 billion, we can't add additional funds with this amendment.

The PRESIDING OFFICER (Mr. BENNETT). All time has expired. The question is on agreeing to table the amendment No. 1821. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Arizona (Mr. MCCAIN),

the Senator from Florida (Mr. MACK), the Senator from Rhode Island (Mr. CHAFEE), and the Senator from Wyoming (Mr. THOMAS) are necessarily absent.

The result was announced—yeas 39, nays 57, as follows:

[Rollcall Vote No. 302 Leg.]

YEAS—39

Allard	Feingold	McConnell
Ashcroft	Fitzgerald	Murkowski
Bond	Frist	Nickles
Brownback	Gorton	Roberts
Bunning	Gramm	Sessions
Burns	Grams	Shelby
Campbell	Gregg	Smith (NH)
Cochran	Hagel	Specter
Coverdell	Helms	Stevens
Craig	Inhofe	Thompson
Crapo	Kyl	Thurmond
Domenici	Lott	Voinovich
Enzi	Lugar	Warner

NAYS—57

Abraham	Edwards	Levin
Akaka	Feinstein	Lieberman
Baucus	Graham	Lincoln
Bayh	Grassley	Mikulski
Bennett	Harkin	Moynihan
Biden	Hatch	Murray
Bingaman	Hollings	Reed
Boxer	Hutchinson	Reid
Breaux	Hutchison	Robb
Bryan	Inouye	Rockefeller
Byrd	Jeffords	Roth
Cleland	Johnson	Santorum
Collins	Kennedy	Sarbanes
Conrad	Kerrey	Schumer
Daschle	Kerry	Smith (OR)
DeWine	Kohl	Snowe
Dodd	Landrieu	Torricelli
Dorgan	Lautenberg	Wellstone
Durbin	Leahy	Wyden

NOT VOTING—4

Chafee	McCain
Mack	Thomas

The motion was rejected.

Mr. GRAHAM addressed the Chair.

The PRESIDING OFFICER. The Senator from Florida.

Mr. GRAHAM. Mr. President, I move to reconsider the vote and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. GRAHAM. Mr. President, I ask that the underlying amendment, as amended, be voice voted.

The PRESIDING OFFICER. Is there objection?

Mr. SPECTER. I object.

Mr. GRAHAM. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

Mr. GRAHAM. I would like to dispose of this matter now.

Mr. STEVENS addressed the Chair.

The PRESIDING OFFICER. The regular order is 2 minutes equally divided on the Dodd amendment.

Mr. GRAHAM. Mr. President, I think I had asked for the yeas and nays on the underlying amendment, as amended.

The PRESIDING OFFICER. A sufficient second has not been obtained. Is there a sufficient second?

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative assistant proceeded to call the roll.

Mr. NICKLES. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

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

Mr. NICKLES. Mr. President, regular order.

AMENDMENT NO. 1813

The PRESIDING OFFICER. The regular order is there are now 2 minutes equally divided on the Dodd amendment.

The Senator from Alaska.

Mr. STEVENS. Mr. President, I make a point of order that this amendment violates the Budget Act in that it exceeds the 302(b) allocations of the subcommittee.

The PRESIDING OFFICER. The point of order is against the Dodd amendment?

Mr. STEVENS. The Dodd amendment would increase the amount under this child care development block grant. This bill is at its ceiling now. There is no additional money. I was told at first that it was written so it would apply to 2001. That is not the case.

The amendment is not subject to amendment, as I understand it, under the procedure we are under right now and cannot be cured, and I make the point of order that it violates the Budget Act.

The PRESIDING OFFICER. Under the rule, the point of order is not in order until the time is expired—the motion to table has been made—and been disposed of. The regular order calls for 2 minutes equally divided.

Mr. STEVENS. Parliamentary inquiry. When I came in, I understood one of the sponsors had urged the adoption of this amendment; isn't that so?

The PRESIDING OFFICER. The question is on the motion to table and that takes priority over the point of order. The point of order will be in order when the debate on the motion to table has expired and the vote has taken place.

Who yields time? The Senator from Connecticut.

Mr. DODD. Mr. President, briefly, this is an amendment we have voted on—this is the fourth time in the last 7 months. I thank my colleagues for the bipartisan support that the Dodd-Jeffords-Snowe and others amendment has been given. Unfortunately, it has been dropped in conference in the past so it has not been adopted.

It was adopted unanimously by this body only a few weeks ago. Prior to that, it was a 66–33 vote. Unlike the previous votes, this is discretionary funding, not mandatory funding. It tries to deal with the issue of child care, something about which we all care.

We now know today that 1 in 10 families is struggling to make ends meet. They are the poorest families in America and are working every day and not on public assistance. Today, in 25 States, if you earn more than $20,000, you do not qualify for child care assistance.

I don't know how a family of four, earning $20,000 a year, with young children—where the parents are working, where they need to place these children in a safe place during the day—can afford that without some help.

For 10 years now, since Senator HATCH and I sponsored the child care development block grant that was adopted, this Congress has supported a child care program.

Today, we want to serve more than just the 1 in 10 that is being served. This amendment does that. My colleagues have voted for it in the past. I urge my colleagues to do so again.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, in order to save time, I ask unanimous consent to withdraw the motion to table.

The PRESIDING OFFICER. Is there objection?

Mr. HARKIN. I object.

Mr. DODD. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. GRAMM. Would the Senator yield?

The PRESIDING OFFICER. The Senator from Pennsylvania has the floor, under the regular order, for 1 minute.

Mr. GRAMM. Would the Senator from Pennsylvania yield?

Mr. SPECTER. Yes.

Mr. GRAMM. We will be voting on the motion to table. At that point, the point of order will lie. All we are going to do is cost every Senator 15 or 20 minutes. It will not change anything.

Mr. DODD. I say to my colleague, there is obviously a different vote count on the tabling motion than there is on a point of order. I would argue the point of order, but I am hoping——

The PRESIDING OFFICER. The Senator from Pennsylvania has the time.

Mr. SPECTER. Mr. President, reluctantly, I am opposed to the amendment, which would add some $900 million to this bill. There have been substantial increases on child care and on child care entitlement. If we have $900 million added to this bill—which is now at $91.7 billion—it is the log that breaks the camel's back. I think it is a very good program, but in establishing priorities, we have already allocated very substantial funds to this line. Therefore, I am opposed to the amendment and I move to table.

The PRESIDING OFFICER. The question is on the motion to table. The yeas and nays have been ordered.

Mr. STEVENS. I ask unanimous consent that I be allowed just 30 seconds.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Alaska is recognized for 30 seconds.

Mr. STEVENS. I wish to correct my statement. This does amend a section in this bill, which is advance funding, and it is, therefore, not subject to the point of order I would have made.

The PRESIDING OFFICER. The regular order is on agreeing to the motion

to table amendment No. 1813. The yeas and nays have been ordered. The clerk will call the roll.

The legislative assistant called the roll.

Mr. NICKLES. I announce that the Senator from Arizona (Mr. MCCAIN), the Senator from Florida (Mr. MACK), the Senator from Wyoming (Mr. THOMAS), the Senator from Rhode Island (Mr. CHAFEE), and the Senator from Missouri (Mr. BOND) are necessarily absent.

The result was announced—yeas 41, nays 54, as follows:

[Rollcall Vote No. 303 Leg.]

YEAS—41

Allard	Frist	McConnell
Ashcroft	Gorton	Murkowski
Brownback	Gramm	Nickles
Bunning	Grams	Roberts
Burns	Grassley	Santorum
Byrd	Gregg	Sessions
Cochran	Hagel	Shelby
Coverdell	Helms	Smith (NH)
Craig	Hutchinson	Specter
Crapo	Hutchison	Stevens
Domenici	Inhofe	Thompson
Enzi	Kyl	Thurmond
Feingold	Lott	Voinovich
Fitzgerald	Lugar	

NAYS—54

Abraham	Durbin	Lieberman
Akaka	Edwards	Lincoln
Baucus	Feinstein	Mikulski
Bayh	Graham	Moynihan
Bennett	Harkin	Murray
Biden	Hatch	Reed
Bingaman	Hollings	Reid
Boxer	Inouye	Robb
Breaux	Jeffords	Rockefeller
Bryan	Johnson	Roth
Campbell	Kennedy	Sarbanes
Cleland	Kerrey	Schumer
Collins	Kerry	Smith (OR)
Conrad	Kohl	Snowe
Daschle	Landrieu	Torricelli
DeWine	Lautenberg	Warner
Dodd	Leahy	Wellstone
Dorgan	Levin	Wyden

NOT VOTING—5

Bond	Mack	Thomas
Chafee	McCain	

The motion was rejected.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 1886

Mr. GRAHAM. Mr. President, I ask unanimous consent to return to my second amendment for purposes of a voice vote.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. GRAHAM. I ask for a voice vote on the amendment.

The PRESIDING OFFICER. The question is on agreeing to the second-degree Graham amendment.

The amendment (No. 1886) was agreed to.

Mr. DODD. Mr. President, point of order: Is the question now on the Dodd amendment?

AMENDMENT NO. 1821

The PRESIDING OFFICER. The question now is on agreeing to the first-degree Graham amendment, as amended.

The amendment (No. 1821), as amended, was agreed to.

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

Mrs. BOXER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1813

Mr. DODD. Mr. President, may I inquire, do we move now to the Dodd amendment?

The PRESIDING OFFICER. The Dodd amendment has not been agreed to. The motion to table failed. The Dodd amendment has not been agreed to.

Mr. DODD. Regular order. I ask unanimous consent to have a voice vote on the Dodd amendment.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Without objection, the amendment is agreed to.

The amendment (No. 1813) was agreed to.

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

Mrs. BOXER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1885

The PRESIDING OFFICER. The Senate will be in order.

The regular order is now on the motion to table the Coverdell amendment. Two minutes are equally divided. The yeas and nays have been ordered.

Who yields time?

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, may I inquire. I asked the Parliamentarian for a list of those amendments that violated rule XVI that have been offered by various tenders. May I inquire, when will it be in order for me to make my points of order against those amendments that violate rule XVI?

The PRESIDING OFFICER. The amendments would have to be pending before the point of order would be in order.

Mr. STEVENS. Mr. President, I will leave on the desk a list of the amendments that have been found to violate rule XVI.

May I make a further parliamentary inquiry. Under the new rule XVI, the Parliamentarian's rule cannot be waived; is that correct?

The PRESIDING OFFICER. There is no provision to waive rule XVI.

Mr. STEVENS. I would like to leave this on my desk and ask Members to see if their amendments are within this category. If they wish to withdraw them, of course, I will not make a motion to table them. I think that would be the easiest way to dispose of them—to have Members withdraw their amendments. But I do intend to make a point of order under rule XVI against some 23 amendments before the evening is over.

The PRESIDING OFFICER. The regular order is 2 minutes equally divided. Who yields time?

The Senator from Wyoming.

Mr. ENZI. Mr. President, on this amendment on which we are about to vote, we have given an increase to OSHA for the work they do. What I am asking is that we continue to recognize there are parts of those that go in hand in hand. One of the parts is enforcement. The other is consultation.

There are 1,275 pages of OSHA that every business has to follow. They need the consultation to be able to wade through that. They need somebody they can ask to be able to get answers.

I have taken the increase in OSHA and given some recognition that consultation ought to be a part of that. Consultation will help. I don't know that they will spend it that way. We don't have any really good oversight to see that. But it is the trend we have to follow. Sixty-six percent of their money goes to enforcement and 30 percent goes to consultation. I am asking you to split this money in recognition between the two so that kind of an emphasis will continue.

I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I think the bill in its present form has the appropriate balance between conciliation and enforcement. In the last 5 years, enforcement has declined $3 million, from $145 million to $142 million; conciliation has grown from $31.5 million to almost $41 million, an increase of 30 percent.

I think the bill as written is proper. I might add that it does not unduly prejudice the case on the merits, and if the Enzi amendment is not tabled under the unanimous consent agreement, Senator WELLSTONE has leave to file a second-degree amendment with 15 minutes to argue it, to be followed by another rollcall vote.

The PRESIDING OFFICER (Mr. SESSIONS). The question is on agreeing to the motion to table amendment No. 1885. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Arizona (Mr. MCCAIN), the Senator from Rhode Island (Mr. CHAFEE), the Senator from Florida (Mr. MACK), and the Senator from Wyoming (Mr. THOMAS) are necessarily absent.

Mr. REID. I announce that the Senator from Massachusetts (Mr. KENNEDY) is necessarily absent.

The result was announced—yeas 44, nays 51, as follows:

[Rollcall Vote No. 304 Leg.]

YEAS—44

Akaka	Conrad	Hollings
Baucus	Daschle	Inouye
Bayh	Dodd	Johnson
Biden	Dorgan	Kerrey
Bingaman	Durbin	Kerry
Boxer	Edwards	Kohl
Bryan	Feingold	Lautenberg
Byrd	Feinstein	Leahy
Campbell	Graham	Levin
Cleland	Harkin	Lieberman

Lincoln	Reid	Specter
Mikulski	Robb	Torricelli
Moynihan	Rockefeller	Wellstone
Murray	Sarbanes	Wyden
Reed	Schumer	

NAYS—51

Abraham	Fitzgerald	Lugar
Allard	Frist	McConnell
Ashcroft	Gorton	Murkowski
Bennett	Gramm	Nickles
Bond	Grams	Roberts
Breaux	Grassley	Roth
Brownback	Gregg	Santorum
Bunning	Hagel	Sessions
Burns	Hatch	Shelby
Cochran	Helms	Smith (NH)
Collins	Hutchinson	Smith (OR)
Coverdell	Hutchison	Snowe
Craig	Inhofe	Stevens
Crapo	Jeffords	Thompson
DeWine	Kyl	Thurmond
Domenici	Landrieu	Voinovich
Enzi	Lott	Warner

NOT VOTING—5

Chafee	Mack	Thomas
Kennedy	McCain	

The motion to table was rejected.

The PRESIDING OFFICER. The question is on agreeing to the second-degree amendment.

Mr. STEVENS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, on the desk of the clerk and on the desk of the two managers of the bill is a list of the amendments that, in the opinion of the Parliamentarian, violate rule XVI.

I ask I be notified by the Chair at any time any one of those amendments is called up. I ask unanimous consent I be notified if any of those amendments on the list at the desk are called up.

Mr. REID. Reserving the right to object, Mr. President, would the chairman mind if somebody else initiated the point of order? He would not have to be here if somebody else did it.

Mr. STEVENS. I assure the distinguished whip that I will be here. But in the event I am not here, I have not asked that I be the one to have the exclusive right to make a point of order. I only asked I be notified if it is called up. In effect, I am serving notice if you call up that amendment, I will make the point of order.

The PRESIDING OFFICER. Is there objection?

Mr. HARKIN. Reserving the right to object, what is the unanimous consent request?

The PRESIDING OFFICER. The request is the Senator be notified if any of those amendments are called up that violate rule XVI.

Mr. HARKIN. I don't mind that.

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

The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I move to reconsider the vote on the Enzi amendment.

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

The motion to lay on the table was agreed to.

Mr. NICKLES. Regular order.

The PRESIDING OFFICER. The question is on agreeing to the second-degree amendment.

The amendment (No. 1885) was agreed to.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. WELLSTONE. Mr. President, for the information of my colleague, I was so overwhelmed with this past vote, I was so moved by this past vote to give me an opportunity to speak even more on the floor of the Senate, that I am now going to vitiate that part of the unanimous consent agreement to have a vote on this second-degree amendment so colleagues could leave.

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

THE PRESIDING OFFICER. The question is on agreeing to the first-degree amendment.

The amendment (No. 1846) was agreed to.

● Mr. MCCAIN. Mr. President, I commend both Senator SPECTER and Senator HARKIN for their dedicated work on this legislation which provides federal funding for the Departments of Labor, Health and Human Services (HHS), and Education. This appropriations bill provides funding for many critical programs directly helping American families and providing important assistance to our most important resource, our children.

One of the most important components in this bill is its vital support for education. We owe it to each and every child to ensure that they have access to a high quality education. This is why I am pleased that this bill increases funding for Department of Education to almost $38 billion, including nearly $6 billion for educating children with special needs and $5.2 billion for the Head Start program.

I am also pleased to note that this bill prohibits federally funded national education standards. It continues to be my strong belief that our nation must have higher learning expectations for our children but academic standards must be controlled by state and local authorities, not the bureaucrats in Washington.

This bill contains important resources for helping make college and continuing education more affordable for all Americans. Under this bill, the maximum loan amount for post-secondary education would be the highest level in the program's history—$3,325 per student. In addition, this legislation provides $1.4 billion for higher education opportunities, including $180 million for GEAR UP which assists under-privileged children and $5 million to provide access to affordable child care for parents struggling to complete their college education while raising their children.

I am particularly pleased that this bill provides significant funding for medical research at the National Institutes of Health, NIH, $17.6 billion, which is an increase of $2 billion from last year. I am sure that my colleagues share my support for this 13 percent increase in funding for vital research which could lead to important scientific breakthroughs which will improve the health of our citizens. Finally, I am encouraged to note that this bill took an important step towards meeting the needs of over 7,000 children and families whose lives have been devastated by hemophilia-related AIDS, by beginning to fund the Ricky Ray Act as authorized by Congress last year.

Furthermore, I was pleased to learn that the sections allocating funding for Labor, HHS and Education were free of direct earmarks, set asides or unauthorized appropriations. However, my initial enthusiasm was dampened somewhat upon reviewing the report language. While the Committee made a concerted effort to not include any specific earmarking in those Departments' budgets, the report contains an exorbitant amount of directive language that is clearly intended to have the same effect as an earmark. By this, I mean the use of words like ''encourage'', ''urge'', and ''recommend'' in connection with references to particular institutions, projects, or proposals that the Committee would obviously like the relevant agencies to fund.

These are not direct earmarks, but I am sure the programs which the Committee ''encourages'' or ''urges'' the agencies to support will receive special consideration. While the Committee avoided providing a line item for funding specific projects, it stated its strong preference for the funding or continued funding of many specific projects which would clearly bypass the competitive funding process.

I will highlight a few examples of report language that contain a multitude of expressions of support, short of earmarks, for particular projects. These include:

The Committee urges the Department of Labor to give full and fair consideration to funding requests submitted by the Commonwealth of Pennsylvania to retrain incumbent workers.

The Committee encourages the Department of Labor to support agricultural training for dislocated sugarcane workers in Hawaii.

The Committee recommends continued support by the Department of Labor for the Alaska Federation of Natives Foundation to develop and train Alaska native workers for year-round employment within the petroleum industry.

The Committee encourages the agency to contribute technical assistance to the University of Nevada at Reno and Las Vegas toward the establishment of educational channels for a school of pharmacy.

The Committee stated its awareness of the San Bernardino County Medical Center proposal to create a ''hospital without walls.'' In addition, the Committee notes that the Santa Rosa Memorial Hospital is proposing the creation and implementation of a Northern California Telemedicine Network.

The Committee is aware of a proposal by the Montana State University-Billings to develop in collaboration with

medical facilities in the area a telemedicine program to provide preventive medicine and support services to the large elderly population in Billings and eastern Montana.

The Committee continues to be supportive of the work being conducted by the Low Country Health Care Systems.

The Committee encourages priority be given to the University of Hawaii at Hilo Native Language College when allocating funds for native Hawaiian education.

The Committee is concerned about the absence of technology integration in the north central communities of Pennsylvania. The committee notes the efforts of the Lock Haven University of Pennsylvania for its development of two regional networks to link these rural communities.

Mr. President, I could continue listing the specific projects, which the report highlights and for which the Committee provides encouragement for continued or new funding, but I will not waste the Senate's valuable time. Due to its length, the list I compiled of objectionable provisions included in the Senate report cannot be printed in the RECORD. This list will be available on my Senate website.

It is simply inappropriate that the committee is attempting to influence the open, competitive funding process, thereby limiting the funds available to workers, schools, hospitals, and communities around the country which are not fortunate enough to live in a State with a Senator on the Appropriations Committee.●

Mr. ASHCROFT. Mr. President, I rise to speak on a very important subject. I am referring to teen smoking.

Currently, teen smoking rates are far too high and they continue to rise. Since I left the Missouri Governor's office, teen smoking in Missouri has increased from 32.6% to 40.3%—almost a 24% increase! In fact, today, Missouri ranks sixth in the nation in teen smoking.

While there is disagreement in this body on where teen smoking policies should be set—at the federal or state level—we all agree that it must be addressed.

Seven years ago, in an attempt to tackle this problem, the United States Congress passed what is now known as the Synar Amendment. This amendment required the states to meet specified targets in reducing teen access to cigarettes. It did not tell the States how to meet the targets but just that they had to meet them.

I believe, as I argued during the debate on the Federal tobacco tax legislation, that States are in the best position to tackle the serious problem of teen smoking. Governors, state legislatures, mayors, and city councils know how to target their programs. They know how to tailor educational programs for the local schools and communities. They have better access to convenience store owners and other retail establishments where teens buy cigarettes.

With that in mind, I am deeply troubled about our current situation.

Mr. President. Today, there are seven states and the District of Columbia who failed to meet their targets to reduce teen access to cigarettes. They have failed the state's teens and their parents. In addition, since their failure triggered a cut in federal block grant funds of 40%, they have failed those who need treatment for drug abuse and addiction under the Substance Abuse and Mental Health Services Administration (SAMHSA).

I guess we could be optimists and focus on the fact that 43 states did meet their targets. Forty-three states that made it a priority to cut teen smoking have succeeded. Forty-three states worked with local communities and found a way to reduce teen smoking. Therefore, 86% of the states met their goals—shouldn't we be pleased by that?

Unfortunately I cannot be an optimist today. For one of those seven states who failed to meet the target was the State of Missouri. This is an important issue to me. As Governor of the State of Missouri, I signed the law that now makes it illegal to sell minors tobacco.

Under the federal law, the State of Missouri had to make sure that no more than 28% of teens who attempted to purchase cigarettes were successful. That seems reasonable—however, the actual success rate was 33%. That means that in one out of every three minors attempting to buy cigarettes was successful. One out of Three!

Due to this failure, the State of Missouri is set to lose $9.6 million to be used for drug addiction treatment. That is $9.6 million to be used to help drug addicted pregnant women, to reduce teen drug use, and to provide treatment to those whose lives have been destroyed by a lifetime of drug use.

In this discussion, it is important to recognize that we have given the states the tools they need to fight teen smoking. We rejected the mammoth—bureaucracy and tax laden—tobacco bill. I led the fight against that bill. By defeating that bill, we made sure the tobacco money went to the states for tobacco prevention programs—and was not wasted on federal bureaucracy—on the 17 new boards, commissions, and agencies established in the bill.

By defeating that bill, the states got the money rather than Washington. In fact, by killing that bill the State of Missouri received $6.7 billion from the tobacco settlement. That money is more than a third more resources than they would have received under the federal legislation. In addition to money, the states won clear limits from the tobacco companies on marketing techniques aimed at young people.

With this Settlement in mind, it is even more disappointing that today we are left with this tough choice. We either respect the federal law and penalize those who are in need of drug treatment programs—or we bail out these states who have failed our nation's teens.

In trying to determine the best course of action, we listened to the experts. Barry McCaffrey, the President's Drug Czar, stated that by withholding these funds ''. . . some heroin addicts might be forced back on the streets to return to a criminal life.'' He says: ''[w]e agree that the carrot-and-stick approach of the law can serve a purpose of pushing compliance, but we must not throw the baby out with the bathwater by increasing drug addiction and crime.'' It is a tough choice, but we must protect Americans from the scourge of drug use.

In addition, I can't let those in the State of Missouri suffer due to the State's ineffective enforcement program. I am pleased to have worked with Senator BOND, the Senior Senator from Missouri, and other members whose states did not meet their targets in finding a solution to this problem.

There is no question that the agreement does not contain everything I believe it should—such as creating penalties for teens who purchase, use and possess cigarettes. I continue to believe that if we really want to reduce youth smoking, we must place some responsibility on teens.

However, I am relieved we have found a solution. These states will be forced to devote new money to anti-teen smoking programs. Based on that commitment, they will receive their SAMHSA money.

I hope we do not find ourselves in this same position next year. This should be a wake up call to these states to step up their enforcement and pass tough teen smoking laws. The increase in teen smoking rates is unacceptable.

Mr. LOTT. Mr. President, we will be doing wrapup momentarily.

The PRESIDING OFFICER. The majority leader will withhold.

The majority leader.

Mr. LOTT. I would like to notify the Members that there will be some more time taken on the bill itself, but that will be the final recorded vote for tonight, the last vote for tonight. There will be at least one vote tomorrow. I am still working on both sides to make a final determination on Monday. It is anticipated we will have at least one vote, maybe more, on Monday. But we have not locked that in yet. We will notify you of that officially tomorrow.

I ask unanimous consent Senator COLLINS be recognized at 9 a.m. on Friday to call up her amendment, No. 1824, there be 30 minutes of debate equally divided in the usual form, and a vote to occur immediately on conclusion or yielding back of time and no second-degree amendments in order. That would mean the vote tomorrow would be at 9:30.

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

Mr. LOTT. The next vote will occur at 9:30 in the morning.

UNANIMOUS-CONSENT AGREEMENT—S. 82

Mr. LOTT. Mr. President, I congratulate all who have been involved in this next unanimous consent. A lot of effort has gone into it. I will not name them individually, but I know several Senators have been following very closely.

I ask unanimous consent on Monday, October 14, it be in order for the majority leader to proceed to the consideration of S. 82, the FAA reauthorization bill, that the majority and minority managers of the bill be recognized to modify the committee amendments, and further that only aviation-related amendments be in order to the bill, that relevant second-degree amendments will be in order.

The PRESIDING OFFICER. Is there objection?

Mr. WYDEN. Mr. President, reserving the right to object.

The PRESIDING OFFICER. The Senator is recognized.

Mr. WYDEN. Mr. President, I do not intend to object. But I have been trying now for almost 2 years on this very important legislation to deal with a very serious problem my constituents have brought to my attention dealing with the loophole-ridden Death On The High Seas Act.

We had families at home in Oregon lose loved ones in international waters as a result of a situation where a Korean freighter ran them over. I have been repeatedly assured in the Senate Commerce Committee that we would have an opportunity on the floor of the Senate to remedy this great injustice. In fact, Chairman MCCAIN had agreed with me previously to work to reform the Death On The High Seas Act to ensure that victims of maritime accidents would have the same rights as those provided to victims of aviation accidents under the FAA bill.

I have been extremely patient with respect to this matter. I have indicated on at least two occasions that I would not offer the amendment. I do not intend to do it now because the FAA legislation is of such extraordinary importance. But I want to make it clear to the Senate that at the next available opportunity, I am going to do everything I can to ensure that these victims of these maritime tragedies—tragedies in international waters where very often they are run over by foreign freighters and left at sea languishing for hours and hours—actually have a remedy. They do not today. It is a grave injustice.

We have discussed this at considerable length in the Senate Commerce Committee. In fact, we even made changes in the Death on the High Seas Act in the past without addressing this particular issue.

I do not intend to hold up the consideration of the FAA legislation because it is so important, but I want to make it very clear to the Senate that at the next available opportunity, we are going to debate this on the floor of the Senate. We are going to have an up-or-down vote on it. My colleagues are now aware of that.

Mr. President, I withdraw my reservation.

Several Senators addressed the Chair.

The PRESIDING OFFICER. Is there objection?

Mr. WARNER. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, may I address the distinguished majority leader who has been very helpful to the interests of my State given that National Airport and Dulles Airport are undergoing extensive modernization. In the present form of the bill that the leader has designated, is that issue taken care of? If not, is the opportunity open for the Senator from Virginia and others to address that issue?

Mr. LOTT. Mr. President, if the Senator will yield under his reservation, first, I thank Senator WYDEN for his comments and for the record he has made and for not objecting. I know this is an important issue to him. He could object and bring additional pressure on the chairman and the committee. He is on the committee. I know he will continue to work on it. I know he and Senator MCCAIN will be talking about it on Monday. I thank him for not objecting.

With regard to the question of the Senator from Virginia, I believe the issue that is so important to him is addressed in the bill the way he understands it to be. But if it is not or if there is any problem, under this unanimous consent request, relevant amendments on aviation would be in order and any amendment that he or the other Senator from Virginia wishes to offer with regard to this matter would be in order and would be protected.

Mr. WARNER. Mr. President, I thank my distinguished leader. Likewise, the issue of the number of slots has been a moving target. May I inquire as to the current specification in the bill and whether or not that could be changed by the proponents of the bill under this UC between now and the date it is brought up?

Mr. LOTT. Mr. President, in answer to the Senator's question, I have in my mind the number of slots that are available based on the discussions he and I have had over about 2 years. I am assuming that is what is in the bill. I have to check and make sure of the exact number, but whatever it is, if the Senator is not satisfied with that, an amendment and a debate to change that number would certainly be in order.

Mr. WARNER. Mr. President, I thank our leader for the assistance he has given throughout the years to the Commonwealth of Virginia and other interested parties with regard to these two airports.

Mr. LOTT. Mr. President, I thank the Senator from Virginia.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, reserving the right to object and I shall not—I do not think I will—as I understand this unanimous consent agreement, this will be the FAA bill with relevant amendments. Does the majority leader intend to bring up the nuclear waste bill?

Mr. LOTT. I would like to bring up the nuclear waste bill. I think this is a major environmental issue. It is very important to a number of States, I believe, including the Senator's State of Minnesota.

There has been an indication there may be a desire for a filibuster and perhaps the Democrat leadership would not support cloture on this very important issue. If that is the case, then I would not be inclined to file cloture on it on Friday, giving us additional time to see if we can work out an agreement or accommodation as to how to bring up that very important issue.

I do not know how many States have nuclear waste sitting in open cooling pools or how many people have looked at the need to address this problem. I believe a large number of Senators probably as many as two-thirds or more, believe we need to move this legislation. I want to find a way to do that.

Mr. WELLSTONE. If I can do a quick followup, the reason I asked the majority leader was actually less because of the subject matter of that bill but the question whether or not he also plans on restricting it to relevant amendments. What I am asking is, when will I have an opportunity as a Senator from Minnesota to bring legislation to the floor of the Senate which will alleviate the economic pain and suffering of family farmers? That is what I want to know. Are we going to have an opportunity for debate on agriculture policy?

Mr. LOTT. We certainly know the Senator from Minnesota has views on that or amendments he wants to offer. One of the things we are planning on doing, I say to the Senator—and Senator DASCHLE may want to talk about it—is to bring up the sanctions bill. I do not know whether or not the Senator's amendments will be in order to that. It does relate to food and agriculture. He may have something to say or some amendment he wants to offer on that.

We have not agreed on a time. You may wind up objecting to it, but I think it is high time we have some debate around here and some thought about how we deal with these unilateral sanctions of countries, how we use food and medicine in that area. We had a vote on it in Agriculture. It is still very controversial. I have indicated it is my intent and it is my hope, if we can find a way, to bring that bill to the floor.

Mr. WELLSTONE. With an opportunity for other amendments dealing with agriculture.

Mr. LOTT. I believe they probably could be offered to that bill. I do not particularly relish the idea, but I think they probably could be.

Mr. WELLSTONE. I thank the majority leader.

The PRESIDING OFFICER. The Democratic leader.

Mr. DASCHLE. Mr. President, will the majority leader yield? He made reference to a couple of matters which ought to be addressed briefly.

First, with regard to nuclear waste, I know of nobody on this side of the aisle who wishes to filibuster the bill, and I will be happy to clarify that with the majority leader. I think there is an interest, however, in amending the bill. We would love to have the bill come to the Senate floor under normal Senate order, regular order, and if the bill were brought up under regular order, we would be in support of moving the bill and voting in favor of the motion to proceed. I will be happy to work with the majority leader to schedule that, if we could accommodate Senators who wish to offer amendments.

With regard to the FAA debate, this was one of the more difficult agreements. I appreciate the ability of many of our colleagues to allow us the opportunity to have this debate on Monday. But I must say that, once again, this is a unanimous consent request to limit debate and limit amendments. We are agreeing to this only because we believe the FAA bill is a matter of great national security and of import not only for safety and health of aviation but because we believe we have already taken too long to reauthorize this legislation.

So because of the expiration of the authorizing legislation, because of the safety and health matters, we share the view that this legislation ought to come up and be debated and that we ought to limit ourselves to relevant amendments.

But again I say that we have not had a bill before the Senate under regular Senate order since last May. We have gone through June, July, August, and now September—4 months—and we are simply saying: Let's bring bills to the floor under regular order. Let's have a good debate, and let's have amendments offered. I am hopeful that we can work through the rest of the agenda with that in mind.

So we are not going to object to this bill being brought up, again, under abnormal Senate order and rule. But I think there is a growing concern that too many bills are coming to the floor without the opportunity for a full debate.

So whether it is nuclear waste or whether it is an array of other bills that could come to the floor, we are ready to debate them. We are ready to have a good amount of time dedicated to whatever piece of legislation ought to be considered. But we want the right to offer amendments. We will forego that right under FAA, but there are not many bills that fit into that category, if any, for the rest of the year.

I thank the majority leader for yielding.

Mr. SCHUMER addressed the Chair.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Reserving the right to object, and I will not object, I want to take this moment to thank both the majority leader and the minority leader, the Senator from Arizona, and the Senator from South Carolina, for their patience because we did have a problem that affected my area that has been worked out.

I ask the majority leader one little question. I want to confirm that the language we have talked about seems to meet the agreement of all sides. I want to get the attention of the majority leader. I was thanking him and the minority leader and others, and I just want to clarify the language we have talked about seems to meet the agreement of all the major players in solving that problem.

Mr. LOTT. I have not had an opportunity to talk personally, directly, to the Senator from Arizona, but I am informed by his senior aide that he is committed to living with the language that the Senator from New York is familiar with, and that also the Senator from South Carolina, the ranking Democrat, has indicated he will comply with that. And based on the assurance I received, then I would work to make sure that understanding was lived up to. Whether you agree with the final result or not, I will make sure that what your understanding is on the part I have been involved in would be honored.

Mr. SCHUMER. I thank the Senator and thank again the Members of the body for their indulgence on this issue.

Mr. BRYAN addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. BRYAN. Earlier, the majority leader made inquiry about the position on the nuclear waste bill. I want to put the majority leader on notice the Senators from Nevada are not prepared to surrender any of the procedural rights on this issue. This, as you know, is an issue——

Mr. LOTT. Will the Senator yield?

Mr. BRYAN. I am happy to.

Mr. LOTT. You mean you are not ready to go to final passage on this bill at this point?

Mr. BRYAN. The Senator from Mississippi, with his characteristic insight, has hit the nail right on the head.

Mr. LOTT. Let me assure the Chair and my colleagues that we know the very passionate feelings of the Senator from Nevada. We know he is going to make them heard, and in every way he can. And he will be entitled to all the rules of the Senate in that effort. We understand that and appreciate it.

Mr. BRYAN. I thank the majority leader.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The PRESIDING OFFICER. The Senator from Pennsylvania.

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

Mr. SPECTER. Mr. President, will the Senator from Nevada, Mr. REID, give me his attention? We have a sense-of-the-Senate resolution to be offered by Senator INHOFE; and then we have 10 minutes for an amendment to be offered and then withdrawn. We need consent to set aside your amendment. Or perhaps you are ready to withdraw that amendment?

AMENDMENT NO. 1807, WITHDRAWN

Mr. REID. I say to the manager of the bill, I have not received assurance yet that I will have a hearing. To expedite matters, I will agree to withdraw my amendment. But I want everyone to understand there is an amendment pending, a sense-of-the-Senate resolution, on the same issue. Rule XVI does not apply, of course, against my sense of the Senate. But in order to expedite matters, I withdraw my amendment. I will bring up, whenever we get back to this bill, my sense-of-the-Senate resolution on the exact same material.

Mr. SPECTER. I thank the Senator from Nevada.

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

Mr. SPECTER. Then in our sequence, we have an amendment by the Senator from Oklahoma.

Mr. INHOFE addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

AMENDMENT NO. 1816

(Purpose: To express the sense of the Senate regarding payments under the prospective payment system for hospital outpatient department services under the medicare program)

Mr. INHOFE. I have an amendment at the desk and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Oklahoma [Mr. INHOFE] proposes an amendment numbered 1816.

Mr. INHOFE. I ask unanimous consent reading of the amendment be dispensed with.

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

The amendment is as follows:

At the appropriate place, insert the following:

SEC. ___. SENSE OF THE SENATE REGARDING PAYMENTS UNDER THE PROSPECTIVE PAYMENT SYSTEM FOR HOSPITAL OUTPATIENT DEPARTMENT SERVICES.

(a) FINDINGS.—The Senate finds the following:

(1) The Balanced Budget Act of 1997, in order to achieve the objective of balancing the Federal budget, provided for the single largest change in the medicare program under title XVIII of the Social Security Act

(42 U.S.C. 1395 et seq.) since the inception of such program in 1965.

(2) Reliable, independent estimates now project that the changes to the medicare program provided for in the Balanced Budget Act of 1997 will result in the reduction of payments to health care providers that greatly exceeds the level of estimated reductions when such Act was enacted.

(3) Congressional oversight has begun to reveal that these greater-than-anticipated reductions in payments are harming the ability of health care providers to maintain and deliver high-quality health care services to beneficiaries under the medicare program and to other individuals.

(4) One of the key factors that has caused these greater-than-anticipated reductions in payments is the inappropriate regulatory action taken by the Secretary in implementing the provisions of the Balanced Budget Act of 1997.

(5) The Secretary of Health and Human Services, contrary to the direction of 77 Members of the Senate and 253 Members of the House of Representatives (stated in letters to the Secretary dated June 18, 1999, and September 14, 1999, respectively), has persisted in interpreting the provisions of the prospective payment system for hospital outpatient department services under section 1833(t) of the Social Security Act (42 U.S.C. 1395l(t)) in a manner that would impose an unintended 5.7 percent across the board reduction in payments under such system.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the Secretary of Health and Human Services should—

(1) carry out congressional intent and cease its inappropriate interpretation of the provisions of the prospective payment system for hospital outpatient department services under section 1833(t) of the Social Security Act (42 U.S.C. 1395l(t)); and

(2) eliminate the unintended 5.7 percent across the board reduction in payments under such system.

AMENDMENT NO. 1816, AS MODIFIED

Mr. INHOFE. Mr. President, I ask unanimous consent to modify the amendment in accordance with the modification at the desk.

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

The amendment, as modified, is as follows:

At the appropriate place, insert the following:

SEC. ___. SENSE OF THE SENATE REGARDING PAYMENTS UNDER THE PROSPECTIVE PAYMENT SYSTEM FOR HOSPITAL OUTPATIENT DEPARTMENT SERVICES.

(a) FINDINGS.—The Senate finds the following:

(1) The Balanced Budget Act of 1997, in order to achieve the objective of balancing the Federal budget, provided for the single largest change in the medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) since the inception of such program in 1965.

(2) Reliable, independent estimates now project that the changes to the medicare program provided for in the Balanced Budget Act of 1997 will result in the reduction of payments to health care providers that greatly exceeds the level of estimated reductions when such Act was enacted.

(3) Congressional oversight has begun to reveal that these greater-than-anticipated reductions in payments are harming the ability of health care providers to maintain and deliver high-quality health care services to beneficiaries under the medicare program and to other individuals.

(4) One of the key factors that has caused these greater-than-anticipated reductions in payments is the inappropriate regulatory action taken by the Secretary in implementing the provisions of the Balanced Budget Act of 1997.

(5) The Secretary of Health and Human Services, contrary to the direction of 77 Members of the Senate and 253 Members of the House of Representatives (stated in letters to the Secretary dated June 18, 1999, and September 14, 1999, respectively), has persisted in interpreting the provisions of the prospective payment system for hospital outpatient department services under section 1833(t) of the Social Security Act (42 U.S.C. 1395l(t)) in a manner that would impose an unintended 5.7 percent across the board reduction in payments under such system.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the Secretary of Health and Human Services should—

(1) carry out congressional intent and cease its inappropriate interpretation of the provisions of the prospective payment system for hospital outpatient department services under section 1833(t) of the Social Security Act (42 U.S.C. 1395l(t)).

Mr. INHOFE. Mr. President, when the Balanced Budget Act of 1997 was passed, there was a misinterpretation by the Health Care Financing Administration of this bill—while it should have been revenue neutral—to have regular reductions in the amount of reimbursement that goes to hospitals, specifically a 5.7-percent reduction to reimbursement that would take place in July of the year 2000. This was not the intent of the Members of the Senate.

I have a letter that has 77 signatures on it, including those of each Senator who is in the Chamber right now, stating that was not the intent. This is a sense-of-the-Senate resolution saying that was not the intent so we would not be having that 5.7-percent reduction in July of the year 2000.

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I commend the Senator from Oklahoma for the sense-of-the-Senate resolution. I think it is meritorious. It has been cleared by the ranking member on the Democratic side.

Mr. REID. We have not had a chance to clear this with our leader. I apologize to the manager of the bill. We have not cleared this with the leader, so I can't agree to it.

Mr. INHOFE. Mr. President, if the Senator from Pennsylvania would yield?

Mr. SPECTER. I do.

Mr. INHOFE. I suggest to the Senator from Pennsylvania, both Senator DASCHLE and Senator REID have signed the letter asking for this same thing we have in the sense of the Senate.

Mr. REID. It is pretty persuasive.

Mr. SPECTER. Do you want to check?

Mr. REID. I withdraw our objection.

The PRESIDING OFFICER. The question is on agreeing to the amendment, as modified.

The amendment (No. 1816), as modified, was agreed to.

Mr. REID. If I could have the floor for a second.

I say to my friend from Oklahoma, that was one of the most persuasive arguments I have heard on the Senate floor.

Mr. SPECTER. Mr. President, the final order of business this evening on the pending bill is an amendment to be offered by the Senator from Kansas, Mr. BROWNBACK, for purposes of 10 minutes of discussion, and then it will be withdrawn. So I leave the floor in the hands of Senator BROWNBACK for that 10-minute presentation and withdrawal.

The PRESIDING OFFICER. The Senator from Kansas.

AMENDMENT NO. 1833

(Purpose: To establish a task force of the Senate to address the societal crisis facing America)

Mr. BROWNBACK. I call up an amendment at the desk numbered 1833 and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Kansas [Mr. BROWNBACK] proposes an amendment numbered 1833.

Mr. BROWNBACK. I ask unanimous consent reading of the amendment be dispensed with.

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

The amendment is as follows:

At the end of the bill insert the following:

TITLE ___—TASK FORCE ON THE STATE OF AMERICAN SOCIETY

SEC ___01. ESTABLISHMENT OF THE TASK FORCE.

(a) ESTABLISHMENT.—There is established a task force of the Senate to be known as the Task Force on the State of American Society (hereafter in this title referred to as the ''task force'').

(b) PURPOSE.—The purpose of the task force is—

(1) to study the societal condition of America, particularly in regard to children, youth, and families;

(2) to make such findings as are warranted and appropriate, including the impact that trends and developments have on the broader society, particularly in regards to child well-being; and

(3) to study the causes and consequences of youth violence.

(c) TASK FORCE PROCEDURE.—

(1) IN GENERAL.—Paragraphs 1, 2, 7(a) (2), and 10(a) of rule XXVI of the Standing Rules of the Senate, and section 202 (i) of the Legislative Reorganization Act of 1946, shall apply to the task force, except for the provisions relating to the taking of depositions and the subpoena power.

(2) EQUAL FUNDING.—The majority and the minority staff of the task force shall receive equal funding.

(3) QUORUMS.—The task force is authorized to fix the number of its members (but not less than one-third of its entire membership) who shall constitute a quorum for the transaction of such business as may be considered by the task force. A majority of the task force will be required to issue a report to the relevant committees, with a minority of the task force afforded an opportunity to record its views in the report.

SEC. ___02. MEMBERSHIP AND ORGANIZATION OF THE TASK FORCE.

(a) MEMBERSHIP.—

(1) IN GENERAL.—The task force shall consist of 8 members of the Senate—

(A) 4 of whom shall be appointed by the President pro tempore of the Senate from the majority party of the Senate upon the recommendation of the Majority Leader of the Senate; and

(B) 4 of whom shall be appointed by the President pro tempore of the Senate from the minority party of the Senate upon the recommendation of the Minority Leader of the Senate.

(2) VACANCIES.—Vacancies in the membership of the task force shall not affect the authority of the remaining members to execute the functions of the task force and shall be filled in the same manner as original appointments to it are made.

(b) CHAIRMAN.—The chairman of the task force shall be selected by the Majority Leader of the Senate and the vice chairman of the task force shall be selected by the Minority Leader of the Senate. The vice chairman shall discharge such responsibilities as the task force or the chairman may assign.

SEC. ___03. AUTHORITY OF TASK FORCE.

(a) IN GENERAL.—For the purposes of this title, the task force is authorized, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel;

(3) to hold hearings;

(4) to sit and act at any time or place during the sessions, recesses, and adjourned periods of the Senate;

(5) to procure the services of individual consultations or organizations thereof, in accordance with the provisions of section 202(i) of the Legislative Reorganization Act of 1946; and

(6) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a nonreimbursable basis the services of personnel of any such department or agency.

(b) OTHER COMMITTEE STAFF.—At the joint request of the chairman and vice-chairman of the task force, the chairman and the ranking member of any other Senate committee or subcommittee may jointly permit the task force to use, on a nonreimburseable basis, the facilities or services of any members of the staff of such other Senate committee or subcommittee whenever the task force or its chairman, following consultation with the vice chairman, considers that such action is necessary or appropriate to enable the task force to make the investigation and study provided for in this title.

SEC. ___04. REPORT AND TERMINATION.

The task force shall report its findings, together with such recommendations as it deems advisable, to the relevant committees and the Senate prior to July 7, 2000.

SEC. ___05. FUNDING.

(a) IN GENERAL.—From the date this title is agreed to through July 7, 2000, the expenses of the task force incurred under this title—

(1) shall be paid out of the miscellaneous items account of the contingent fund of the Senate;

(2) shall not exceed $500,000, of which amount not to exceed $150,000 shall be available for the procurement of the services of individual consultants, or organizations thereof, as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i)); and

(3) shall include sums in addition to expenses described under paragraph (2), as may be necessary for agency contributions related to compensation of employees of the task force.

(b) PAYMENT OF EXPENSES.—Payment of expenses of the task force shall be disbursed upon vouchers approved by the chairman, except that vouchers shall not be required for disbursements of salaries (and related agency contributions) paid at an annual rate.

Mr. BROWNBACK. Mr. President, I appreciate the Senator from Pennsylvania accommodating our desires tonight. The reason we offer this amendment is to discuss it briefly and then withdraw it as being subject to a point of order on this particular bill.

I rise to explain the amendment.

What this amendment regards is the establishment of a 1-year, actually less than 1-year, Senate task force to study the state of American society. There has been a lot of discussion going on about this. I want to spend a little bit of time discussing what this is and what it isn't because I think both are important.

We are proposing this task force, Senator LIEBERMAN, Senator MOYNIHAN, and myself, the Presiding Officer, a number of others, because we believe there is a deep and pressing need to examine in a manner that is bipartisan, intellectual, rigorous, dispassionate, and publicly accessible, the cultural and social health of our society.

It is a simple and undeniable fact that our families and children, schools, and communities have been subjected to seismic shifts over the last 30 years. These changes have had consequences—consequences which deeply impact the public, including the formation of public policy, which deserve a public forum in which to study and address them.

First, if we take a quick look at what is happening across America, in the last 2 years, we have seen one school shooting after another: Conyers, GA; Littleton, CO; Richmond, VA; Paducah, KY; Springfield, OR; Edinboro, PA; Pearl, MS; and Jonesboro, AR. Unfortunately, the list goes tragically on. We just wonder where next.

There are other warning signs. The number and percentages of the children who live in broken homes continues to increase, regrettably. Reports of domestic abuse and child abuse are at shocking levels.

One of our colleagues and cosponsors of this bill, Senator MOYNIHAN, once coined a memorable phrase. He talked about our society in terms of ''defining deviancy down.'' What he meant—and, Senator MOYNIHAN, correct me, if I am incorrect—is that when behavior that was once considered deviant or outrageous becomes more ordinary and commonplace, societies tend to redefine deviancy.

This is such a classic and clear example. For example, in 1929, four gangsters killed seven unarmed bootleggers. The slaughter was considered so horrific that the event was dubbed the ''St. Valentine's Day Massacre.'' Remember that one? It was 1929; seven unarmed bootleggers were slaughtered. It was so horrifying it got its own name, shows, everything, and made news around the world. It so shocked and horrified the Nation that it has become a well-known historical event. It is even in most encyclopedias—seven people, 1929.

In sharp contrast, let's look to just 2 weeks ago, when a gunman strode into a church in Fort Worth, TX, puffing a cigarette, and slaughtered six defenseless people, including several children, before turning the gun on himself—just as many people, one less, killed in that Fort Worth church as in the St. Valentine's Day Massacre. Yet that story, so far from making it into an encyclopedia, didn't even get a headline in the Washington Post. Why? Why is it that we no longer consider outrageous what is truly outrageous? Perhaps it has become too commonplace. It has become common on our streets and airwaves. It is both the reality in which many live, and it makes up the entertainment into which many escape.

Over the past 30 years, there are many ways we have made progress as a country and as a people. Our economy has grown tremendously. Technological advances have been unprecedented. New doors of opportunity have been opened to people previously denied access. The opportunities available to women and minorities have increased, and they need to increase even further. But in the midst of unprecedented prosperity, there is a widespread belief that we live in a mean society where families are breaking down, children are more prone to crime, violence, alienation, drug use and suicide, and our civic fabric is fraying. In fact, not only does the United States lead the world in material wealth, it also leads the industrialized world in rates of murder, violent juvenile crime, abortion, divorce, cocaine consumption, pornography production, and consumption of pornography. These facts have not been lost on the American people—far from it. Poll after poll shows they recognize it.

I draw the attention of the body to some of the polls that have recently come out. Here is one: What poses the greatest threat to the United States? You can look through here: recession at 30-plus percent; decline of moral values, much higher; military, don't know. That was October 30 of last year.

Here is one from May 3 of this year: Where does the country face the most serious problems today? Moral values area, 56 percent; next closest, environment at 12 percent. Fifty-six percent of the public considering that. That was by a different research group than did the last one.

Here is one done by the Princeton Survey Research Group, July 22 of this year: What priority should be given to dealing with the moral breakdown of the United States? Fifty-five percent say top priority should be given.

My only point in showing these polls is that this is something the American public considers important, indeed, vital for us to be considering. We need to address it in this body. This is not to say that all societal changes have been negative. Far from it.

As I noted earlier, there are many causes for hope, even celebration. But there are causes for concern taking place as well. Even where our challenges remain stark, I am personally optimistic. I believe for every problem in America, there is a solution already in place, usually by an individual or family or community with the heart to make it happen.

I hope this task force will encourage the replication of those solutions, but first and foremost, my hope is that by working together we can begin to better understand where we are as a society and where we are headed.

Senator MOYNIHAN, again, made a point that I think is true: You can't change a problem until you can figure out how to measure it. You need to be able to measure to know when you are making progress on what is happening. That is the stage at which we find ourselves. We know something is happening in our society, but we don't know yet how to accurately measure it. We are still struggling with asking the right questions.

My hope and intention is that this task force would begin the important and necessary work of measuring these issues and asking the right questions.

I want to talk about some of the specifics of the task force, what it is and what it isn't.

There have been a lot of rumors spreading around about this. First, this task force will conduct the important business of investigating and analyzing and examining the state of our culture the causes and consequences of our societal difficulties, and possible solutions. It will hold hearings on such topics as civic participation, the state of the family structure, the impact of popular culture on young people, the causes of youth violence, and innovative and effective initiatives that have reduced various social problems that we have.

It will look at these issues in a holistic and a broad manner and—let me emphasize this—a bipartisan manner. It will not hold legislative jurisdiction. It will not report out or mark up legislation. It will not intrude on people's personal lives or seek to impose a set of values on anyone. It aims to achieve a better description of what is going on in our society, not a prescription of morals. It seeks to inform and investigate, rather than to legislate.

I know there were concerns among some of my colleagues about provisions regarding subpoena power. Let me assure all of them, those have been taken out. This endeavor will be a task force of concerned Members working together to get a better sense of the condition of our society. The task force is bipartisan in purpose, process, and structure, as bipartisan as possible. It is composed of eight members: four Republicans, four Democrats. You can't get much more bipartisan than that.

Together, I hope we can take a good look at what is going on in our society, at the state of the cultural environment in which we currently reside. While these are not legislative issues, they are important public issues with profound consequences, both in terms of public policy and in our daily lives.

This is an important task. I look forward to the counsel and support of my colleagues in getting to this important work. We have tried to bend over backwards to work in a bipartisan way to get this moving forward. We are still working to get this pulled together. I hope my colleagues will continue to talk with us about this, about how we can do this and how we can work together to address this very important problem.

AMENDMENT NO. 1833, WITHDRAWN

Mr. President, as I stated at the outset, as the Senator from Pennsylvania noted, I realize this will be subjected to a point of order. I wanted to bring it up and discuss it.

With this discussion, I withdraw my amendment at this time.

The PRESIDING OFFICER. Without objection, the amendment is withdrawn.

The amendment (No. 1833) was withdrawn.

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

The legislative clerk proceeded to call the roll.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

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

MORNING BUSINESS

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Senate now proceed to a period of morning business with Senators permitted to speak for up to 5 minutes.

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

MAJOR GENERAL BRUCE SCOTT, CHIEF OF ARMY LEGISLATIVE LIAISON

Mr. THURMOND. Mr. President, I rise today to pay tribute to Maj. Gen. Bruce Scott, who will soon depart his position as Chief of Army Legislative Liaison to assume command of the United States Army Security Assistance Command in Alexandria, VA.

I imagine that the impression most people have of someone who is a general is that of an officer who is in charge of troops, such as a person leading an Infantry division. Few realize that there are more generals who are administrators than troop leaders, and probably even fewer realize one of the most critical jobs any general in the United States Army could hold as far as preparing that service to protect the people, borders, and interests of the nation is the position which General Scott has held for the past two years. Though he might not have been wearing BDU's or eating MRE's for the past twenty-four months, General Scott has had the extremely important responsibility of serving as the head of liaison efforts between the Congress and the Army. In that role, he has led the efforts to make sure that our soldiers have the resources they require to accomplish their mission and dominate any battlefield, anytime, anywhere.

General Scott is well qualified to represent the Army to the Legislative Branch. Every position he has held since beginning his Army career in 1968 as a Cadet at the United States Military Academy at West Point has given him a unique insight into what it is like to be a soldier at every level of the service. Thanks to his assignments to Infantry and Armored divisions, he understands what is involved in serving in a combat arms unit; as a result of his service as a Commanding General and Division Engineer, he understands what general officers require to do their jobs; a veteran of the White House Fellows program, he was exposed at an early stage to the relationship between the legislative and executive branches of government, as well as to the notion of civilian control of the military; and as a former Deputy Director of Strategy, Plans and Policy, Office of the Deputy Chief of Staff for Operations and plans, he has an appreciation of the strategic, or ''bigger'', picture. All in all, General Scott came to this job with the credentials and experience that was required of him

During his command as the Chief of Army Legislative Liaison, General Scott put his rich background to work for him and the Army, working hard to represent the interests of the service to the Senate and House of Representatives, as well as working to make sure that the Army was responsive to our requests and interests. Over the past two-years, General Scott helped to shepherd through the Congress major initiatives on Army modernization and digitization. He has been a forceful and effective advocate for the Army's ''Force XXI'' and its ''Force After Next''; and, during my tenure as Chairman of the Senate Armed Services Committee, we worked together to build even stronger ties between the Army and the Senate Armed Services Committee.

I have always believed that hard work will be rewarded, and after what I am certain at times was an agonizing, if not occasionally exasperating, experience of working with Congress, General Scott will soon take the reins of the United States Army Security Assistance Command. This is an important assignment, especially in this day and age when building or re-reinforcing coalitions and friendships with other nations is as important to the security of the United States as maintaining a well equipped, well trained fighting force. In his new job, General Scott will in many ways be carrying out the duties of an ambassador, he will certainly be making an important contribution to the diplomatic efforts of

the United States as he will be required to work with approximately 120 different nations and multinational organizations in promoting international security by assuring our allies have access to modern and effective equipment and systems. I have every confidence that he will discharge the duties of his new job with the same ability, dedication, and professionalism as he has done throughout his career, and especially as he did as Chief of Army Legislative Liaison.

I am certain that my colleagues on the Senate Armed Services Committee and throughout the Senate join me in applauding the work of General Scott and in thanking him for his tireless efforts in working with us for the benefit of our Army and soldiers. I look forward to continuing to monitor the career of General Scott, and I predict that he will continue to achieve great things for many years to come.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Wednesday, September 29, 1999, the Federal debt stood at $5,645,399,491,050.88 (Five trillion, six hundred forty-five billion, three hundred ninety-nine million, four hundred ninety-one thousand, fifty dollars and eighty-eight cents).

One year ago, September 29, 1998, the Federal debt stood at $5,523,786,000,000 (Five trillion, five hundred twenty-three billion, seven hundred eighty-six million).

Five years ago, September 29, 1994, the Federal debt stood at $4,669,823,000,000 (Four trillion, six hundred sixty-nine billion, eight hundred twenty-three million).

Ten years ago, September 29, 1989, the Federal debt stood at $2,857,431,000,000 (Two trillion, eight hundred fifty-seven billion, four hundred thirty-one million) which reflects a doubling of the debt—an increase of almost $3 trillion—$2,787,968,491,050.88 (Two trillion, seven hundred eighty-seven billion, nine hundred sixty-eight million, four hundred ninety-one thousand, fifty dollars and eighty-eight cents) during the past 10 years.

MESSAGE FROM THE HOUSE

At 11 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 2506. An act to amend title IX of the Public Health Service Act to revise and extend the Agency for Health Care Policy and Research.

H.R. 2559. An act to amend the Federal Crop Insurance Act to strengthen the safety net for agricultural producers by providing greater access to more affordable risk management tools and improved protection from production and income loss, to improve the efficiency and integrity of the Federal crop insurance program, and for other purposes.

At 6:18 p.m., a message from the House of Representatives, delivered by Mr. Berry, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 2981. An act to extend energy conservation programs under the Energy Policy and Conservation Act through March 31, 2000.

MEASURES REFERRED

The following bills were read the first and second times by unanimous consent and referred as indicated:

H.R. 2506. An act to amend title IX of the Public Health Service Act to revise and extend the Agency for Health Care Policy and Research; to the Committee of Health, Education, Labor, and Pensions.

H.R. 2559. An act to amend the Federal Crop Insurance Act to strengthen the safety net for agricultural producers by providing greater access to more affordable risk management tools and improved protection from production and income loss, to improve the efficiency and integrity of the Federal crop insurance program, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

The Committee on Health, Education, Labor, and Pensions was discharge from further consideration of the following measure which was referred to the Committee on the Judiciary:

S. 1515. A bill to amend the Radiation Exposure Compensation Act, and for other purposes.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on September 30, 1999, he had presented to the President of the United States, the following enrolled bill:

S. 249. An act to provide funding for the National Center for Missing and Exploited Children, to reauthorize the Runaway and Homeless Youth Act, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–5459. A communication from the Assistant Secretary of Defense for Health Affairs, transmitting, pursuant to law, a report entitled ''Plan for Health Care Services for Gulf War Veterans''; to the Committee on Veteran's Affairs.

EC–5460. A communication from the Acting Assistant Attorney General, Office of Legislative Affairs, transmitting a report relative to the proposed ''Air Transportation Improvement Act''; to the Committee on Commerce, Science, and Transportation.

EC–5461. A communication from the Secretary, Federal Trade Commission, transmitting, pursuant to law, a report relative to the tar, nicotine, and carbon monoxide content of the smoke of domestics cigarettes sold in 1996 and 1997; to the Committee on Commerce, Science, and Transportation.

EC–5462. A communication from the Deputy Executive Secretary, Health Care Financing Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Federal Enforcement in Group and Individual Health Insurance Markets (HCFA–2019–IFC)'' (RIN0938–AJ48), received September 22, 1999; to the Committee on Health, Education, Labor, and Pensions.

EC–5463. A communication from the Chief, Regulations Division, Bureau of Alcohol, Tobacco and Firearms, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Notice—Labeling of Hard Cider; Treasury Decision—Hard Cider: Postponement of Labeling Compliance Date'' (RIN1512–AB71), received September 28, 1999; to the Committee on Finance.

EC–5464. A communication from the Assistant Secretary, Land and Minerals Management, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Coastal Zone Consistency Review of Exploration Plans and Development and Production Plans'' (RIN1010–AC42), received September 27, 1999; to the Committee on Energy and Natural Resources.

EC–5465. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting a report entitled ''Notice of EPA Policy Regarding Certain Grants to Intertribal Consortia'', received September 27, 1999; to the Committee on Environment and Public Works.

EC–5466. 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 ''Diflubezuron; Pesticide Tolerances for Emergency Exemptions'' (FRL #6382–1), received September 24, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5467. 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 ''Pymetrozine; Pesticide Tolerance'' (FRL #6385–6), received September 24, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5468. 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 ''Tebufenozide; Pesticide Tolerance'' (FRL #6383–6), received September 24, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. THOMPSON, from the Committee on Governmental Affairs, with an amendment and an amendment to the title:

H.R. 858. A bill to amend title 11, District of Columbia Code, to extend coverage under the whistleblower protection provisions of the District of Columbia Comprehensive Merit Personnel Act of 1978 to personnel of the courts of the District of Columbia (Rept. No. 106–167).

By Mr. LUGAR, from the Committee on Agriculture, Nutrition, and Forestry, without amendment:

S. 1672. An original bill to amend the Agricultural Marketing Act of 1946 to establish a program of mandatory market reporting for certain meat packers regarding the prices, quantities, and terms of sale for the procurement of cattle, swine, lambs, and products of such livestock, to improve the collection of

information regarding the marketing of cattle, swine, lambs, and products of such livestock, and for other purposes (Rept. No. 106–168).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. HATCH, for the Committee on the Judiciary:

Robert Raben, of Florida, to be an Assistant Attorney General, vice Andrew Fois, resigned.

Robert S. Mueller, III, of California, to be United States Attorney for the Northern District of California for a term of four years.

John Hollingsworth Sinclair, of Vermont to be United States Marshal for the District of Vermont for the term of four years.

(The above nominations were reported with the recommendation that they be confirmed.)

By Mr. LOTT for Mr. MCCAIN, for the Committee on Commerce, Science, and Transportation:

Thomas B. Leary, of the District of Columbia, to be a Federal Trade Commissioner for the term of seven years from September 26, 1998.

Stephen D. Van Beek, of the District of Columbia, to be Associate Deputy Secretary of Transportation.

Michael J. Frazier, of Maryland, to be an Assistant Secretary of Transportation, vice Steven O. Palmer.

Gregory Rohde, of North Dakota, to be Assistant Secretary of Commerce for Communications and Information.

Linda Joan Morgan, of Maryland, to be a Member of the Surface Transportation Board for a term expiring December 31, 2003.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

The following named officers for appointment in the United States Coast Guard to the grade indicted under title 14, U.S.C., section 271:

To be rear admiral

Rear Adm. (lh)David S. Belz, 0000
Rear Adm. (lh)James S. Carmichael, 0000
Rear Adm. (lh)Roy J. Casto, 0000
Rear Adm. (lh)James A. Kinghorn, Jr., 0000
Rear Adm. (lh)Erroll M. Brown, 0000

The following named officers for appointment in the United States Coast Guard to the grade indicted under title 14, U.S.C., section 271:

To be rear admiral (lower half)

Capt. Ralph D. Utley, 0000

The following named officer for appointment in the United States Coast Guard Reserve to the grade indicted under Title 10, United States Code, Section 12203:

To be rear admiral

Rear Adm. (lh)Carlton D. Moore, 0000

The following named officer for appointment in the United States Coast Guard Reserve to the grade indicted under title 10, U.S.C., section 12203:

To be rear admiral (lower half)

Capt. Mary P. O'Donnell, 0000

The following named officer of the United States Coast Guard to be a member of the Permanent Commissioned Teaching Staff of the Coast Guard Academy in the grade indicated under title 14, U.S.C., section 188:

To be lieutenant commander

Kurt A. Sebastian, 0000

The following named officer for appointment in the United States Coast Guard to the grade indicted under title 14, U.S.C., section 271:

To be rear admiral (lower half)

Capt. Vivien S. Crea, 0000

The following named officer for appointment in the United States Coast Guard to the grade indicted under title 14, U.S.C., section 271:

To be rear admiral (lower half)

Capt. Kenneth T. Venuto, 0000

The following named officer for appointment in the United States Coast Guard to the grade indicted under title 14, U.S.C., section 271:

To be rear admiral (lower half)

Capt. James W. Underwood, 0000

The following named officer for appointment in the United States Coast Guard to the grade indicted under title 14, U.S.C., section 271:

To be rear admiral (lower half)

Capt. James C. Olson, 0000

Mr. LOTT for Mr. MCCAIN. Mr. President, for the Committee on Commerce, Science, and Transportation, I report favorably nomination lists which were printed in the RECORDS on the dates indicated at the end of the days Senate proceedings, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar, that these nominations lie at the Secretary's desk for the information of Senators.

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

National Oceanic and Atmospheric Administration 83 nominations beginning Donald A. Dreves, and ending Kevin V. Werner, which nominations were received by the Senate and appeared in the Congressional Record of September 9, 1999

Coast Guard 42 nominations beginning Ernest J. Fink, and ending William J. Wagner, which nominations were received by the Senate and appeared in the Congressional Record of September 13, 1999

(The above nominations were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. CLELAND:

S. 1669. A bill to require country of origin labeling of peanuts and peanut products and to establish penalties for violations of the labeling requirements; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. GRAHAM (for himself and Mr. MACK):

S. 1670. A bill to revise the boundary of Fort Matanzas National Monument, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. ALLARD:

S. 1671. A bill to reform the financing of Federal elections; to the Committee on Rules and Administration.

By Mr. LUGAR:

S. 1672. An original bill to amend the Agricultural Marketing Act of 1946 to establish a program of mandatory market reporting for certain meat packers regarding the prices, quantities, and terms of sale for the procurement of cattle, swine, lambs, and products of such livestock, to improve the collection of information regarding the marketing of cattle, swine, lambs, and products of such livestock, and for other purposes; from the Committee on Agriculture, Nutrition, and Forestry; placed on the calendar.

By Mr. DeWINE (for himself, Mr. HUTCHINSON, Mr. VOINOVICH, Mr. NICKLES, Mr. HELMS, and Mr. ENZI):

S. 1673. A bill to amend titles 10 and 18, United States Code, to protect unborn victims of violence; to the Committee on the Judiciary.

By Mr. BINGAMAN:

S. 1674. A bill to promote small schools and smaller learning communities; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BINGAMAN (for himself and Mr. REID):

S. 1675. A bill to provide for school dropout prevention, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BINGAMAN:

S. 1676. A bill to improve accountability for schools and local educational agencies under part A of title I of the Elementary and Secondary Education Act of 1965, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. GREGG (for himself and Mr. HAGEL):

S. 1677. A bill to establish a child centered program, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. CLELAND (for himself and Mr. COVERDELL):

S. Res. 192. A resolution extending birthday greetings and best wishes to Jimmy Carter in recognition of his 75th birthday; considered and agreed to.

By Mr. DODD:

S. Res. 193. A resolution to reauthorize the Jacob K. Javits Senate Fellowship Program; considered and agreed to.

By Mr. WYDEN (for himself, Mr. LEAHY, and Mr. BAUCUS):

S. Con. Res. 58. A concurrent resolution urging the United States to seek a global consensus supporting a moratorium on tariffs and on special, multiple and discriminatory taxation of electronic commerce; to the Committee on Finance.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CLELAND:

S. 1669. A bill to require country of origin labeling of peanuts and peanut products and to establish penalties for violations of the labeling requirements; to the Committee on Agriculture, Nutrition, and Forestry.

THE PEANUT LABELING ACT OF 1999

Mr. CLELAND. Mr. President, I am coming to the floor today to introduce the Peanut Labeling Act of 1999. This bill will require country of origin labeling for all peanut and peanut products sold in the United States; specifically

it will require that consumers be notified whether the peanuts are grown in the United States or in another country. The main purpose of this bill is to provide American consumers with information about where the peanuts they purchase are grown. This bill will allow consumers to make informed food choices and support American farmers. And, with the labeling requirement, should a health concern be raised about a specific country's products, such as the Mexican strawberry scare we witnessed a few year's back, consumers would have the information they need to make their own choices about the products they buy at the market.

Family farmers in America are facing dire circumstances. Farmers' ability to grow and sell their products have been severely affected by bad weather conditions, poor market prices, and trade restrictions. This bill allows consumers to help American farmers in the best way that they can—with their food dollar. Consumers are provided with information about the country of origin of a wide range of products, including clothes, appliances and automobiles. It only seems appropriate and fair that consumers should receive the same information about agricultural products, specifically peanuts. In fact, because consumers purchase agricultural products, including peanuts, based on the quality and safety of these items for their families, it seems even more important to provide them with this basic information.

By providing country of origin labels, consumers can determine if peanuts are from a country that has had pesticide or other problems which may be harmful to their health. This is true particularly during a period when food imports are increasing, and will continue to increase in the wake of new trade agreements such as the WTO and GATT. As I previously mentioned, recent outbreaks linked to strawberries in Mexico, and European beef related to ''mad cow disease'' have raised the public's awareness of imported foods and their potential health impacts. Consumers should not have to wait for the same thing to happen with peanuts before they have the information they need to make wise food choices. With the labeling requirement, should such an outbreak occur, consumers would have the information to not only avoid harmful products, but to continue to purchase unaffected ones.

The growth of biotechnology in the food arena necessitates more information in the marketplace. Research is being conducted today on new peanut varieties. These research efforts include seeds that might deter peanut allergies, tolerate more drought, and be more resistant to disease. As various countries use differing technologies, consumers need to be made aware of the source of the product they are purchasing. GAO recently pointed out that FDA only inspected 1.7 percent of 2.7 million shipments of fruit, vegetables, seafood and processed foods under its jurisdiction. Inspections for peanuts can be assumed to be in this range or less. This lack of inspection does not provide consumers of these products with a great deal of assurance.

Another purpose of this bill is to provide consumers with the ability to gain benefit from the investments of their hard earned taxes paid to the U.S. government. The federal government spends a large sum of money on peanut research infrastructure that is by far the most advanced in the world. This research not only increases the productivity of peanut growers, but provides growers with vital information about best management practices, including pesticide and water usage. It assists growers in their efforts to more effectively and efficiently grow a more superior and safer product for American consumers. Consumers should be able to receive a return on this investment by being able to purchase U.S. peanuts.

Polls have shown that consumers in America want to know the origin of the products they buy. And, contrary to the arguments given by opponents of labeling measures that such requirements would drive prices up, consumers have indicated that they would be willing to pay extra for easy access to such information. I believe that this is a pro-consumer bill that will have wide support.

I am also very pleased that peanut growers in America strongly support my proposal. I have endorsement letters for my bill from the Georgia Peanut Commission, the National Peanut Growers Group, the Southern Peanut Farmers Federation, the Alabama Peanut Producers Association, and the Florida Peanut Producers Association.

In conclusion, as my colleagues know, we live in a global economy which creates an international marketplace for our food products. I strongly believe that by providing country of origin labeling for agricultural products, such as peanuts, we not only provide consumers with information they need to make informed choices about the quality of food being served to their family but we also allow American farmers to showcase the time and effort they put into producing the safest and finest food products in the world. I believe this bill represents these principles and I ask my colleagues for their support.

Mr. President, I ask unanimous consent that the text of the bill and letters of support be printed in the RECORD.

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

S. 1669

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 ''Peanut Labeling Act of 1999''.

SEC. 2. INDICATION OF COUNTRY OF ORIGIN OF PEANUTS AND PEANUT PRODUCTS.

(a) DEFINITIONS.—In this section:

(1) PEANUT PRODUCT.—The term ''peanut product'' means any product more than 3 percent of the retail value of which is derived from peanuts contained in the product.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of Agriculture.

(b) NOTICE OF COUNTRY OF ORIGIN REQUIRED.—

(1) IN GENERAL.—Subject to paragraph (2), a retailer of peanuts or peanut products produced in, or imported into, the United States (including any peanut product that contains peanuts that are not produced in the United States) shall inform consumers, at the final point of sale to consumers, of the country of origin of the peanuts or peanut products.

(2) WAIVER.—The Secretary may waive the application of paragraph (1) to a retailer of peanuts or peanut products if the retailer demonstrates to the Secretary it is impracticable for the retailer to determine the country of origin of the peanuts or peanut products.

(c) METHOD OF NOTIFICATION.—

(1) IN GENERAL.—The information required by subsection (b) may be provided to consumers by means of a label, stamp, mark, placard, or other clear and visible sign on the peanuts or peanut products or on the package, display, holding unit, or bin containing the peanuts or peanut products at the final point of sale to consumers.

(2) EXISTING LABELING.—If the peanuts or peanut products are already labeled regarding country of origin by the packer, importer, or another person, the retailer shall not be required to provide any additional information in order to comply with this section.

(d) VIOLATIONS.—If a retailer fails to indicate the country of origin of peanuts or peanut products as required by subsection (b), the Secretary may impose a civil penalty on the retailer in an amount not to exceed—

(1) $1,000 for the first day on which the violation occurs; and

(2) $250 for each day on which the violation continues.

(e) DEPOSIT OF FUNDS.—Amounts collected under subsection (d) shall be deposited in the Treasury of the United States as miscellaneous receipts.

(f) APPLICATION.—This section shall apply with respect to peanuts and peanut products produced in, or imported into, the United States after the date that is 180 days after the date of enactment of this Act.

GEORGIA AGRICULTURAL COMMODITY COMMISSION FOR PEANUTS,
Tifton, GA, September 22, 1999.

Hon. MAX CLELAND,
U.S. Senate, Dirksen Building, Washington, DC.

DEAR SENATOR CLELAND: On behalf of the Georgia Peanut Commission, I strongly support your efforts to introduce the ''Peanut Labeling Act of 1999.'' Origin labeling of peanuts and peanut products is extremely important to our peanut industry in Georgia. It will not only benefit our Georgia growers, but it will be an asset for growers across our nation.

Requiring an origin of label allows our consumers the choice to buy American products. Because our quality and safety standards are among the best, our peanuts and peanut products should be labeled in order to differentiate from other foreign products. The consumer should have information that allows them to discern which peanut and peanut product is best for them.

We support and appreciate your efforts.

Sincerely,

BILLY GRIGGS,
Chairman, Georgia Peanut Commission.

NATIONAL PEANUT GROWERS GROUP,
Gorman, TX, September 22, 1999.

Hon. MAX CLELAND,
U.S. Senate, Dirksen Senate Building, Washington, DC.

DEAR SENATOR CLELAND: The National Peanut Growers Group endorses the ''Peanut Labeling Act of 1999.'' Our group, which consists of grower representation from our peanut producing regions across the nation, fully supports your efforts to introduce this legislation. We believe origin labeling of peanuts and peanut products is vital to our industry's survival. Because our quality and safety standards are the best in the world, our peanuts and peanut products should be labeled in order to differentiate from other foreign products. The consumer should have information that allows them to discern which peanut and peanut product is best for them.

Thank you for your support. We appreciate your efforts to strengthen our peanut industry.

Sincerely,

WILBUR GAMBLE,
Chairman.

SOUTHERN PEANUT
FARMERS FEDERATION,
September 22, 1999.

Hon. MAX CLELAND,
U.S. Senate, Dirksen Senate Building, Washington, DC.

DEAR SENATOR CLELAND: The Southern Peanut Farmers Federation, an alliance of Alabama Peanut Producers Association, Georgia Peanut Commission, and Florida Peanut Producers Association, strongly supports the ''Peanut Labeling Act of 1999.'' We appreciate the opportunity to review the bill, and we believe its enactment will strengthen our peanut industry.

This bill is very important to us for several reasons. First, we believe that like most products made in America, peanuts and peanut products should have a label of origin. Secondly, we believe that by giving American consumers this information, it allows them to buy American products. The numbers of imported peanuts and peanut products continue to rise each year. We believe that by labeling our products, our growers will have a tool that keeps them at a level playing field with the competition. The American consumer will want to purchase products of high quality and that meets stringent safety standards.

The labeling of peanuts and peanut products would alleviate the numbers of peanuts and peanut products coming into the country illegally. Many products are imported into our country without trade restrictions, due to NAFTA, and sold to our American consumer. Yet, some of those peanut products originated from our domestic growers. With a labeling requirement, we would be able to identify whether our exported products are returned to our domestic market. Alleviating this problem would keep our peanut market from being saturated.

The ''Peanut Labeling Act'' is a tremendous step in the right direction for our industry. It is a vital tool that will allow our industry to compete in the future as our country's trade policy is expanded.

Sincerely,

BILLY GRIGGS,
Georgia Peanut Commission.
CARL SANDERS,
Florida Peanut Producers Association.
GREGG HALL,
Alabama Peanut Producers Association.

FLORIDA PEANUT
PRODUCERS ASSOCIATION,
Marianna, FL, September 21, 1999.

Hon. MAX CLELAND,
U.S. Senate, Washington, DC.

DEAR SENATOR CLELAND: The Florida Peanut Producers Association Board of Directors, representing 1,100 peanut farmers in Florida, without reservations, endorse your ''Peanut Labeling Act of 1999''. Mr. Bob Redding of the Redding Firm in Washington has kept our board informed on the language and movement of this bill. We feel strongly that a Peanut Labeling Bill will once again give the American peanut farmer the edge to compete with imported competition. We are convinced the safety and quality of American grown will always be the choice of our consumers, if given a choice by origin labeling.

We appreciate your efforts concerning this issue, as well as your over-all interest in Southern agriculture.

Sincerely,

GREG HALL,
President.
JEFF CRAWFORD, Jr.,
Executive Director.

ALABAMA PEANUT
PRODUCERS ASSOCIATION,
Dothan, AL, September 22, 1999.

To: Senator Max Cleland.
From: H. Randall Griggs.

On behalf of the peanut producers in Alabama, we appreciate your efforts to introduce labeling legislation pertaining to peanuts and peanut products. As the marketplace becomes more globalized, the U.S. industry should be allowed to differentiate itself from other origins. Also, consumers should have the information necessary to choose and know where their food products originate.

Again, we support and appreciate your efforts.

By Mr. ALLARD:

S. 1671. A bill to reform the financing of Federal elections; to the Committee on Rules and Administration.

CAMPAIGN FINANCE INTEGRITY ACT OF 1999

• Mr. ALLARD. Mr. President, the Senate is again considering campaign finance reform. The problem is that almost every Senator has a different definition of—and goal for—reform. Today I am introducing the ''Campaign Finance Integrity Act.'' I believe this bill can actually be agreed upon by a majority of this body that would want to ensure that we improve the campaign finance system (a nearly universally acknowledged goal) without being unconstitutional and attempting measures that fly in the face of the First Amendment.

Some in Congress have stated that freedom of speech and the desire for healthy campaigns in a healthy democracy are in direct conflict, and that you can't have both. But fortunately for those of us who believe in the First Amendment rights of all American citizens, the founding fathers and the Supreme Court are on our side. They believe, and I believe, that we can have both.

I would hope that celebrating the value of the First Amendment on the floor of the United States Senate is preaching to the choir, as the expression goes, but let me go ahead and do it anyway. Thomas Jefferson repeatedly stated the importance of the First Amendment and how it allows the people and the press the right to speak their minds freely. Jefferson clearly described its significance back in 1798 with, ''One of the amendments to the Constitution * * * expressly declares that 'Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof, or abridging the freedom of speech or of the press,' thereby guarding in the same sentence and under the same words, the freedom of religion, speech, and of the press; insomuch that whatever violates either throws down the sanctuary which covers the others.'' Again in 1808, he stated that ''The liberty of speaking and writing guards our other liberties.'' And in 1823, Jefferson stated, ''The force of public opinion cannot be resisted when permitted freely to be expressed. The agitation it produces must be submitted to.'' Jefferson knew and believed that if we begin restricting what people say, how they say it, and how much they can say, then we deny the first and fundamental freedom given to all Citizens.

The Supreme Court has also been very clear in its rulings concerning campaign finance and the First Amendment. Since the post-Watergate changes to the campaign finance system began, 24 Congressional actions have been declared unconstitutional, with 9 rejections based on the First Amendment. Out of those nine, 4 dealt directly with campaign finance reform laws. In each case, the Supreme Court has ruled that political spending is equal to political speech.

In the now famous decision, or infamous to some, Buckley vs. Valeo, the Court states that, ''The First Amendment denies government the power to determine that spending to promote one's political views is wasteful, excessive, or unwise. In the free society ordained by our Constitution it is not the government but the people—individually as citizens and candidates and collectively as associations and political committees—who must retain control over the quantity and range of debate on public issues in a political campaign.''

Simply stated, the government cannot ration or regulate political speech of an American through campaign spending limits any more than it can tell the local newspaper how many papers it can print or what it can print. This reinforces Jefferson's statement that to impede one of these rights is to impede all First Amendment rights.

Also, supporters of some of the campaign finance reform bills believe that if we stop the growth of campaign spending and force giveaways of public and private resources then all will be fine with the campaign finance system. The Supreme Court agrees and is again very clear in its intent on campaign spending. The Buckley decision says, ''. . . the mere growth in the cost of federal election campaigns in and of

itself provides no basis for governmental restrictions on the quantity of campaign spending. . . .''

Campaigns are about ideas and expressing those ideas, no matter how great or small the means. The ''distribution of the humblest handbill'' to the ''expensive modes of communication'' are both indispensable instruments of effective political speech. We should not force one sector to freely distribute our political ideas just because it is more expensive than all the other sectors. So no matter how objectionable the cost of campaigns are, the Supreme Court has stated that this is not reason enough to restrict the speech of candidates or any other groups involved in political speech.

We need a campaign finance bill that does not violate the First Amendment, while providing important provisions to open the campaign finances of candidates up to the scrutiny of the American people. I believe the Campaign Finance Integrity Act does that.

My bill would:

Require candidates to raise at least 50 percent of their contributions from individuals in the state or district in which they are running.

Equalize contributions from individuals and political action committees (PACs) by raising the individual limit from $1000 to $2500 and reducing the PAC limit from $5000 to $2500.

Index individual and PAC contribution limits for inflation.

Reduce the influence of a candidate's personal wealth by allowing political party committees to match dollar for dollar the personal contribution of a candidate above $5000.

Require corporations and labor organizations to seek separate, voluntary authorization of the use of any dues, initiative fees or payment as a condition of employment for political activity, and requires annual full disclosure of those activities to members and shareholders.

Prohibit depositing an individual contribution by a campaign unless the individual's profession and employer are reported.

Encourage the Federal Election Commission to allow filing of reports by computers and other emerging technologies and to make that information accessible to the public on the Internet less than 24 hours of receipt.

Ban the use of taxpayer financed mass mailings.

This is common sense campaign finance reform. It drives the candidate back into his district or state to raise money from individual contributions. It has some of the most open, full and timely disclosure requirements of any other campaign finance bill in either the Senate or the House of Representatives. I strongly believe that sunshine is the best disinfectant.

The right of political parties, groups and individuals to say what they want in a political campaign is preserved by the right of the public to know how much they are spending and what they are saying is also recognized. I have great faith that the public can make its own decisions about campaign discourse if it is given full and timely information.

Many of the proponents of other campaign finance bills try to reduce the influence of interests by suppressing their speech. I believe the best ways to reduce the special interests influence is to suppress and reduce the size of government. If the government rids itself of special interest funding and corporate subsidies, then there would be less reason for influence-buying donations.

Objecting to the popular quest of the moment is very difficult for any politician, but turning your back on the First Amendment is more difficult for me. I want campaign finance reform but not at the expense of the First Amendment. My legislation does this. Not everyone will agree with the Campaign Finance Integrity Act, and many of us still disagree on this issue, but the First Amendment is the reason we can disagree and it must be honored here rather than just the Courts.●

By Mr. DEWINE (for himself, Mr. HUTCHINSON, Mr. VOINOVICH, Mr. NICKLES, Mr. HELMS, and Mr. ENZI):

S. 1673. A bill to amend titles 10 and 18, United States Code, to protect unborn victims of violence; to the Committee on the Judiciary.

UNBORN VICTIMS OF VIOLENCE ACT OF 1999

● Mr. DEWINE. Mr. President, today I rise to speak on behalf of unborn children who are the victims of violence. I am here to be their voice; I am here to fight for their rights.

We live in a violent world, Mr. President. Sadly, sometimes—perhaps more often than we realize—even unborn babies are the targets, intended or otherwise, of violent acts. I'll give you some disturbing examples.

In 1996, Airman, Gregory Robbins, and his family were stationed in my home state of Ohio at Wright-Patterson Air Force Base in Dayton. At that time, Mrs. Robbins was more than eight months pregnant with a daughter they named Jasmine. On September 12, 1996, in a fit of rage, Airman Robbins wrapped his fist in a T-shirt (to reduce the chance that he would inflict visible injuries) and savagely beat his wife by striking her repeatedly about the head and abdomen. Fortunately, Mrs. Robbins survived the violent assault. Tragically, however, her uterus ruptured during the attack, expelling the baby into her abdominal cavity, causing Jasmine's death.

Air Force prosecutors sought to prosecute the Airman for Jasmine's death, but neither the Uniform Code of Military Justice nor the Federal code makes criminal such an act which results in the death or injury of an unborn child. The only available federal offense was for the assault on the mother. This was a case in which the only available federal penalty did not fit the crime. So prosecutors bootstrapped the Ohio fetal homicide law to convict Mr. Robbins of Jasmine's death. This case currently is pending appeal, and we do hope that justice will prevail.

Mr. President, if it weren't for the Ohio law that is already in place, there would have been no opportunity to prosecute and punish Airman Robbins for the assault against Baby Jasmine. We need a federal remedy to avoid having to bootstrap state laws and to provide recourse when a violent act occurs during the commission of a federal crime—especially in cases when the state in which the crime occurs does not have a fetal protection law in place. A federal remedy will ensure that crimes against unborn victims are punished.

There are other sickening examples of violence against innocent unborn children, Mr. President. An incident occurred in Arkansas just a few short weeks ago. Nearly nine months pregnant, Shawana Pace of Little Rock was days away from giving birth. She was thrilled about her pregnancy. Her boyfriend, Eric Bullock, however, did not share her joy and enthusiasm. In fact, Eric Bullock wanted the baby to die. So, he hired three thugs to beat Shawana so badly that she would lose the unborn baby.

During the vicious assault against mother and child, one of the hired hitmen allegedly said: ''Your baby is going to die tonight.'' Shawana's baby did die that night. She named the baby Heaven. Mr. President, I am saddened and sickened by the sheer inhumanity and brutality of this act of violence.

Fortunately, the State of Arkansas, like Ohio, passed a fetal protection law, which allows Arkansas prosecutors to charge defendants with murder for the death of a fetus. Under previous law, such attackers could be charged only with crimes against the pregnant woman. As in the case of Baby Jasmine's death in Ohio, but for the Arkansas state law, there would be no remedy—no punishment—for Baby Heaven's brutal murder. The only charge would be assault against the mother.

In the Oklahoma City and World Trade Center bombings—here too—federal prosecutors were able to charge the defendants with the murders of or injuries to the mothers—but not to their unborn babies. Again, federal law currently only criminalizes crimes against born humans. There are no federal provisions for the unborn.

This is wrong.

It is wrong that our federal government does absolutely nothing to criminalize violent acts against unborn children. We must correct this loophole in our law, for it allows criminals to get away with violent acts—and sometimes even murder.

We, as a civilized society, should not—with good conscience—stand for that.

So, today, I am introducing legislation, along with my distinguished colleagues, Senator TIM HUTCHINSON and Senator ABRAHAM, to provide justice for America's unborn victims of violence. Our bill, the Unborn Victims of Violence Act, would hold criminals liable for conduct that harms or kills an unborn child. It would make it a separate crime under the Federal code and the Uniform Code of Military Justice to kill or injure an unborn child during the commission of certain existing federal crimes.

The Unborn Victims of Violence Act would create a separate offense for unborn children—it would acknowledge them as individual victims. Our bill would no longer allow violent acts against unborn babies to be considered victimless crimes. At least twenty-four (24) states already have criminalized harm to unborn victims, and another seven (7) states criminalize the termination of pregnancy.

Mr. President, in November of 1996, a baby, just three months from full-term, was killed in Ohio as a result of road rage. An angry driver forced a pregnant mother's car to crash into a flatbed truck. Because the Ohio Revised Code imposes criminal liability for any violent conduct which terminates a pregnancy of a child in utero, prosecutors successfully tried and convicted the driver for recklessly causing the baby's death. Our bill would make an act of violence like this a federal crime. It would be a simple step, but one with a dramatic effect.

Mr. President, we purposely have drafted this legislation very narrowly. For example, it would not permit the prosecution for any abortion to which a woman consented. It would not permit the prosecution of a woman for any action (legal or illegal) in regard to her unborn child. This legislation would not permit the prosecution for harm caused to the mother or unborn child in the course of medical treatment. And, the bill would not allow for the imposition of the death penalty under this Act.

Mr. President, it is time that we wrap the arms of justice around unborn children and protect them against criminal assailants. Those who violently attack unborn babies are criminals. The federal penalty should fit the crime. I strongly urge my colleagues to join me in support of this legislation. We have an obligation to our unborn children.●

By Mr. BINGAMAN:

S 1674. A bill to promote small schools and smaller learning communities; to the Committee on Health, Education, Labor, and Pensions.

SMALL, SAFE SCHOOLS ACT

By Mr. BINGAMAN (for himself and Mr. REID):

S. 1675. A bill to provide for school drop out prevention, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

NATIONAL DROPOUT PREVENTION ACT OF 1999

By Mr. BINGAMAN:

S. 1676. A bill to improve accountability for schools and local educational agencies under part A of title I of the Elementary and Secondary Education Act of 1965, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

SCHOOL IMPROVEMENT ACCOUNTABILITY ACT

● Mr. BINGAMAN. Mr. President, last week I introduced two education bills related to raising standards and ensuring accountability for the teachers in our schools. Today, I am pleased to introduce three bills that relate to raising standards and ensuring accountability for the performance of our schools—the Small, Safe Schools Act, the National Dropout Prevention Act and the School Improvement Accountability Act. Next week, I will introduce two bills which relate to raising standards and ensuring accountability for student achievement. All of these bills, which I hope to incorporate into the reauthorization of the Elementary and Secondary Education Act, form the foundation for a comprehensive plan to improve the quality of our public education system. The three bills that I am introducing today focus on improving school performance.

The Small, Safe Schools Act would help to ensure that children have a sense of belonging in their school by providing incentives for the construction of smaller schools and providing resources to create smaller learning communities in existing larger schools. In this way, we can create school environments that keep our children safe and make it easier for them to meet high standards for achievement. Research demonstrates that small schools outperform large schools on every measure of school success.

In the wake of the tragedy at Columbine High School, one of the most important concerns regarding school quality is school safety. Issues of school safety can be effectively addressed by creating smaller schools or smaller learning communities within larger schools. Behavorial problems, including truancy, classroom disruption, vandalism, aggressive behavior, theft, substance abuse and gang participation are all more common in larger schools. Teachers in small schools learn of disagreements between students and can resolve problems before problems become severe. Based on studies of high school violence, researchers have concluded that the first step in ending school violence must be to break through the impersonal atmosphere of large high schools by creating smaller communities of learning within larger structures, where teachers and students can come to know each other well.

School size also can have a critical impact on learning. Small school size improves students grades and test scores. This impact is even greater for ethnic minority and low income students. Small institutional size has been found to be one of the most important factors in creating positive educational outcomes. Studies on school dropout rates show a decrease in the rates as schools get smaller. Students and staff at smaller schools have a stronger sense of personal efficacy, and students take more of the responsibility for their own learning, which includes more individualized and experimental learning relevant to the world outside of school.

Small schools can be created cost effectively. Larger schools can be more expensive because their sheer size requires more administrative support. More importantly, additional bureaucracy translates into less flexibility and innovation. In addition, because small schools have higher graduation rates, costs per graduate are lower than costs per graduate in large schools.

The Small, Safe Schools Act would establish three programs designed to promote and support smaller schools and smaller learning communities within large schools. Schools or LEAs could apply for funds to help develop smaller learning communities within larger schools. The bill also authorizes the Secretary to provide technical assistance to LEAs and schools seeking to create smaller learning communities. In addition, the bill would provide funding for construction and renovation of schools designed to accommodate no more than 350 students in an elementary school, 400 students in a middle school, and 800 students in a high school.

On behalf of myself and Senator REID, I also offer the National Dropout Prevention Act, which is a bill designed to reduce the dropout rate in our nation's schools. While much progress has been made in encouraging more students to complete high school, the nation remains far from its goal of a 90 percent graduation rate for students by 2000. In fact, none of the states with large and diverse student populations have yet come close to this goal, and dropout rates approaching 50 percent are commonplace in some of the most disadvantaged communities during the period from ninth grade to senior year. The bill is based on many of the findings of the National Hispanic Dropout Project, a group of nationally recognized experts assembled during 1996–97 to help find solutions to the high dropout rate among Hispanic and other at-risk students. In addition to widespread misconceptions about why so many students drop out of school and lack of familiarity with proven dropout prevention programs, one of the main factors contributing to the lack of progress in this area is that there is currently no concerted federal effort to provide or coordinate effective and proven dropout prevention programs for at-risk children. In fact, there is currently no federal agency or office that is responsible for the multitude of programs that include dropout prevention as a component.

The Act makes lowering the dropout rate a national priority. Efforts to prevent students from dropping out would be coordinated on the nation level by an Office of Dropout Prevention and Program Completion in the Department of Education. The Office would disseminate best practices and models for effective dropout programs through a national clearinghouse and provide support and recognition to schools engaged in dropout prevention efforts. In addition, this bill provides funds to pay the startup and implementation costs of effective, sustainable, coordinated, and whole school dropout prevention programs. Funds could be used to implement comprehensive school-wide reforms, create alternative school programs or smaller learning communities. Grant recipients could contract with community-based organizations to assist in implementing necessary services.

The School Improvement Accountability Act, the third bill I am introducing today, sets more rigorous standards for States and LEAs receiving Title I funds by strengthening the accountability provisions in Title I. The Title I program provides supplemental services to disadvantaged students and schools with high concentrations of disadvantaged students. These students and these schools are often short-changed by our educational system. The bill seeks to ensure that all schools are often short-changed by our educational system. The bill seeks to ensure that all schools receiving Title I funding achieve realistic goals for student achievement and that all students reach those goals, narrowing existing achievement gaps. Recipients will be required to set goals for student achievement which will result in all students (in Title I schools) passing state tests at a ''proficiency'' standard within 10 years of reauthorization. The bill also requires States, LEAs and schools to focus on elimination of the achievement gap between LEP, disabled & low-income students and other students and to ensure inclusion of all students in state assessments.

The bill also modifies the corrective action section of the bill, which is the section that is triggered when schools identified as being in need of improvement, have not made sufficient gains towards the goals set out in the schools Title I plan. The School Improvement Accountability act would require schools failing to meet standards must take one of three actions affecting personnel and/or management of the schools: (1) decreasing decision-making authority at the school level; (2) reconstituting the school staff; or (3) eliminating the use of noncredentialed staff. Students in failing schools also would have a right to transfer to a school which is not failing.

In order to ensure equal educational opportunities for all our children, we must ensure that schools are safe, welcoming places. We also must ensure that students in danger of dropping out of school are not lost, but instead graduate high school with the skills that they need to be productive members of our society. We must provide special support to students with greater obstacles to learning, such as disadvantaged students, students whose first language is not English, and disabled students. We must ensure that schools serving these students can provide high quality educational programs and that those schools are held accountable for the success of all students. The bills I offer today will do much to achieve these goals. I hope that my colleagues will support these efforts.●

By Mr. GREGG (for himself and Mr. HAGEL):

S. 1677. A bill to establish a child centered program, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

CHILD CENTERED PROGRAM ESTABLISHMENT LEGISLATION

● Mr. GREGG. Mr. President, today I am joined with Senator HAGEL in introducing a bill to allow States and schools districts to switch Title I of the Elementary and Secondary Education from a school-based to a child-based program.

We will soon take up the reauthorization of the Elementary and Secondary Education Act. The centerpiece of which is Title I which was created in 1965 to provide extra educational assistance to low-income students. Since its inception, Title I has grown into the largest federal education program for elementary and secondary school students with funding, in this year alone, at $7.7 billion.

Unfortunately, after more than 30 years and expenditures of $118 billion, national evaluations indicate that Title I has failed to achieve its primary aim of reducing the achievement gap between advantaged and disadvantaged students.

Reading scores in 1998 showed that only 6 States made progress in narrowing the gap between White and African American students and just 3 made progress narrowing the gap between White and Hispanic students. While the gap actually grew in 16 States. In math, nine year olds in high poverty schools remain 2 grade levels behind students in low-poverty schools.

In reading, nine year old students in high poverty schools remain 3 to 4 grade levels behind students in low poverty schools. Seventy percent of children in high poverty schools score below even the most basic level of reading. Two out of every three African American and Hispanic 4th graders can barely read.

It is time to take a fresh look at this important program to ensure that our neediest students are receiving the services they need. We must provide enough flexibility in Title I for students to receive high quality supplemental educational services, wherever those services are offered.

In order to enable needy students to access high quality supplemental services, States and school districts should be given the opportunity to transform Title I from a school-based program to a child-centered program. Which is exactly what my bill does. Let me explain.

Currently, Title I dollars are sent to States, then distributed to school districts, and ultimately to schools—this is known as a school-based program. Aid goes to the school, rather than directly to the eligible child.

This process of sending dollars to districts and schools rather than students has a serious unintended consequence—millions of eligible children never receive the educational services promised to them by this program.

To make matters worse, even schools which have been identified by their States and communities as chronic poor performers continue to receive Title I dollars, despite that fact that well over one-third of eligible children (about 4 million children) receive no services.

Today, 4 million children generate Title I revenue for their school district, but never receive Title I services; despite the fact that the school district received federal funds to provide supplemental educational services to those very children.

We should not continue the practice of sustaining failed schools at the expense of our nation's children.

The very serious problem of under serving our neediest students can be alleviated by giving States and school districts the ability to focus their efforts by directly serving Title I eligible students through a child-centered program.

This bill permits interested States and school districts to use Title I dollars to create a child-centered program.

Here is how it would work. Interested states and school districts could use their Title I dollars to establish a per pupil amount for each eligible child—any child between the ages of 5–17 from a family at or below the poverty line. The per pupil amount would then follow the child to the school they attend. The per pupil amount would be used to provide supplemental educational (''add-on'' or ''extra'') services to meet the individual educational needs of children participating in the program.

Since some schools continue to fail to provide high quality educational services to their neediest students, students could use their per-pupil amount to receive supplemental educational (''add-on'') services from either their school or a tutorial assistance provider, be that a Sylvan learning center, a charter school or a private school. The idea behind this provision is to allow parents to use their per-pupil amount to purchase extra tutorial assistance for before or after school.

There are numerous benefits to turning Title I into a child-centered program. It increases the number of disadvantaged children served by Title I. It ensures that federal dollars generated by a particular student actually

benefit that student. It rewards good schools and penalizes failing schools, as children would have the option to go the schools that best meet their needs and take their Title I money with them. A child-centered program decreases the practice of financially rewarding schools that consistently fail to provide a high quality education to their students. And, it ensures that students who are stuck in a bad school have access to educational services outside the school, by permitting parents to use their child's per-pupil allotment for tutorial assistance.

In short, this bill creates a much-needed market for change in that it gives families the ability to take their federal dollars out of a school that is not using them effectively and purchase services somewhere else. Families are empowered and schools are compelled to improve in order to keep their students.

I urge my colleagues to cosponsor this bill. Turning Title I into a child-centered program puts Title I back on the right track, focusing on what is best for the child first and foremost.

I ask that it be printed in the RECORD.

The bill follows:

S. 1677

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

SECTION 1. ESTABLISHMENT OF THE CHILD CENTERED PROGRAM.

Part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.) is amended by adding at the end the following:

"Subpart 3—Child Centered Program

"SEC. 1131. DEFINITIONS.

''In this subpart:

''(1) ELIGIBLE CHILD.—The term 'eligible child' means a child who—

''(A) is eligible to be counted under section 1124(c); or

''(B)(i) the State or participating local educational agency elects to serve under this subpart; and

''(ii) is a child eligible to be served under this part pursuant to section 1115(b).

''(2) PARTICIPATING LOCAL EDUCATIONAL AGENCY.—The term 'participating local educational agency' means a local educational agency that elects under section 1133(b) to carry out a child centered program under this subpart.

''(3) SCHOOL.—The term 'school' means an institutional day or residential school that provides elementary or secondary education, as determined under State law, except that such term does not include any school that provides education beyond grade 12.

''(4) SUPPLEMENTAL EDUCATION SERVICES.—The term 'supplemental education services' means educational services intended—

''(A) to meet the individual educational needs of eligible children; and

''(B) to enable eligible children to meet challenging State curriculum, content, and student performance standards.

''(5) TUTORIAL ASSISTANCE PROVIDERS.—The term 'tutorial assistance provider' means a public or private entity that—

''(A) has a record of effectiveness in providing tutorial assistance to school children; or

''(B) uses instructional practices based on scientific research.

"SEC. 1132. CHILD CENTERED PROGRAM FUNDING.

''(a) FUNDING.—Notwithstanding any other provision of law, each State or participating local educational agency may use the funds made available under subparts 1 and 2, and shall use the funds made available under subsection (c), to carry out a child centered program under this subpart.

''(b) PARTICIPATING LOCAL EDUCATIONAL AGENCY ELECTION.—

''(1) IN GENERAL.—If a State does not carry out a child centered program under this subpart or does not have an application approved under section 1134 for a fiscal year, a local educational agency in the State may elect to carry out a child centered program under this subpart, and the Secretary shall provide the funds that the local educational agency (with an application approved under section 1134) is eligible to receive under subparts 1 and 2, and subsection (c), directly to the local educational agency to enable the local educational agency to carry out the child centered program.

''(2) SUBMISSION APPROVAL.—In order to be eligible to carry out a child centered program under this subpart a participating local educational agency shall obtain from the State approval of the submission, but not the contents, of the application submitted under section 1134.

''(c) INCENTIVE GRANTS.—

''(1) IN GENERAL.—From amounts appropriated under paragraph (3) for a fiscal year the Secretary shall award grants to each State, or participating local educational agency described in subsection (b), that elects to carry out a child centered program under this subpart and has an application approved under section 1134, to enable the State or participating local educational agency to carry out the child centered program.

''(2) AMOUNT.—Each State or participating local educational agency that elects to carry out a child centered program under this subpart and has an application approved under section 1134 for a fiscal year shall receive a grant in an amount that bears the same relation to the amount appropriated under paragraph (3) for the fiscal year as the amount the State or participating local educational agency received under subparts 1 and 2 for the fiscal year bears to the amount all States and participating local educational agencies carrying out a child centered program under this subpart received under subparts 1 and 2 for the fiscal year.

''(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this subsection for fiscal year 2000 and each of the 4 succeeding fiscal years.

"SEC. 1133. CHILD CENTERED PROGRAM REQUIREMENTS.

''(a) USES.—Each State or participating local educational agency with an application approved under section 1134 shall use funds made available under subparts 1 and 2, and subsection (c), to carry out a child centered program under which—

''(1) the State or participating local educational agency establishes a per pupil amount based on the number of eligible children in the State or the school district served by the participating local educational agency; and

''(2) the State or participating local educational agency may vary the per pupil amount to take into account factors that may include—

''(A) variations in the cost of providing supplemental education services in different parts of the State or the school district served by the participating local educational agency;

''(B) the cost of providing services to pupils with different educational needs; or

''(C) the desirability of placing priority on selected grades; and

''(3) in the case of a child centered program for eligible children at a public school, the State or the participating local educational agency makes available, not later than 3 months after the beginning of the school year, the per pupil amount determined under paragraphs (1) and (2) to the school in which an eligible child is enrolled, which per pupil amount shall be used for supplemental education services for the eligible child that are—

''(A) subject to subparagraph (B), provided by the school directly or through a contract for the provision of supplemental education services with any governmental or nongovernmental agency, school, postsecondary educational institution, or other entity, including a private organization or business; or

''(B) if requested by the parent or legal guardian of an eligible child, purchased from a tutorial assistance provider, another public school, or a private school, selected by the parent or guardian.

''(b) SCHOOLWIDE PROGRAMS.—

''(1) IN GENERAL.—In the case of a public school in which 50 percent of the students enrolled in the school are eligible children, the public school may use funds provided under this subpart, in combination with other Federal, State, and local funds, to carry out a schoolwide program to upgrade the entire educational program in the school.

''(2) PLAN.—If the public school elects to use funds provided under this part in accordance with paragraph (1), and does not have a plan approved by the Secretary under section 1114(b)(2), the public school shall develop and adopt a comprehensive plan for reforming the entire educational program of the public school that—

''(A) incorporates—

''(i) strategies for improving achievement for all children to meet the State's proficient and advanced levels of performance described in section 1111(b);

''(ii) instruction by highly qualified staff;

''(iii) professional development for teachers and aides in content areas in which the teachers or aides provide instruction and, where appropriate, professional development for pupil services personnel, parents, and principals, and other staff to enable all children in the school to meet the State's student performance standards; and

''(iv) activities to ensure that eligible children who experience difficulty mastering any of the standards described in section 1111(b) during the course of the school year shall be provided with effective, timely additional assistance;

''(B) describes the school's use of funds provided under this subpart and from other sources to implement the activities described in subparagraph (A);

''(C) includes a list of State and local educational agency programs and other Federal programs that will be included in the schoolwide program;

''(D) describes how the school will provide individual student assessment results, including an interpretation of those results, to the parents of an eligible child who participates in the assessment; and

''(E) describes how and where the school will obtain technical assistance services and a description of such services.

''(3) SPECIAL RULE.—In the case of a public school operating a schoolwide program under this subsection, the Secretary may, through publication of a notice in the Federal Register, exempt child centered programs under

this section from statutory or regulatory requirements of any other noncompetitive formula grant program administered by the Secretary, or any discretionary grant program administered by the Secretary (other than formula or discretionary grant programs under the Individuals with Disabilities Education Act), to support the schoolwide program, if the intent and purposes of such other noncompetitive or discretionary programs are met.

''(c) PRIVATE SCHOOL CHILDREN.—A State or participating local educational agency carrying out a child centered program under this subpart for eligible children at a private school shall ensure that eligible children who are enrolled in the private school receive supplemental education services that are comparable to services for eligible children enrolled in public schools provided under this subpart. The supplemental education services, including materials and equipment, shall be secular, neutral, and nonideological.

''(d) OPEN ENROLLMENT.—

''(1) IN GENERAL.—In order to be eligible to carry out a child centered program under this subpart a State or participating local educational agency shall operate a statewide or school district wide, respectively, open enrollment program that permits parents to enroll their child in any public school in the State or school district, respectively, if space is available in the public school and the child meets the qualifications for attendance at the public school.

''(2) WAIVER.—The Secretary may waive paragraph (1) for a State or participating local educational agency if the State or agency, respectively, demonstrates that parents served by the State or agency, respectively—

''(A) have sufficient options to enroll their child in multiple public schools; or

''(B) will have sufficient options to use the per pupil amount made available under this subpart to purchase supplemental education services from multiple tutorial assistance providers or schools.

''(e) PARENT INVOLVEMENT.—

''(1) IN GENERAL.—Any public school receiving funds under this subpart shall convene an annual meeting at a convenient time. All parents of eligible children shall be invited and encouraged to attend the meeting, in order to explain to the parents the activities assisted under this subpart and the requirements of this subpart. At the meeting, the public school shall explain to parents how the school will use funds provided under this subpart to enable eligible children enrolled at the school to meet challenging State curriculum, content, and student performance standards. In addition, the public school shall inform parents of their right to choose to use the per pupil amount described in subsection (a) to purchase supplemental education services from a tutorial assistance provider, another public school or a private school.

''(2) INFORMATION.—Any public school receiving funds under this subpart shall provide to parents a description and explanation of the curriculum in use at the school, the forms of assessment used to measure student progress, and the proficiency levels students are expected to meet.

''SEC. 1134. APPLICATION.

''(a) IN GENERAL.—Each State or participating local educational agency desiring to carry out a child centered program under this subpart shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require. Each such application shall contain—

''(1) a detailed description of the program to be assisted, including an assurance that—

''(A) the per pupil amount established under section 1133(a) will follow each eligible child described in that section to the school or tutorial assistance provider of the parent or guardian's choice;

''(B) funds made available under this subpart will be spent in accordance with the requirements of this subpart; and

''(C) parents have the option to use the per pupil amount to purchase supplemental education services for their children from a wide variety of tutorial assistance providers and schools;

''(2) an assurance that the State or participating local educational agency will publish in a widely read or distributed medium an annual report card that contains—

''(A) information regarding the academic progress of all students served by the State or participating local educational agency in meeting State standards, including students assisted under this subpart, with results disaggregated by race, family income, limited English proficiency, and gender, if such disaggregation can be performed in a statistically sound manner; and

''(B) such other information as the State or participating local educational agency may require;

''(3) a description of how the State or participating local educational agency will make available, to parents of children participating in the child centered program, annual school report cards, with results disaggregated by race, family income, limited English proficiency, and gender, for schools in the State or in the school district of the participating local educational agency;

''(4) in the case of an application from a participating local educational agency, an assurance that the participating local educational agency has notified the State regarding the submission of the application;

''(5) a description of specific measurable objectives for improving the student performance of students served under this subpart;

''(6) a description of the process by which the State or participating local educational agency will measure progress in meeting the objectives;

''(7)(A) in the case of an application from a State, an assurance that the State meets the requirements of subsections (a), (b) and (e) of section 1111 as applied to activities assisted under this subpart; and

''(B) in the case of an application from a participating local educational agency, an assurance that the State's application under section 1111 met the requirements of subsections (a), (b) and (e) of such section; and

''(8) an assurance that each local educational agency serving a school that receives funds under this subpart will meet the requirements of subsections (a) and (c) of section 1116 as applied to activities assisted under this subpart.

''SEC. 1135. ADMINISTRATIVE PROVISIONS.

''(a) PROGRAM DURATION.—A State or participating local educational agency shall carry out a child centered program under this subpart for a period of 5 years.

''(b) ADMINISTRATIVE COSTS.—A State may reserve 2 percent of the funds made available to the State under this subpart, and a participating local educational agency may reserve 5 percent of the funds made available to the participating local educational agency under this subpart, to pay the costs of administrative expenses of the child centered program. The costs may include costs of providing technical assistance to schools receiving funds under this subpart, in order to increase the opportunity for all students in the schools to meet the State's content standards and student performance standards. The technical assistance may be provided directly by the State educational agency, local educational agency, or, with a local educational agency's approval, by an institution of higher education, by a private nonprofit organization, by an educational service agency, by a comprehensive regional assistance center under part A of title XIII, or by another entity with experience in helping schools improve student achievement.

''(c) REPORTS.—

''(1) ANNUAL REPORTS.—

''(A) IN GENERAL.—The State educational agency serving each State, and each participating local educational agency, carrying out a child centered program under this subpart shall submit to the Secretary an annual report, that is consistent with data provided under section 1134(a)(2)(A), regarding the performance of eligible children receiving supplemental education services under this subpart.

''(B) DATA.—Not later than 2 years after establishing a child centered program under this subpart and each year thereafter, each State or participating local educational agency shall include in the annual report data on student achievement for eligible children served under this subpart with results disaggregated by race, family income, limited English proficiency, and gender, demonstrating the degree to which measurable progress has been made toward meeting the objectives described in section 1134(a)(5).

''(C) DATA ASSURANCES.—Each annual report shall include—

''(i) an assurance from the managers of the child centered program that data used to measure student achievement under subparagraph (B) is reliable, complete, and accurate, as determined by the State or participating local educational agency; or

''(ii) a description of a plan for improving the reliability, completeness, and accuracy of such data as determined by the State or participating local educational agency.

''(2) SECRETARY'S REPORT.—The Secretary shall make each annual report available to Congress, the public, and the Comptroller General of the United States (for purposes of the evaluation described in section 1136).

''(d) TERMINATION.—Three years after the date a State or participating local educational agency establishes a child centered program under this subpart the Secretary shall review the performance of the State or participating local educational agency in meeting the objectives described in section 1134(a)(5). The Secretary, after providing notice and an opportunity for a hearing, may terminate the authority of the State or participating local educational agency to operate a child centered program under this subpart if the State or participating local educational agency submitted data that indicated the State or participating local educational agency has not made any progress in meeting the objectives.

''(e) TREATMENT OF AMOUNTS RECEIVED.—The per pupil amount provided under this subpart for an eligible child shall not be treated as income of the eligible child or the parent of the eligible child for purposes of Federal tax laws, or for determining the eligibility for or amount of any other Federal assistance.

''SEC. 1136. EVALUATION.

''(a) ANNUAL EVALUATION.—

''(1) CONTRACT.—The Comptroller General of the United States shall enter into a contract, with an evaluating entity that has demonstrated experience in conducting evaluations, for the conduct of an ongoing rigorous evaluation of child centered programs under this subpart.

''(2) ANNUAL EVALUATION REQUIREMENT.—The contract described in paragraph (1) shall

require the evaluating entity entering into such contract to annually evaluate each child centered program under this subpart in accordance with the evaluation criteria described in subsection (b).

''(3) TRANSMISSION.—The contract described in paragraph (1) shall require the evaluating entity entering into such contract to transmit to the Comptroller General of the United States the findings of each annual evaluation under paragraph (2).

''(b) EVALUATION CRITERIA.—The Comptroller General of the United States, in consultation with the Secretary, shall establish minimum criteria for evaluating the child centered programs under this subpart. Such criteria shall provide for a description of—

''(1) the implementation of each child centered program under this subpart;

''(2) the effects of the programs on the level of parental participation and satisfaction with the programs; and

''(3) the effects of the programs on the educational achievement of eligible children participating in the programs.

''SEC. 1137. REPORTS.

''(a) REPORTS BY COMPTROLLER GENERAL.—

''(1) INTERIM REPORTS.—Three years after the date of enactment of this subpart the Comptroller General of the United States shall submit an interim report to Congress on the findings of the annual evaluations under section 1136(a)(2) for each child centered program assisted under this subpart. The report shall contain a copy of the annual evaluation under section 1136(a)(2) of each child centered program under this subpart.

''(2) FINAL REPORT.—The Comptroller General shall submit a final report to Congress, not later than March 1, 2006, that summarizes the findings of the annual evaluations under section 1136(a)(2).''.

''SEC. 1138. LIMITATION ON CONDITIONS; PREEMPTION.

Nothing in this subpart shall be construed—

''(1) to authorize or permit an officer or employee of the Federal Government to mandate, direct, or control a State, local educational agency, or school's specific instructional content or student performance standards and assessments, curriculum, or program of instruction, as a condition of eligibility to receive funds under this subpart; and

''(2) to preempt any provision of a State constitution or State statute that pertains to the expenditure of State funds in or by religious institutions.''.●

ADDITIONAL COSPONSORS

S. 341

At the request of Mr. CRAIG, the name of the Senator from Pennsylvania (Mr. SANTORUM) was added as a cosponsor of S. 341, a bill to amend the Internal Revenue Code of 1986 to increase the amount allowable for qualified adoption expenses, to permanently extend the credit for adoption expenses, and to adjust the limitations on such credit for inflation, and for other purposes.

S. 381

At the request of Mr. INOUYE, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 381, a bill to allow certain individuals who provided service to the Armed Forces of the United States in the Philippines during World War II to receive a reduced SSI benefit after moving back to the Philippines.

S. 386

At the request of Mr. GORTON, the name of the Senator from Virginia (Mr. ROBB) was added as a cosponsor of S. 386, a bill to amend the Internal Revenue Code of 1986 to provide for tax-exempt bond financing of certain electric facilities.

S. 758

At the request of Mr. ASHCROFT, the names of the Senator from Oregon (Mr. SMITH), the Senator from Oklahoma (Mr. INHOFE), and the Senator from Arkansas (Mr. HUTCHINSON) were added as cosponsors of S. 758, a bill to establish legal standards and procedures for the fair, prompt, inexpensive, and efficient resolution of personal injury claims arising out of asbestos exposure, and for other purposes.

S. 784

At the request of Mr. ROCKEFELLER, the name of the Senator from Washington (Mr. GORTON) was added as a cosponsor of S. 784, a bill to establish a demonstration project to study and provide coverage of routine patient care costs for medicare beneficiaries with cancer who are enrolled in an approved clinical trial program.

S. 980

At the request of Mr. BAUCUS, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 980, a bill to promote access to health care services in rural areas.

S. 1187

At the request of Mr. DORGAN, the names of the Senator from Iowa (Mr. HARKIN), the Senator from Washington (Mr. GORTON), the Senator from Missouri (Mr. ASHCROFT), the Senator from Nevada (Mr. REID), and the Senator from Nebraska (Mr. KERREY) were added as cosponsors of S. 1187, a bill to require the Secretary of the Treasury to mint coins in commemoration of the bicentennial of the Lewis and Clark Expedition, and for other purposes.

S. 1211

At the request of Mr. BENNETT, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 1211, a bill to amend the Colorado River Basin Salinity Control Act to authorize additional measures to carry out the control of salinity upstream of Imperial Dam in a cost-effective manner.

S. 1235

At the request of Mr. LEAHY, the name of the Senator from Minnesota (Mr. GRAMS) was added as a cosponsor of S. 1235, a bill to amend part G of title I of the Omnibus Crime Control and Safe Streets Act of 1968 to allow railroad police officers to attend the Federal Bureau of Investigation National Academy for law enforcement training.

S. 1266

At the request of Mr. GORTON, the name of the Senator from Alaska (Mr. MURKOWSKI) was added as a cosponsor of S. 1266, a bill to allow a State to combine certain funds to improve the academic achievement of all its students.

S. 1277

At the request of Mr. BAUCUS, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 1277, a bill to amend title XIX of the Social Security Act to establish a new prospective payment system for Federally-qualified health centers and rural health clinics.

S. 1310

At the request of Ms. COLLINS, the names of the Senator from Ohio (Mr. DEWINE) and the Senator from South Carolina (Mr. HOLLINGS) were added as cosponsors of S. 1310, a bill to amend title XVIII of the Social Security Act to modify the interim payment system for home health services, and for other purposes.

S. 1384

At the request of Mr. ABRAHAM, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 1384, a bill to amend the Public Health Service Act to provide for a national folic acid education program to prevent birth defects, and for other purposes.

S. 1453

At the request of Mr. FRIST, the names of the Senator from South Dakota (Mr. JOHNSON), the Senator from Ohio (Mr. DEWINE), and the Senator from Pennsylvania (Mr. SANTORUM) were added as cosponsors of S. 1453, a bill to facilitate relief efforts and a comprehensive solution to the war in Sudan.

S. 1473

At the request of Mr. ROBB, the name of the Senator from Minnesota (Mr. WELLSTONE) was added as a cosponsor of S. 1473, a bill to amend section 2007 of the Social Security Act to provide grant funding for additional Empowerment Zones, Enterprise Communities, and Strategic Planning Communities, and for other purposes.

S. 1488

At the request of Mr. GORTON, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 1488, a bill to amend the Public Health Service Act to provide for recommendations of the Secretary of Health and Human Services regarding the placement of automatic external defibrillators in Federal buildings in order to improve survival rates of individuals who experience cardiac arrest in such buildings, and to establish protections from civil liability arising from the emergency use of the devices.

S. 1520

At the request of Mr. SMITH, the name of the Senator from Ohio (Mr. DEWINE) was added as a cosponsor of S. 1520, a bill to amend the U.S. Holocaust Assets Commission Act of 1998 to extend the period by which the final report is due and to authorize additional funding.

S. 1606

At the request of Mr. GRASSLEY, the name of the Senator from Utah (Mr.

HATCH) was added as a cosponsor of S. 1606, a bill to reenact chapter 12 of title 11, United States Code, and for other purposes.

S. 1608

At the request of Mr. CRAIG, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 1608, a bill to provide annual payments to the States and counties from National Forest System lands managed by the Forest Service, and the revested Oregon and California Railroad and reconveyed Coos Bay Wagon Road grant lands managed predominately by the Bureau of Land Management, for use by the counties in which the lands are situated for the benefit of the public schools, roads, emergency and other public purposes; to encourage and provide new mechanism for cooperation between counties and the Forest Service and the Bureau of Land Management to make necessary investments in federal lands, and reaffirm the positive connection between Federal Lands counties and Federal Lands; and for other purposes.

S. 1661

At the request of Mrs. HUTCHISON, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. 1661, a bill to amend title 28, United States Code, to provide that certain voluntary disclosures of violations of Federal law made as a result of a voluntary environmental audit shall not be subject to discovery or admitted into evidence during a judicial or administrative proceeding, and for other purposes.

SENATE CONCURRENT RESOLUTION 24

At the request of Mr. LUGAR, the name of the Senator from Pennsylvania (Mr. SANTORUM) was added as a cosponsor of Senate Concurrent Resolution 24, a bill to express the sense of the Congress on the need for United States to defend the American agricultural and food supply system from industrial sabotage and terrorist threats.

AMENDMENT NO. 1812

At the request of Mr. HUTCHINSON the names of the Senator from Ohio (Mr. DEWINE), the Senator from Colorado (Mr. ALLARD), the Senator from Wyoming (Mr. THOMAS), the Senator from Idaho (Mr. CRAPO), and the Senator from North Carolina (Mr. HELMS) were added as cosponsors of amendment No. 1812 proposed to S. 1650, an original bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2000, and for other purposes.

SENATE CONCURRENT RESOLUTION 58—URGING THE UNITED STATES TO SEEK A GLOBAL CONSENSUS SUPPORTING A MORATORIUM ON TARIFFS AND ON SPECIAL, MULTIPLE, AND DISCRIMINATORY TAXATION OF ELECTRONIC COMMERCE

Mr. WYDEN (for himself, Mr. LEAHY, and Mr. BAUCUS) submitted the following resolution; which was referred to the Committee on Finance.

S. RES. 58

Whereas electronic commerce is not bound by geography and its borders are not easily discernible;

Whereas transmissions over the Internet are made through packet-switching, making it impossible to determine with any degree of certainty the precise geographic route or endpoints of specific Internet transmissions and infeasible to separate interstate from interstate, and domestic from foreign, Internet transmissions;

Whereas inconsistent and inadministrable taxes imposed on Internet activity by subnational and national governments threaten not only to subject consumers, businesses and other users engaged in interstate and foreign commerce to multiple, confusing and burdensome taxation, but also to restrict the growth and continued technological maturation of the Internet itself;

Whereas the complexity of the issue of domestic taxation of electronic commerce is compounded when considered at the global level of almost 200 separate national governments;

Whereas the First Annual Report of the United States Government Working Group on Electronic Commerce found that fewer than 10 million people worldwide were using the Internet in 1995, that more than 140 million people worldwide were using the Internet in 1998 and that more than one billion people worldwide will be using the Internet in the first decade of the next Century;

Whereas information technology industries have accounted for more than one-third of real growth in United States Gross Domestic Product over the past 3 years;

Whereas information technology industries employ more than seven million people in the United States, and by 2006, more than one-half of the United States workforce is expected to be employed in industries that are either major producers or intensive users of information technology products and services;

Whereas electronic commerce among businesses worldwide is expected to grow from $43 billion in 1998 to more than $1.3 trillion by 2003, and electronic retail sales to consumers worldwide are expected to grow from $8 billion in 1998 to more than $108 billion by 2003;

Whereas the Internet Tax Freedom Act of 1998 enacted a policy of technological neutrality and non-discrimination toward taxation of electronic commerce, and stated that United States policy should be to seek bilateral, regional and multilateral agreements to remove barriers to global electronic commerce;

Whereas the World Trade Organization, at its May 1998 Ministerial Conference, adopted a declaration that all 132 member countries ''will continue their current practice of not imposing customs duties on electronic transmissions'';

Whereas the Organization for Economic Cooperation and Development and industry groups issued a joint declaration at its October 1998 Ministerial meeting on Global Electronic Commerce supporting the principles of technological neutrality and non-discrimination and opposing discriminatory taxation imposed on the Internet and electronic commerce;

Whereas the Committee on Fiscal Affairs of the Organization for Economic Cooperation and Development has stated that neutrality, efficiency, certainty and simplicity, effectiveness and fairness, and flexibility are the broad taxation principles that should be applied to electronic commerce;

Whereas the United States has issued joint statements on electronic commerce with Australia, the European Union, France, Ireland, Japan, and Korea providing that any taxation of electronic commerce should be neutral and nondiscriminatory; and

Whereas a July 1999 United Nations Report on Human Development urged world governments to impose ''bit taxes'' on electronic transmissions; Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the Congress—

(1) urges the President to seek a global consensus supporting—

(A) a permanent international moratorium on tariffs on electronic commerce; and

(B) an international ban on special, multiple, and discriminatory taxation of electronic commerce and the Internet;

(2) urges the President to instruct the United States delegation to the November 1999 World Trade Organization ministerial in Seattle to seek to make permanent and binding the moratorium on tariffs on electronic transmissions adopted by the World Trade Organization in May 1998;

(3) urges the President to seek adoption by the Organization for Economic Cooperation and Development and implementation by the group's 29 member countries of an international ban on special, multiple, or discriminatory taxation of electronic commerce and the Internet; and

(4) urges the President to oppose any proposal by any country, the United Nations, or any other multilateral organization to establish a bit tax on electronic transmissions.

• Mr. WYDEN. Mr. President, I am pleased to be joined by Senators LEAHY and BAUCUS to introduce today a resolution calling for an international ban on tariffs and on special, multiple and discriminatory taxes on electronic commerce and the Internet. Representative COX, with whom I have collaborated in the past on Internet-related matters, is introducing a companion resolution in the House of Representatives.

The resolution urges the President to seek a global consensus supporting a permanent international moratorium on tariffs on electronic commerce, and an international ban on special, multiple, and discriminatory taxation of electronic commerce and the Internet. The resolution urges the President to pursue the ban on tariffs through the World Trade Organization—particularly at the WTO Ministerial meeting that will be held in Seattle this November, and to pursue the moratorium on discriminatory, special, and multiple taxes on global e-commerce through the Organization for Economic Cooperation and Development. These positions reinforce the efforts of the U.S. Trade Representative at the WTO and of the U.S. negotiators at the OECD.

In the Internet Tax Freedom Act, enacted during the last Congress, we challenged the concept of 30,000 U.S. tax jurisdictions swamping online consumers and entrepreneurs with a crazy quilt of discriminatory taxes. But this problem is small potatoes compared to the prospect of thousands of additional discriminatory tax regimes Americans might face in nearly 200 countries around the world.

We are not going to sit by while the booming, global e-market becomes a

tasty feast for overly hungry tax collectors from Bonn to Beijing and Manila to Milan.

The same questions we dealt with in the United States become vastly more complex at the international level. For example, during the course of the debate about the Internet Tax Freedom Act last year, I asked what happens when Aunt Millie in Iowa uses America Online in Virginia to order Harry and David's pears from Medford, Oregon, pays for them with a bankcard in California and ships them to her old friend in Florida?

In the global arena, we have to ask what happens when a tax collector in Germany tries to collect a Value Added Tax on a U.S. e-entrepreneur from Coos Bay, Oregon with no physical presence in Europe? This is a very real threat because not long ago, the tax chief of a key European nation called trade over the Internet ''a threat to all government tax revenue—a very serious threat.''

In addition, we have heard about the possibility of discriminatory bit taxes, which are taxes levied on the volume of e-mail that passes over the Net. And we have recently learned that the European Union is discussing something known as ''blocking and takedown.'' This is not a rugby term, but if established, it would allow the EU to bar the use of an American entrepreneur's website in Europe if he or she was unwilling to participate in an EU tax registration scheme.

Moreover, some countries are blurring the line between services and products in an effort to impose still more special, targeted tariffs and taxes on global e-commerce. At present, some digital delivery—for example, downloading a CD or software program—is not taxed, but there's considerable support for turning this service into a product that could be the subject of discriminatory taxes.

Developing fair ground rules for the global digital economy is not a job for the faint hearted. That is why strong U.S. leadership is imperative in key multinational groups that are beginning to consider how to update old laws and regulations to apply in the global electronic marketplace.

That is the point of the resolution we are introducing today. Again, the resolution does two things: it urges the President to seek a global consensus supporting a global moratorium on tariffs on electronic commerce at the upcoming WTO ministerial meeting in Seattle, and second, it urges the President to seek through the OECD a global moratorium on discriminatory, multiple and special taxes on electronic commerce and the Internet.

This resolution builds upon the good work we accomplished in the 1998 Internet Tax Freedom Act. It is time to take the effort to stop discriminatory taxes on electronic commerce to the international level. I urge my colleagues to join us in supporting the resolution.●

● Mr. LEAHY. Mr. President, I am pleased to join Senator WYDEN in support of this resolution to urge the United States to seek a global consensus supporting a moratorium on tariffs and discriminatory taxation of electronic commerce. I thank Senator WYDEN and Congressman COX for their leadership in keeping the Internet free of discriminatory taxes in the United States and around the world.

The Internet allows businesses to sell their goods all over the world in the blink of an eye. This unique power also presents a unique challenge. That challenge facing the United States and the world is developing tax policies to nurture this exciting new market. That is why I am pleased to cosponsor this resolution to urge the President to seek a global moratorium on discriminatory taxes and tariffs on electronic commerce.

The growth of electronic commerce is everywhere, including my home state of Vermont. Today hundreds of Vermont businesses are doing business on the Internet, ranging from the Vermont Teddy Bear Company to Al's Snowmobile Parts Warehouse to Ben & Jerry's Homemade Ice Cream. These Vermont businesses are of all sizes and customer bases, from Main Street merchants to boutique entrepreneurs to a couple of ex-hippies who sell great ice cream. But what Vermont online sellers do have in common is the fact that Internet commerce lets them erase the geographic barriers that historically have limited our access to markets where our products can thrive. Cyberselling is paying off for Vermont and the rest of the United States.

As electronic commerce continues to grow, the United States must take the lead in fostering sound international tax policies. The United States was the incubator of the Internet, and the world closely watches the Internet policies that we debate and propose. Our leadership is critical to the continued growth of commerce on the Internet. Our resolution advances the leadership role of the United States by urging the administration to secure a global moratorium on discriminatory e-commerce taxes.

With more than 190 nations around the world able to levy discriminatory taxes on electronic commerce, we need this resolution to contribute to the stability necessary for electronic commerce to flourish. We are not asking for a tax-free zone on the Internet; if sales taxes and other taxes would apply to traditional sales and services, then those taxes would also apply to Internet sales under our resolution. But our resolution would urge a global ban on any taxes applied only to Internet sales in a discriminatory manner. Let's not allow the future of electronic commerce—with its great potential to expand the markets of Main Street businesses—to be crushed by the weight of multiple international taxation.

Today, there are more than 700,000 businesses selling their sales and services on the World Wide Web around the world. Estimates predict that the number of e-business Web sites will top 1 million by 2003. This explosion in Web growth has led to thousands of new and exciting opportunities for businesses from Main Street to Wall Street.

The International Internet Tax Freedom Resolution will help ensure that these businesses and many others will continue to reap the rewards of electronic commerce.●

SENATE RESOLUTION 192—EXTENDING BIRTHDAY GREETINGS AND BEST WISHES TO JIMMY CARTER IN RECOGNITION OF HIS 75TH BIRTHDAY

Mr. CLELAND (for himself and Mr. COVERDELL) submitted the following resolution; which was considered and agreed to:

S. RES. 192

Whereas October 1, 1999, is the 75th birthday of James Earl (Jimmy) Carter;

Whereas Jimmy Carter has served his country with distinction in the United States Navy, and as a Georgia State Senator, the Governor of Georgia, and the President of the United States;

Whereas Jimmy Carter has continued his service to the people of the United States and the world since leaving the Presidency by resolutely championing adequate housing, democratic elections, human rights, and international peace;

Whereas in all of these endeavors, Jimmy Carter has been fully and ably assisted by his wife, Rosalynn; and

Whereas Jimmy Carter serves as a living international symbol of American integrity and compassion: Now, therefore, be it

Resolved, That the Senate—

(1) extends its birthday greetings and best wishes to Jimmy Carter; and

(2) directs the Secretary of the Senate to transmit an enrolled copy of this resolution to Jimmy Carter.

SENATE RESOLUTION 193—TO REAUTHORIZE THE JACOB K. JAVITS SENATE FELLOWSHIP PROGRAM

Mr. DODD submitted the following resolution; which was considered and agreed to:

S. RES. 193

Resolved,

SECTION 1. SHORT TITLE.

This resolution may be cited as the ''Jacob K. Javits Senate Fellowship Program Resolution''.

SEC. 2. FELLOWSHIP PROGRAM EXTENDED; ELIGIBLE PARTICIPANTS.

(a) REAUTHORIZATION.—In order to encourage increased participation by outstanding students in a public service career, the Jacob K. Javits Senate Fellowship Program (in this resolution referred to as the ''program'') is extended for 5 years.

(b) ELIGIBLE PARTICIPANTS.—The Jacob K. Javits Foundation, Incorporated, New York, New York, (referred to in this resolution as the ''Foundation'') shall select Senate fellowship participants in the program. Each such participant shall complete a program of graduate study in accordance with criteria agreed upon by the Foundation.

SEC. 3. SENATE COMPONENT OF FELLOWSHIP PROGRAM.

(a) IN GENERAL.—The Secretary of the Senate (in this resolution referred to as the

''Secretary'') is authorized from funds made available under section 5, to appoint and fix the compensation of each eligible participant selected under section 2 for a period determined by the Secretary. The period of employment for each participant shall not exceed 1 year. Compensation paid to participants under this resolution shall not supplement stipends received from the Secretary of Education under the program.

(b) NUMBER OF FELLOWSHIPS.—For any fiscal year not more than 10 fellowship participants shall be employed.

(c) PLACEMENT.—The Secretary, after consultation with the Majority Leader and the Minority Leader, shall place eligible participants in positions in the Senate that are, within practical considerations, supportive of the fellowship participants' academic programs.

SEC. 4. ADMINISTRATIVE SUPPORT.

The Secretary of Education may enter into an agreement with the Foundation for the purpose of providing administrative support services to the Foundation in conducting the program.

SEC. 5. FUNDS.

An amount not to exceed $250,000 shall be available to the Secretary from the contingent fund of the Senate for each of the 5 year periods beginning on October 1, 1999 to compensate participants in the program.

SEC. 6. PROGRAM EXTENSION.

This program shall terminate September 30, 2004. Not later than 3 months prior to September 30, 2004, the Secretary shall submit a report evaluating the program to the Majority Leader and the Senate along with recommendations concerning the program's extension and continued funding level.

AMENDMENTS SUBMITTED

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

DODD (AND OTHERS) AMENDMENT NO. 1813

Mr. DODD (for himself, Mr. JEFFORDS, Ms. SNOWE, Mr. LEVIN, Mrs. MURRAY, and Mr. JOHNSON) proposed an amendment to the bill (S. 1650) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2000, and for other purposes; as follows:

In the matter under the heading ''PAYMENTS TO STATES FOR THE CHILD CARE AND DEVELOPMENT BLOCK GRANT'' in the matter under the heading ''ADMINISTRATION FOR CHILDREN AND FAMILIES'' in title II, strike ''$1,182,672,000'' and insert ''$2,000,000,000''.

HUTCHISON (AND BINGAMAN) AMENDMENT NO. 1814

(Ordered to lie on the table.)

Mrs. HUTCHISON (for herself and Mr. BINGAMAN) submitted an amendment intended to be proposed by them to the bill, S. 1650, supra; as follows:

At the appropriate place, insert the following:

SEC. . The United States-Mexico Border Health Commission Act (22 U.S.C. 290n et seq.) is amended—

(1) by striking section 2 and inserting the following:

''SEC. 2. APPOINTMENT OF MEMBERS OF BORDER HEALTH COMMISSION.

''Not later than 30 days after the date of enactment of this section, the President shall appoint the United States members of the United States-Mexico Border Health Commission, and shall attempt to conclude an agreement with Mexico providing for the establishment of such Commission.''; and

(2) in section 3—

(A) in paragraph (1), by striking the semicolon and inserting ''; and'';

(B) in paragraph (2)(B), by striking ''; and'' and inserting a period; and

(C) by striking paragraph (3).

ASHCROFT AMENDMENT NO. 1815

(Ordered to lie on the table.)

Mr. ASHCROFT submitted an amendment intended to be proposed by him to the bill, S. 1650, supra; as follows:

At the appropriate place, insert the following:

To amend the Congressional Budget Act of 1974 to protect Social Security surpluses through strengthened budgetary enforcement mechanisms.

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 ''Social Security and Medicare Safe Deposit Box Act of 1999''.

SEC. 2. FINDINGS AND PURPOSE.

(A) FINDINGS.—The Congress finds that—

(1) the Congress and the President joined together to enact the Balanced Budget Act of 1997 to end decades of deficit spending.

(2) strong economic growth and fiscal discipline have resulted in strong revenue growth into the Treasury;

(3) the combination of these factors is expected to enable the Government to balance its budget without the Social Security surpluses;

(4) the Congress has chosen to allocate in this Act all Social Security surpluses toward saving Social Security and Medicare;

(5) amounts so allocated are even greater than those reserved for Social Security and Medicare in the President's budget, will not require an increase in the statutory debt limit, and will reduce debt held by the public until Social Security and Medicare reform is enacted; and

(6) this strict enforcement is needed to lock away the amounts necessary for legislation to save Social Security and Medicare.

(b) PURPOSE.—It is the purpose of this Act to prohibit the use of Social Security surpluses for any purpose other than reforming Social Security and Medicare.

SEC. 3. PROTECTION OF SOCIAL SECURITY SURPLUSES.

(a) POINTS OF ORDER TO PROTECT SOCIAL SECURITY SURPLUSES.—Section 312 of the Congressional Budget Act of 1974 is amended by adding at the end the following new subsection:

''(g) POINTS OF ORDER TO PROTECT SOCIAL SECURITY SURPLUSES.—

''(1) CONCURRENT RESOLUTIONS ON THE BUDGET.—It shall not be in order in the House of Representatives or the Senate to consider any concurrent resolution on the budget, or conference report thereon or amendment thereto, that would set forth an on-budget deficit for any fiscal year.

''(2) SUBSEQUENT LEGISLATION.—It shall not be in order in the House of Representatives or the Senate to consider any bill, joint resolution, amendment, motion, or conference report if—

''(A) the enactment of that bill or resolution as reported;

''(B) the adoption and enactment of that amendment; or

''(C) the enactment of that bill or resolution in the form recommended in that conference report, would cause or increase an on-budget deficit for any fiscal year.

''(3) EXCEPTION.—The point of order set forth in paragraph (2) shall not apply to Social Security reform legislation or Medicare reform legislation as defined by section 5(c) of the Social Security and Medicare Safe Deposit Box Act of 1999.

''(4) DEFINITION.—For purposes of this section, the term 'on-budget deficit', when applied to a fiscal year, means the deficit in the budget in the budget as set forth in the most recently agreed to concurrent resolution on the budget pursuant to section 301(a)(3) for that fiscal year.''.

(b) CONTENT OF CONCURRENT RESOLUTION ON THE BUDGET.—Section 301(a) of the Congressional Budget Act of 1974 is amended by redesignating paragraphs (6) and (7) as paragraphs (7) and (8) respectively, and by inserting after paragraph (5) the following new paragraph:

''(6) the receipts, outlays, and surplus or deficit in the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance trust Fund, combined, established by title II of the Social Security Act;''.

(c) SUPER MAJORITY REQUIREMENT.—(1) Section 904(c)(1) of the Congressional Budget Act of 1974 is amended by inserting ''312(g),'' after ''310(d)(2),''.

(2) Section 904(d)(2) of the Congressional Budget Act of 1974 is amended by inserting ''312(g),'' after ''310(d)(2),''.

SEC. 4. REMOVING SOCIAL SECURITY FROM BUDGET PRONOUNCEMENTS.

(a) IN GENERAL.—Any official statement issued by the Office of management and Budget, the Congressional Budget Office, or any other agency or instrumentality of the Federal Government of surplus or deficit totals of the budget of the United States Government as submitted by the President or of the surpluses or deficit totals of the congressional budget, and any description of, or reference to, such totals in any official publication or material issued by either of such Offices or any other such agency or instrumentality, shall exclude the outlays and receipts of the old-age, survivors, and disability insurance program under title II of the Social Security Act (including the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund) and the related provisions of the Internal Revenue Code of 1986.

(b) SEPARATE SOCIAL SECURITY BUDGET DOCUMENTS.—The excluded outlays and receipts of the old-age, survivors, and disability insurance program under title II of the Social Security Act shall be submitted in separate Social Security budget documents.

SEC. 5. EFFECTIVE DATE.

(a) IN GENERAL.—This Act shall take effect upon the date of its enactment and the amendments made by this Act shall apply only to fiscal year 2000 and subsequent fiscal years.

(4) EXPIRATION.—Sections 301(a)(6) and 312(g) shall expire upon the enactment of the Social Security reform legislation and Medicare reform legislation.

(c) DEFINITION—

(1) SOCIAL SECURITY REFORM LEGISLATION.—The term ''Social Security reform legislation'' means a bill or a joint resolution that is enacted into law and includes a provision stating the following: ''For purposes of the Social Security and Medicare Safe Deposit Box Act of 1999, this Act constitutes Social Security reform legislation.''.

(2) The term ''Medicare reform legislation'' means a bill or a joint resolution that is enacted into law and includes a provision stating the following: ''For purposes of the Social Security and Medicare Safe Deposit Box Act of 1999, this Act constitutes Medicare reform legislation.''.

INHOFE AMENDMENT NO. 1816

Mr. INHOFE proposed an amendment to the bill, S. 1650, supra; as follows:

At the appropriate place, insert the following:

SEC. ___. SENSE OF THE SENATE REGARDING PAYMENTS UNDER THE PROSPECTIVE PAYMENT SYSTEM FOR HOSPITAL OUTPATIENT DEPARTMENT SERVICES.

(a) FINDINGS.—The Senate finds the following:

(1) The Balanced Budget Act of 1997, in order to achieve the objective of balancing the Federal budget, provided for the single largest change in the medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) since the inception of such program in 1965.

(2) Reliable, independent estimates now project that the changes to the medicare program provided for in the Balanced Budget Act of 1997 will result in the reduction of payments to health care providers that greatly exceeds the level of estimated reductions when such Act was enacted.

(3) Congressional oversight has begun to reveal that these greater-than-anticipated reductions in payments are harming the ability of health care providers to maintain and deliver high-quality health care services to beneficiaries under the medicare program and to other individuals.

(4) One of the key factors that has caused these greater-than-anticipated reductions in payments is the inappropriate regulatory action taken by the Secretary in implementing the provisions of the Balanced Budget Act of 1997.

(5) The Secretary of Health and Human Services, contrary to the direction of 77 Members of the Senate and 253 Members of the House of Representatives (stated in letters to the Secretary dated June 18, 1999, and September 14, 1999, respectively), has persisted in interpreting the provisions of the prospective payment system for hospital outpatient department services under section 1833(t) of the Social Security Act (42 U.S.C. 1395l(t)) in a manner that would impose an unintended 5.7 percent across the board reduction in payments under such system.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the Secretary of Health and Human Services should—

(1) carry out congressional intent and cease its inappropriate interpretation of the provisions of the prospective payment system for hospital outpatient department services under section 1833(t) of the Social Security Act (42 U.S.C. 1395l(t)).

DURBIN (AND DEWINE) AMENDMENT NO. 1817

(Ordered to lie on the table.)

Mr. DURBIN (for himself and Mr. DEWINE) submitted an amendment intended to be proposed by them to the bill, S. 1650, supra; as follows:

At the end of title II, add the following:

CHILDHOOD ASTHMA

SEC. . In addition to amounts otherwise appropriated under this title for the Centers for Disease Control and Prevention, $50,000,000 which shall become available on October 1, 2000 and shall remain available through September 30, 2001, and be utilized to provide grants to local communities for screening, treatment and education relating to childhood asthma.

HUTCHISON AMENDMENT NO. 1818

(Ordered to lie on the table.)

Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill, S. 1650, supra; as follows:

Insert at the appropriate place the following new section.

SEC. . The Secretary of Education shall recompute the fiscal year 1996 cohort default rate under section 435 of the Higher Education Act of 1965 (20 U.S.C. 1085) for purposes of determining the eligibility for program participation during academic year 1999–2000 under title IV of such Act of Jacksonville College of Jacksonville, Texas, on the basis of the most recent data provided to the Department of Education by such College.

KENNEDY (AND OTHERS) AMENDMENT NO. 1819

(Ordered to lie on the table.)

Mr. KENNEDY (for himself, Mr. REED, Mr. BINGAMAN, Mrs. MURRAY, Ms. MIKULSKI, Mr. DURBIN, Mr. LAUTENBERG, and Mr. KERRY) submitted an amendment intended to be proposed by them to the bill, S. 1650, supra; as follows:

On page 60, line 10, before the period, insert the following '': *Provided further*, That in addition to any other amounts appropriated under this heading an additional $223,000,000 is appropriated to carry out title II of the Higher Education Act of 1965, and a total of $300,000,000 shall be available to carry out such title, of which $300,000,000 shall become available on October 1, 2000''.

REID AMENDMENT NO. 1820

Mr. REID proposed an amendment to the bill, S. 1650, supra; as follows:

On page 66, line 16, strike $350 million and replace with $475 million.

GRAHAM (AND OTHERS) AMENDMENT NO. 1821

Mr. GRAHAM (for himself, Mr. WELLSTONE, Mr. ROCKEFELLER, Mr. DODD, Mr. KENNEDY, and Mr. CLELAND) proposed an amendment to the bill, S. 1650, supra; as follows:

At the end of title II, add the following:

SOCIAL SERVICES BLOCK GRANT

SEC. . Notwithstanding any other provision of this title, the amount appropriated under this title for making grants pursuant to section 2002 of the Social Security Act (42 U.S.C. 1397a) shall be increased to $2,380,000,000: *Provided*, That (1) $1,330,000,000 of which shall become available on October 1, 2000, and (2) notwithstanding any other provision of this title, the amount specified for allocation under section 2003(c) of such Act for fiscal year 2000 shall be $2,380,000,000.

INOUYE AMENDMENT NO. 1822

(Ordered to lie on the table.)

Mr. INOUYE submitted an amendment intended to be proposed by him to the bill, S. 1650, supra; as follows:

At the appropriate place, insert the following:

SEC. ___. DESIGNATION OF ARLEN SPECTER NATIONAL LIBRARY OF MEDICINE.

(a) IN GENERAL.—The National Library of Medicine building (building 38) at 8600 Rockville Pike, in Bethesda, Maryland, shall be known and designated as the ''Arlen Specter National Library of Medicine''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the building referred to in subsection (a) shall be deemed to be a reference to the Arlen Specter National Library of Medicine.

KENNEDY AMENDMENT NO. 1823

(Ordered to lie on the table.)

Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill, S. 1650, supra; as follows:

On page 59, line 25, strike ''$1,404,631,000,'' and insert ''$1,464,631,000, of which $60,000,000 shall be available on October 1, 2000, and''.

On page 60, line 10, before the period, insert the following: '': *Provided further*, That from amounts appropriated under this heading $240,000,000 shall be made available to carry out the Gear up program under chapter 2 of subpart 2 of part A of title IV of the Higher Education Act of 1965''.

COLLINS (AND OTHERS) AMENDMENT NO. 1824

(Ordered to lie on the table.)

Ms. COLLINS (for herself, Mr. BREAUX, and Mr. GRASSLEY) submitted an amendment intended to be proposed by them to the bill, S. 1650, supra; as follows:

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

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

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

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

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

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

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

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

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

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

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

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

(10) Diabetes is a major risk factor for heart disease, stroke, and birth defects, and

shortens average life expectancy by up to 15 years.

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

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

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

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

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

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

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

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

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

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

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

(1) the Federal Government has a responsibility to—

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

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

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

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

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

BOND AMENDMENT NO. 1825

(Ordered to lie on the table.)

Mr. BOND submitted an amendment intended to be proposed by him to the bill, S. 1650, supra; as follows:

At the appropriate place, insert the following:

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

(1) The Department of Labor, through the Occupational Safety and Health Administration (referred to in this section as ''OSHA'') plans to propose regulations during 1999 to regulate ergonomics in the workplace. A draft of OSHA's ergonomics regulation became available on February 19, 1999.

(2) A July 1997 report by the National Institute for Occupational Safety and Health that reviewed epidemiological studies that have been conducted of ''work related musculoskeletal disorders of the neck, upper extremity, and low back'' showed that there is insufficient evidence to assess the level of risk to workers from repetitive motions. Such evidence would be necessary to write an efficient and effective regulation.

(3) An August 1998 workshop on ''work related musculoskeletal injuries'' held by the National Academy of Sciences reviewed existing research on musculoskeletal disorders. The workshop showed that there is insufficient evidence to assess the level of risk to workers from repetitive motions.

(4) In October 1998, Congress and the President agreed that the National Academy of Sciences should conduct a comprehensive study of the medical and scientific evidence regarding musculoskeletal disorders. The study is intended to evaluate the basic questions about diagnosis and causes of such disorders.

(5) To complete that study, Public Law 105-277 appropriated $890,000 for the National Academy of Sciences to complete a peer-reviewed scientific study of the available evidence examining a cause and effect relationship between repetitive tasks in the workplace and musculoskeletal disorders or repetitive stress injuries.

(6) The National Academy of Sciences currently estimates that this study will be completed late in 2000 or early in 2001.

(7) Given the uncertainty and dispute about these basic questions, and Congress' intention that they be addressed in a comprehensive study by the National Academy of Sciences, it is premature for OSHA to propose a regulation on ergonomics as being necessary or appropriate to improve workers' health and safety until such study is completed.

(b) PROHIBITION.—None of the funds made available in this Act may be used by the Secretary of Labor or the Occupational Safety and Health Administration to promulgate or issue, or to continue the rulemaking process of promulgating or issuing, any standard or regulation regarding ergonomics prior to September 29, 2000.

LEVIN AMENDMENT NO. 1826

(Ordered to lie on the table.)

Mr. LEVIN submitted an amendment intended to be proposed by him to the bill, S. 1650, supra; as follows:

At the appropriate place, insert the following:

SEC. ___. CONSIDERATION OF AN APPLICATION BY A CERTAIN ENTITY FOR MEDICARE CERTIFICATION AS AN APPLICATION BY A NEW PROVIDER.

Notwithstanding any other provision of law, the Secretary of Health and Human Services shall consider an application (or a reapplication) for certification of a long-term care facility under the medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) that is, or was, submitted after January 1, 1994, by a subsidiary of a not-for-profit, municipally-owned, and medicare-certified hospital, where such long-term care facility has had a change of management from the previous owner prior to acquisition by such subsidiary, as an application by a prospective provider.

MURRAY AMENDMENT NO. 1827

(Ordered to lie on the table.)

Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill, S. 1650, supra; as follows:

At the appropriate place, insert the following:

SEC. ___. ACCESS TO OBSTETRICAL AND GYNECOLOGICAL CARE.

(a) ERISA.—

(1) IN GENERAL.—Subpart B of part 7 of subtitle B of title I of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1185 et seq.) is amended by adding at the end the following new section:

''SEC. 714. ACCESS TO OBSTETRICAL AND GYNECOLOGICAL CARE.

''(a) IN GENERAL.—If a group health plan, or a health insurance issuer in connection with the provision of health insurance coverage, requires or provides for a participant, beneficiary, or enrollee to designate a participating primary care health care professional, the plan or issuer—

''(1) may not require authorization or a referral by the individual's primary care health care professional or otherwise for coverage of gynecological care (including preventive women's health examinations) and pregnancy-related services provided by a participating health care professional, including a physician, who specializes in obstetrics and gynecology to the extent such care is otherwise covered; and

''(2) shall treat the ordering of other obstetrical or gynecological care by such a participating professional as the authorization of the primary care health care professional with respect to such care under the plan or coverage.

''(b) CONSTRUCTION.—Nothing in subsection (a) shall be construed to—

''(1) waive any exclusions of coverage under the terms of the plan or health insurance coverage with respect to coverage of obstetrical or gynecological care; or

''(2) preclude the group health plan or health insurance issuer involved from requiring that the obstetrical or gynecological provider notify the primary care health care professional or the plan or issuer of treatment decisions.''.

(2) CLERICAL AMENDMENT.—The table of contents in section 1 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1001 note) is amended by inserting after the item relating to section 713 the following new item:

''Sec. 714. Access to obstetrical and gynecological care.

(b) PUBLIC HEALTH SERVICE ACT.—

(1) GROUP MARKET.—Subpart 2 of part A of title XXVII of the Public Health Service Act (42 U.S.C. 300gg-4 et seq.) is amended by adding at the end the following new section:

''SEC. 2707. ACCESS TO OBSTETRICAL AND GYNECOLOGICAL CARE.

''(a) IN GENERAL.—If a group health plan, or a health insurance issuer in connection with the provision of health insurance coverage, requires or provides for a participant, beneficiary, or enrollee to designate a participating primary care health care professional, the plan or issuer—

''(1) may not require authorization or a referral by the individual's primary care health care professional or otherwise for coverage of gynecological care (including preventive women's health examinations) and pregnancy-related services provided by a participating health care professional, including a physician, who specializes in obstetrics and gynecology to the extent such care is otherwise covered; and

''(2) shall treat the ordering of other obstetrical or gynecological care by such a participating professional as the authorization of the primary care health care professional with respect to such care under the plan or coverage.

''(b) CONSTRUCTION.—Nothing in subsection (a) shall be construed to—

''(1) waive any exclusions of coverage under the terms of the plan or health insurance coverage with respect to coverage of obstetrical or gynecological care; or

''(2) preclude the group health plan or health insurance issuer involved from requiring that the obstetrical or gynecological provider notify the primary care health care professional or the plan or issuer of treatment decisions.''.

(2) INDIVIDUAL MARKET.—Part B of title XXVII of the Public Health Service Act (42 U.S.C. 300gg–41 et seq.) is amended—

(1) by redesignating the first subpart 3 (relating to other requirements) as subpart 2; and

(2) by adding at the end of subpart 2 the following new section:

''SEC. 2753. ACCESS TO OBSTETRICAL AND GYNECOLOGICAL CARE.

''The provisions of section 2707 shall apply to health insurance coverage offered by a health insurance issuer in the individual market in the same manner as they apply to health insurance coverage offered by a health insurance issuer in connection with a group health plan in the small or large group market.''.

(c) INTERNAL REVENUE CODE OF 1986.—Subchapter B of chapter 100 of the Internal Revenue Code of 1986 is amended—

(1) in the table of sections, by inserting after the item relating to section 9812 the following new item:

''Sec. 9813. Access to obstetrical and gynecological care.''; and

(2) by inserting after section 9812 the following:

''SEC. 9813. ACCESS TO OBSTETRICAL AND GYNECOLOGICAL CARE.

''(a) IN GENERAL.—If a group health plan, or a health insurance issuer in connection with the provision of health insurance coverage, requires or provides for a participant, beneficiary, or enrollee to designate a participating primary care health care professional, the plan or issuer—

''(1) may not require authorization or a referral by the individual's primary care health care professional or otherwise for coverage of gynecological care (including preventive women's health examinations) and pregnancy-related services provided by a participating health care professional, including a physician, who specializes in obstetrics and gynecology to the extent such care is otherwise covered; and

''(2) shall treat the ordering of other obstetrical or gynecological care by such a participating professional as the authorization of the primary care health care professional with respect to such care under the plan or coverage.

''(b) CONSTRUCTION.—Nothing in subsection (a) shall be construed to—

''(1) waive any exclusions of coverage under the terms of the plan or health insurance coverage with respect to coverage of obstetrical or gynecological care; or

''(2) preclude the group health plan or health insurance issuer involved from requiring that the obstetrical or gynecological provider notify the primary care health care professional or the plan or issuer of treatment decisions.''.

(d) OFFSET.—Notwithstanding any other provision of this Act, amounts made available for salaries, expenses, and program management to agencies funded under this Act shall be ratably reduced in an amount equal to the amount necessary to carry out the amendments made by this section.

COVERDELL (AND OTHERS) AMENDMENT NO. 1828

(Ordered to lie on the table.)

Mr. COVERDELL (for himself, Mr. ABRAHAM, Mr. GRASSLEY, and Mr. ASHCROFT) proposed an amendment to the bill, supra; as follows:

On page 80, strike lines 1 through 8, and insert the following:

SEC. ___. Notwithstanding any other provision of this Act, no funds appropriated under this Act shall be used to carry out any program of distributing sterile needles or syringes for the hypodermic injection of any illegal drug.

COVERDELL AMENDMENTS NOS. 1829–1830

(Ordered to lie on the table.)

Mr. COVERDELL submitted two amendments intended to be proposed by him to the bill, S. 1650, supra; as follows:

AMENDMENT NO. 1829

At the end of title III, insert the following:

SEC. ___. PROHIBITION REGARDING DAVIS-BACON ACT REQUIREMENTS.

None of the funds appropriated under this title for construction shall be expended in accordance with the Act of March 3, 1931 (40 U.S.C. 276a et seq.; commonly known as the Davis-Bacon Act), or any other law requiring the payment of wages in accordance with or based on determinations under such Act.

AMENDMENT NO. 1830

At the end, add the following:

SEC. ___. PROHIBITION.

None of the funds made available under this Act may be used to enter into a contract with a person or entity that is the subject of a criminal, civil, or administrative proceeding commenced by the Federal Government and alleging fraud.

ABRAHAM AMENDMENT NO. 1831

(Ordered to lie on the table.)

Mr. ABRAHAM submitted an amendment intended to be proposed by him to the bill, S. 1650, supra; as follows:

At the end of the bill add the following:

TITLE XX—SOCIAL SECURITY SURPLUS PRESERVATION AND DEBT REDUCTION ACT

SEC. XX01. SHORT TITLE.

This title may be cited as the ''Social Security Surplus Preservation and Debt Reduction Act''.

SEC. XX02. FINDINGS.

Congress finds that—

(1) the $69,246,000,000 unified budget surplus achieved in fiscal year 1998 was entirely due to surpluses generated by the social security trust funds and the cumulative unified budget surpluses projected for subsequent fiscal years are primarily due to surpluses generated by the social security trust funds;

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

(3) according to the Congressional Budget Office, balancing the budget excluding the surpluses generated by the social security trust funds will reduce the debt held by the public by a total of $1,859,500,000,000 by the end of fiscal year 2009; and

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

SEC. XX03. PROTECTION OF THE SOCIAL SECURITY TRUST FUNDS.

(a) PROTECTION BY CONGRESS.—

(1) REAFFIRMATION OF SUPPORT.—Congress reaffirms its support for the provisions of section 13301 of the Budget Enforcement Act of 1990 that provides that the receipts and disbursements of the social security trust funds shall not be counted for the purposes of the budget submitted by the President, the congressional budget, or the Balanced Budget and Emergency Deficit Control Act of 1985.

(2) PROTECTION OF SOCIAL SECURITY BENEFITS.—If there are sufficient balances in the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund, the Secretary of the Treasury shall give priority to the payment of social security benefits required to be paid by law.

(b) POINTS OF ORDER.—Section 301 of the Congressional Budget Act of 1974 is amended by adding at the end the following:

''(j) SOCIAL SECURITY POINT OF ORDER.—It shall not be in order in the Senate to consider a concurrent resolution on the budget, an amendment thereto, or a conference report thereon that violates section 13301 of the Budget Enforcement Act of 1990.

''(k) DEBT HELD BY THE PUBLIC POINT OF ORDER.—It shall not be in order in the Senate to consider any bill, joint resolution, amendment, motion, or conference report that would—

''(1) increase the limit on the debt held by the public in section 253A(a) of the Balanced Budget and Emergency Deficit Control Act of 1985; or

''(2) provide additional borrowing authority that would result in the limit on the debt held by the public in section 253A(a) of the Balanced Budget and Emergency Deficit Control Act of 1985 being exceeded.

''(l) SOCIAL SECURITY SURPLUS PROTECTION POINT OF ORDER.—

''(1) IN GENERAL.—It shall not be in order in the Senate to consider a concurrent resolution on the budget, an amendment thereto, or a conference report thereon that sets forth a deficit in any fiscal year.

''(2) EXCEPTION.—Paragraph (1) shall not apply if—

''(A) the limit on the debt held by the public in section 253A(a) of the Balanced Budget and Emergency Deficit Control Act of 1985 is suspended; or

''(B) the deficit for a fiscal year results solely from the enactment of—

''(i) social security reform legislation, as defined in section 253A(e)(2) of the Balanced Budget and Emergency Deficit Control Act of 1985; or

''(ii) provisions of legislation that are designated as an emergency requirement pursuant to section 251(b)(2)(A) or 252(e) of the Balanced Budget and Emergency Deficit Control Act of 1985.''.

(c) SUPERMAJORITY WAIVER AND APPEAL.—Subsections (c)(1) and (d)(2) of section 904 of the Congressional Budget Act of 1974 are amended by striking ''305(b)(2),'' and inserting ''301(k), 301(l), 305(b)(2),''.

SEC. XX04. DEDICATION OF SOCIAL SECURITY SURPLUSES TO REDUCTION IN THE DEBT HELD BY THE PUBLIC.

(a) AMENDMENTS TO THE CONGRESSIONAL BUDGET ACT OF 1974.—The Congressional Budget Act of 1974 is amended—

(1) in section 3, by adding at the end the following—

''(11)(A) The term 'debt held by the public' means the outstanding face amount of all debt obligations issued by the United States Government that are held by outside investors, including individuals, corporations, State or local governments, foreign governments, and the Federal Reserve System.

''(B) For the purpose of this paragraph, the term 'face amount', for any month, of any debt obligation issued on a discount basis that is not redeemable before maturity at the option of the holder of the obligation is an amount equal to the sum of—

''(i) the original issue price of the obligation; plus

''(ii) the portion of the discount on the obligation attributable to periods before the beginning of such month.

''(12) The term 'social security surplus' means the amount for a fiscal year that receipts exceed outlays of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund.'';

(2) in section 301(a) by—

(A) redesignating paragraphs (6) and (7) as paragraphs (7) and (8), respectfully; and

(B) inserting after paragraph (5) the following:

''(6) the debt held by the public; and''; and

(3) in section 310(a) by—

(A) striking ''or'' at the end of paragraph (3);

(B) by redesignating paragraph (4) as paragraph (5); and

(C) inserting the following new paragraph;

''(4) specify the amounts by which the statutory limit on the debt held by the public is to be changed and direct the committee having jurisdiction to recommend such change; or''.

(b) AMENDMENTS TO THE BALANCED BUDGET AND EMERGENCY DEFICIT CONTROL ACT OF 1985.—The Balanced Budget and Emergency Deficit Control Act of 1985 is amended—

(1) in section 250, by striking subsection (b) and inserting the following:

''(b) GENERAL STATEMENT OF PURPOSE: This part provides for the enforcement of—

''(1) a balanced budget excluding the receipts and disbursements of the social security trust funds; and

''(2) a limit on the debt held by the public to ensure that social security surpluses are used for social security reform or to reduce debt held by the public and are not spent on other programs.'';

(2) in section 250(c)(1), by inserting '' 'debt held by the public,' 'social security surplus' after 'outlays',''; and

(3) by inserting after section 253 the following:

''SEC. 253A. DEBT HELD BY THE PUBLIC LIMIT.

''(a) LIMIT.—The debt held by the public shall not exceed—

''(1) for the period beginning May 1, 2000 through April 30, 2001, $3,618,000,000,000;

''(2) for the period beginning May 1, 2001 through April 30, 2002, $3,488,000,000,000;

''(3) for the period beginning May 1, 2002 through April 30, 2004, $3,349,000,000,000;

''(4) for the period beginning May 1, 2004 through April 30, 2006, $3,045,000,000,000;

''(5) for the period beginning May 1, 2006 through April 30, 2008, $2,698,000,000,000;

''(6) for the period beginning May 1, 2008 through April 30, 2010, $2,301,000,000,000;

''(b) ADJUSTMENTS FOR ACTUAL SOCIAL SECURITY SURPLUS LEVELS.—

''(1) ESTIMATED LEVELS.—The estimated level of social security surpluses for the purposes of this section is—

''(A) for fiscal year 1999, $125,000,000,000;

''(B) for fiscal year 2000, $147,000,000,000;

''(C) for fiscal year 2001, $155,000,000,000;

''(D) for fiscal year 2002, $163,000,000,000;

''(E) for fiscal year 2003, $172,000,000,000;

''(F) for fiscal year 2004, $181,000,000,000;

''(G) for fiscal year 2005, $195,000,000,000;

''(H) for fiscal year 2006, $205,000,000,000;

''(I) for fiscal year 2007, $217,000,000,000;

''(J) for fiscal year 2008, $228,000,000,000; and

''(K) for fiscal year 2009, $235,000,000,000.

''(2) ADJUSTMENT TO THE LIMIT FOR ACTUAL SOCIAL SECURITY SURPLUSES.—After October 1 and no later than December 31 of each year, the Secretary shall make the following calculations and adjustments:

''(A) CALCULATION.—After the Secretary determines the actual level for the social security surplus for the current year, the Secretary shall take the estimated level of the social security surplus for that year specified in paragraph (1) and subtract that actual level.

''(B) ADJUSTMENT.—

''(i) 2000 THROUGH 2004.—With respect to the periods described in subsections (a)(1), (a)(2), and (a)(3), the Secretary shall add the amount calculated under subparagraph (A) to—

''(I) the limit set forth in subsection (a) for the period of years that begins on May 1st of the following calendar year; and

''(II) each subsequent limit.

''(ii) 2004 THROUGH 2010.—With respect to the periods described in subsections (a)(4), (a)(5), and (a)(6), the Secretary shall add the amount calculated under subparagraph (A) to—

''(I) the limit set forth in subsection (a) for the period of years that includes May 1st of the following calendar year; and

''(II) each subsequent limit.

''(c) ADJUSTMENT TO THE LIMIT FOR EMERGENCIES.—

''(1) ESTIMATE OF LEGISLATION.—

''(A) CALCULATION.—If legislation is enacted into law that contains a provision that is designated as an emergency requirement pursuant to section 251(b)(2)(A) or 252(e), OMB shall estimate the amount the debt held by the public will change as a result of the provision's effect on the level of total outlays and receipts excluding the impact on outlays and receipts of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund.

''(B) BASELINE LEVELS.—OMB shall calculate the changes in subparagraph (A) relative to baseline levels for each fiscal year through fiscal year 2010 using current estimates.

''(C) ESTIMATE.—OMB shall include the estimate required by this paragraph in the report required under section 251(a)(7) or section 252(d), as the case may be.

''(2) ADJUSTMENT.—After January 1 and no later than May 1 of each calendar year beginning with calendar year 2000—

''(A) with respect to the periods described in subsections (a)(1), (a)(2), and (a)(3), the Secretary shall add the amounts calculated under paragraph (1)(A) for the current year included in the report referenced in paragraph (1)(C) to—

''(i) the limit set forth in subsection (a) for the period of years that begins on May 1 of that calendar year; and

''(ii) each subsequent limit; and

''(B) with respect to the periods described in subsections (a)(4), (a)(5), and (a)(6), the Secretary shall add the amounts calculated under paragraph (1)(A) for the current year included in the report referenced in paragraph (1)(C) to—

''(i) the limit set forth in subsection (a) for the period of years that includes May 1 of that calendar year; and

''(ii) each subsequent limit.

''(3) EXCEPTION.—The Secretary shall not make the adjustments pursuant to this section if the adjustments for the current year are less than the on-budget surplus for the year before the current year.

''(d) ADJUSTMENT TO THE LIMIT FOR LOW ECONOMIC GROWTH AND WAR.—

''(1) SUSPENSION OF STATUTORY LIMIT ON DEBT HELD BY THE PUBLIC.—

''(A) LOW ECONOMIC GROWTH.—If the most recent of the Department of Commerce's advance, preliminary, or final reports of actual real economic growth indicate that the rate of real economic growth (as measured by real GDP) for each of the most recently reported quarter and the immediately preceding quarter is less than 1 percent, the limit on the debt held by the public established in this section is suspended.

''(B) WAR.—If a declaration of war is in effect, the limit on the debt held by the public established in this section is suspended.

''(2) RESTORATION OF STATUTORY LIMIT ON DEBT HELD BY THE PUBLIC.—

''(A) RESTORATION OF LIMIT.—The statutory limit on debt held by the public shall be restored on May 1 following the quarter in which the level of real Gross Domestic Product in the final report from the Department of Commerce is equal to or is higher than the level of real Gross Domestic Product in the quarter preceding the first two quarters that caused the suspension of the pursuant to paragraph (1).

''(B) ADJUSTMENT.—

''(i) CALCULATION.—The Secretary shall take level of the debt held by the public on October 1 of the year preceding the date referenced in subparagraph (A) and subtract the limit in subsection (a) for the period of years that includes the date referenced in subparagraph (A).

''(ii) ADJUSTMENT: The Secretary shall add the amount calculated under clause (i) to—

''(I) the limit in subsection (a) for the period of fiscal years that includes the date referenced in subparagraph (A); and

''(II) each subsequent limit.

''(e) ADJUSTMENT TO THE LIMIT FOR SOCIAL SECURITY REFORM PROVISIONS THAT AFFECT ON-BUDGET LEVELS.—

''(1) ESTIMATE OF LEGISLATION.—

''(A) CALCULATION.—If social security reform legislation is enacted, OMB shall estimate the amount the debt held by the public will change as a result of the legislation's effect on the level of total outlays and receipts excluded the impact on outlays and receipts of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund.

''(B) BASELINE LEVELS.—OMB shall calculate the changes in subparagraph (A) relative to baseline levels for each fiscal year though fiscal year 2010 using current estimates.

''(C) ESTIMATE.—OMB shall include the estimate required by this paragraph in the report required under section 252(d) for social security reform legislation.

''(2) ADJUSTMENT TO LIMIT ON THE DEBT HELD BY THE PUBLIC.—If social security reform legislation is enacted, the Secretary shall adjust the limit on the debt held by the public for each period of fiscal years by the amounts determined under paragraph (1)(A) for the relevant fiscal years included in the report referenced in paragraph (1)(C).

''(f) DEFINITIONS.—In this section:

''(1) SECRETARY.—The term 'Secretary' means the Secretary of the Treasury.

''(2) SOCIAL SECURITY REFORM LEGISLATION.—The term 'social security reform legislation' means legislation that—

''(A) implements structural social security reform and significantly extends the solvency of the Social Security Trust Fund; and

''(B) includes a provision stating the following: 'For purposes of the Social Security

Surplus Preservation and Debt Reduction Act of 1999, this Act constitutes social security reform legislation'.

This paragraph shall apply only to the first bill or joint resolution enacted into law as described in this paragraph.''.

SEC. XX05. PRESIDENT'S BUDGET.

Section 1105(f) of title 31, United States Code, is amended by striking ''in a manner consistent'' and inserting ''in compliance''.

SEC. XX06. SENSE OF THE SENATE ON MEDICARE RESERVE FUND.

(A) FINDINGS: The Senate finds that—

(1) the Congressional budget plan has $505,000,000,000 over ten years in unallocated budget surpluses that could be used for long-term medicare reform, other priorities, or debt reduction;

(2) the Congressional budget resolution for fiscal year 2000 already has set aside $90,000,000,000 over ten years through a reserve fund for long-term medicare reform including prescription drug coverage;

(3) the President estimates that his medicare proposal will cost $46,000,000,000 over 10 years; and

(4) thus the Congressional budget resolution provides more than adequate resources for medicare reform, including prescription drugs.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the Congressional budget resolution for fiscal year 2000 provides a sound framework for allocating resources to medicare to modernize medicare benefits, improve the solvency of the program, and improve coverage of prescription drugs.

SEC. XX07. SUNSET.

This title and the amendments made by this title shall expire on April 30, 2010.

MURRAY AMENDMENT NO. 1832

(Ordered to lie on the table.)

Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill, S. 1650, supra; as follows:

At the appropriate place, insert the following:

SEC. ___. ACCESS TO OBSTETRICAL AND GYNECOLOGICAL CARE.

(a) ERISA.—

(1) IN GENERAL.—Subpart B of part 7 of subtitle B of title I of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1185 et seq.) is amended by adding at the end the following new section:

''SEC. 714. ACCESS TO OBSTETRICAL AND GYNECOLOGICAL CARE.

''(a) IN GENERAL.—If a group health plan, or a health insurance issuer in connection with the provision of health insurance coverage, requires or provides for a participant, beneficiary, or enrollee to designate a participating primary care health care professional, the plan or issuer—

''(1) may not require authorization or a referral by the individual's primary care health care professional or otherwise for coverage of gynecological care (including preventive women's health examinations) and pregnancy-related services provided by a participating health care professional, including a physician, who specializes in obstetrics and gynecology to the extent such care is otherwise covered; and

''(2) shall treat the ordering of other obstetrical or gynecological care by such a participating professional as the authorization of the primary care health care professional with respect to such care under the plan or coverage.

''(b) CONSTRUCTION.—Nothing in subsection (a) shall be construed to—

''(1) waive any exclusions of coverage under the terms of the plan or health insurance coverage with respect to coverage of obstetrical or gynecological care; or

''(2) preclude the group health plan or health insurance issuer involved from requiring that the obstetrical or gynecological provider notify the primary care health care professional or the plan or issuer of treatment decisions.''.

(2) CLERICAL AMENDMENT.—The table of contents in section 1 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1001 note) is amended by inserting after the item relating to section 713 the following new item:

''Sec. 714. Access to obstetrical and gynecological care.

(b) PUBLIC HEALTH SERVICE ACT.—

(1) GROUP MARKET.—Subpart 2 of part A of title XXVII of the Public Health Service Act (42 U.S.C. 300gg-4 et seq.) is amended by adding at the end the following new section:

''SEC. 2707. ACCESS TO OBSTETRICAL AND GYNECOLOGICAL CARE.

''(a) IN GENERAL.—If a group health plan, or a health insurance issuer in connection with the provision of health insurance coverage, requires or provides for a participant, beneficiary, or enrollee to designate a participating primary care health care professional, the plan or issuer—

''(1) may not require authorization or a referral by the individual's primary care health care professional or otherwise for coverage of gynecological care (including preventive women's health examinations) and pregnancy-related services provided by a participating health care professional, including a physician, who specializes in obstetrics and gynecology to the extent such care is otherwise covered; and

''(2) shall treat the ordering of other obstetrical or gynecological care by such a participating professional as the authorization of the primary care health care professional with respect to such care under the plan or coverage.

''(b) CONSTRUCTION.—Nothing in subsection (a) shall be construed to—

''(1) waive any exclusions of coverage under the terms of the plan or health insurance coverage with respect to coverage of obstetrical or gynecological care; or

''(2) preclude the group health plan or health insurance issuer involved from requiring that the obstetrical or gynecological provider notify the primary care health care professional or the plan or issuer of treatment decisions.''.

(2) INDIVIDUAL MARKET.—Part B of title XXVII of the Public Health Service Act (42 U.S.C. 300gg-41 et seq.) is amended—

(1) by redesignating the first subpart 3 (relating to other requirements) as subpart 2; and

(2) by adding at the end of subpart 2 the following new section:

''SEC. 2753. ACCESS TO OBSTETRICAL AND GYNECOLOGICAL CARE.

''The provisions of section 2707 shall apply to health insurance coverage offered by a health insurance issuer in the individual market in the same manner as they apply to health insurance coverage offered by a health insurance issuer in connection with a group health plan in the small or large group market.''.

(c) INTERNAL REVENUE CODE OF 1986.—Subchapter B of chapter 100 of the Internal Revenue Code of 1986 is amended—

(1) in the table of sections, by inserting after the item relating to section 9812 the following new item:

''Sec. 9813. Access to obstetrical and gynecological care.''; and

(2) by inserting after section 9812 the following:

''SEC. 9813. ACCESS TO OBSTETRICAL AND GYNECOLOGICAL CARE.

''(a) IN GENERAL.—If a group health plan, or a health insurance issuer in connection with the provision of health insurance coverage, requires or provides for a participant, beneficiary, or enrollee to designate a participating primary care health care professional, the plan or issuer—

''(1) may not require authorization or a referral by the individual's primary care health care professional or otherwise for coverage of gynecological care (including preventive women's health examinations) and pregnancy-related services provided by a participating health care professional, including a physician, who specializes in obstetrics and gynecology to the extent such care is otherwise covered; and

''(2) shall treat the ordering of other obstetrical or gynecological care by such a participating professional as the authorization of the primary care health care professional with respect to such care under the plan or coverage.

''(b) CONSTRUCTION.—Nothing in subsection (a) shall be construed to—

''(1) waive any exclusions of coverage under the terms of the plan or health insurance coverage with respect to coverage of obstetrical or gynecological care; or

''(2) preclude the group health plan or health insurance issuer involved from requiring that the obstetrical or gynecological provider notify the primary care health care professional or the plan or issuer of treatment decisions.''.

(d) OFFSET.—Notwithstanding any other provision of this Act, amounts made available for salaries, expenses, and program management to agencies funded under this Act shall be ratably reduced in an amount equal to the amount necessary to carry out the amendments made by this section.

BROWNBACK AMENDMENT NO. 1833

Mr. BROWNBACK proposed an amendment to the bill, S. 1650, supra; as follows:

At the end of the bill insert the following:

TITLE ___—TASK FORCE ON THE STATE OF AMERICAN SOCIETY

SEC ___01. ESTABLISHMENT OF THE TASK FORCE.

(a) ESTABLISHMENT.—There is established a task force of the Senate to be known as the Task Force on the State of American Society (hereafter in this title referred to as the ''task force'').

(b) PURPOSE.—The purpose of the task force is—

(1) to study the societal condition of America, particularly in regard to children, youth, and families;

(2) to make such findings as are warranted and appropriate, including the impact that trends and developments have on the broader society, particularly in regards to child well-being; and

(3) to study the causes and consequences of youth violence.

(c) TASK FORCE PROCEDURE.—

(1) IN GENERAL.—Paragraphs 1, 2, 7(a) (2), and 10(a) of rule XXVI of the Standing Rules of the Senate, and section 202 (i) of the Legislative Reorganization Act of 1946, shall apply to the task force, except for the provisions relating to the taking of depositions and the subpoena power.

(2) EQUAL FUNDING.—The majority and the minority staff of the task force shall receive equal funding.

(3) QUORUMS.—The task force is authorized to fix the number of its members (but not less than one-third of its entire membership) who shall constitute a quorum for the transaction of such business as may be considered

by the task force. A majority of the task force will be required to issue a report to the relevant committees, with a minority of the task force afforded an opportunity to record its views in the report.

SEC. ___02. MEMBERSHIP AND ORGANIZATION OF THE TASK FORCE.

(a) MEMBERSHIP.—

(1) IN GENERAL.—The task force shall consist of 8 members of the Senate—

(A) 4 of whom shall be appointed by the President pro tempore of the Senate from the majority party of the Senate upon the recommendation of the Majority Leader of the Senate; and

(B) 4 of whom shall be appointed by the President pro tempore of the Senate from the minority party of the Senate upon the recommendation of the Minority Leader of the Senate.

(2) VACANCIES.—Vacancies in the membership of the task force shall not affect the authority of the remaining members to execute the functions of the task force and shall be filled in the same manner as original appointments to it are made.

(b) CHAIRMAN.—The chairman of the task force shall be selected by the Majority Leader of the Senate and the vice chairman of the task force shall be selected by the Minority Leader of the Senate. The vice chairman shall discharge such responsibilities as the task force or the chairman may assign.

SEC. ___03. AUTHORITY OF TASK FORCE.

(a) IN GENERAL.—For the purposes of this title, the task force is authorized, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel;

(3) to hold hearings;

(4) to sit and act at any time or place during the sessions, recesses, and adjourned periods of the Senate;

(5) to procure the services of individual consultations or organizations thereof, in accordance with the provisions of section 202(i) of the Legislative Reorganization Act of 1946; and

(6) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a nonreimbursable basis the services of personnel of any such department or agency.

(b) OTHER COMMITTEE STAFF.—At the joint request of the chairman and vice-chairman of the task force, the chairman and the ranking member of any other Senate committee or subcommittee may jointly permit the task force to use, on a nonreimburseable basis, the facilities or services of any members of the staff of such other Senate committee or subcommittee whenever the task force or its chairman, following consultation with the vice chairman, considers that such action is necessary or appropriate to enable the task force to make the investigation and study provided for in this title.

SEC. ___04. REPORT AND TERMINATION.

The task force shall report its findings, together with such recommendations as it deems advisable, to the relevant committees and the Senate prior to July 7, 2000.

SEC. ___05. FUNDING.

(a) IN GENERAL.—From the date this title is agreed to through July 7, 2000, the expenses of the task force incurred under this title—

(1) shall be paid out of the miscellaneous items account of the contingent fund of the Senate;

(2) shall not exceed $500,000, of which amount not to exceed $150,000 shall be available for the procurement of the services of individual consultants, or organizations thereof, as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i)); and

(3) shall include sums in addition to expenses described under paragraph (2), as may be necessary for agency contributions related to compensation of employees of the task force.

(b) PAYMENT OF EXPENSES.—Payment of expenses of the task force shall be disbursed upon vouchers approved by the chairman, except that vouchers shall not be required for disbursements of salaries (and related agency contributions) paid at an annual rate.

HUTCHINSON AMENDMENT NO. 1834

Mr. HUTCHINSON proposed an amendment to amendment No. 1812 proposed by him to the bill, S. 1650, supra; as follows:

Strike all after the first word and insert the following:

''OF FUNDS FOR THE CONSOLIDATED HEALTH CENTERS

SEC. ___. Notwithstanding any other provision of this Act, $25,471,000 of the amounts appropriated for the National Labor Relations Board under this Act shall be transferred and utilized to carry out projects for the consolidated health centers under section 330 of the Public Health Service Act (42 U.S.C. 254b).

HUTCHISON AMENDMENT NO. 1835

(Ordered to lie on the table.)

Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill, S. 1650, supra; as follows:

At the end, add the following:

SEC. ___. SINGLE SEX EDUCATION.

Subsection (b) of section 6301 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7351) is amended—

(1) in paragraph (8), by striking ''and'' after the semicolon;

(2) in paragraph (9), by striking the period and inserting ''; and''; and

(3) by adding at the end the following:

''(10) education reform projects that provide same gender schools and classrooms, as long as comparable educational opportunities are offered for students of both sexes.''.

BOND (AND OTHERS) AMENDMENT NO. 1836

(Ordered to lie on the table.)

Mr. BOND (for himself, Mr. HARKIN, Mr. ASHCROFT, Mr. GRASSLEY, Mr. CHAFEE, Mr. BIDEN, Mr. WELLSTONE, and Mr. SMITH of Oregon) submitted an amendment intended to be proposed by them to the bill, S. 1650, supra; as follows:

At the end of title II, add the following:

WITHHOLDING OF SUBSTANCE ABUSE FUNDS

SEC. ___. (a) IN GENERAL.—None of the funds appropriated by this Act may be used to withhold substance abuse funding from a State pursuant to section 1926 of the Public Health Service Act (42 U.S.C. 300x-26) if such State certifies to the Secretary of Health and Human Services that the State will commit additional State funds, in accordance with subsection (b), to ensure compliance with State laws prohibiting the sale of tobacco products to individuals under 18 years of age.

(b) AMOUNT OF STATE FUNDS.—The amount of funds to be committed by a State under subsection (a) shall be equal to one percent of such State's substance above block grant allocation for each percentage point by which the State misses the retailer compliance rate goal established by the Secretary of Health and Human Services under section 1926 of such Act, except that the Secretary may agree to a smaller commitment of additional funds by the State.

(c) SUPPLEMENT NOT SUPPLANT.—Amounts expended by a State pursuant to a certification under subsection (a) shall be used to supplement and not supplant State funds used for tobacco prevention programs and for compliance activities described in such subsection in the fiscal year preceding the fiscal year to which this section applies.

(D) The Secretary shall exercise discretion in enforcing the timing of the State expenditure required by the certification described in subsection (A) as late as July 31, 2000.

COVERDELL AMENDMENT NO. 1837

(Ordered to lie on the table.)

Mr. COVERDELL submitted an amendment intended to be proposed by him to the bill, S. 1650, supra; as follows:

On page 54, line 19, strike ''$1,151,550,000'' and insert ''$1,126,550,000''.

On page 55, line 8, strike ''$65,000,000'' and insert ''$90,000,000''.

At the end, insert the following:

SEC. ___. FUNDING.

Notwithstanding any other provision of law—

(1) the total amount made available under this Act to carry out part A of title X of the Elementary and Secondary Education Act of 1965 shall be $39,500,000;

(2) the total amount made available under this Act to carry out part C of title X of the Elementary and Secondary Education Act of 1965 shall be $150,000,000; and

(3) the total amount made available under this Act to carry out subpart 1 of part A of title IV of the Elementary and Secondary Education Act of 1965 shall be $451,000,000, of which $111,275,000 shall be available on July 1, 2000.

WELLSTONE AMENDMENTS NOS. 1838–1842

(Ordered to lie on the table.)

Mr. WELLSTONE submitted five amendments intended to be proposed by him to the bill, S. 1650, supra; as follows:

AMENDMENT NO. 1838

At the appropriate place, insert the following:

SEC. ___. EVALUATION OF OUTCOME OF WELFARE REFORM AND FORMULA FOR BONUSES TO HIGH PERFORMANCE STATES.

(a) ADDITIONAL MEASURES OF STATE PERFORMANCE.—Section 403(a)(4)(C) of the Social Security Act (42 U.S.C. 603(a)(4)(C)) is amended—

(1) by striking ''Not later'' and inserting the following:

''(i) IN GENERAL.—Not later'';

(2) by inserting ''The formula shall provide for the awarding of grants under this paragraph based on criteria contained in clause (ii) and in accordance with clauses (iii) and (iv).'' after the period; and

(3) by adding at the end the following:

''(ii) FORMULA CRITERIA.—The grants awarded under this paragraph shall be based on the following:

''(I) EMPLOYMENT-RELATED MEASURES.—Employment-related measures, including work force entries, job retention, increases in earnings of recipients of assistance under the State program funded under this title,

and measures of utilization of resources available under welfare-to-work grants under paragraph (5) and title I of the Workforce Investment Act of 1998 (29 U.S.C. 2801 et seq.), including the implementation of programs (as defined in subclause (VII)(bb)) to increase the number of individuals training for, and placed in, nontraditional employment.

''(II) MEASURES OF CHANGES IN INCOME OR NUMBER OF CHILDREN BELOW HALF OF POVERTY.—For a sample of recipients of assistance under the State program funded under this title, longitudinal measures of annual changes in income (or measures of changes in the proportion of children in families with income below ½ of the poverty line), including earnings and the value of benefits received under that State program and food stamps.

''(III) FOOD STAMPS MEASURES.—The change since 1995 in the proportion of children in working poor families that receive food stamps to the total number of children in the State (or, if possible, to the estimated number of children in working families with incomes low enough to be eligible for food stamps).

''(IV) MEDICAID AND SCHIP MEASURES.—The percentage of members of families who are former recipients of assistance under the State program funded under this title (who have ceased to receive such assistance for approximately 6 months) who currently receive medical assistance under the State plan approved under title XIX or the child health assistance under title XXI.

''(V) CHILD CARE MEASURES.—In the case of a State that pays child care rates that are equal to at least the 75th percentile of market rates, based on a market rate survey that is not more than 2 years old, measures of the State's success in providing child care, as measured by the percentage of children in families with incomes below 85 percent of the State's median income who receive subsidized child care in the State, and by the amount of the State's expenditures on child care subsidies divided by the estimated number of children younger than 13 in families with incomes below 85 percent of the State's median income.

''(VI) MEASURES OF ADDRESSING DOMESTIC VIOLENCE.—In the case of a State that has adopted the option under the State plan relating to domestic violence set forth in section 402(a)(7) and that reports the proportion of eligible recipients of assistance under this title who disclose their status as domestic violence victims or survivors, measures of the State's success in addressing domestic violence as a barrier to economic self-sufficiency, as measured by the proportion of such recipients who are referred to and receive services under a service plan developed by an individual trained in domestic violence pursuant to section 260.55(c) of title 45 of the Code of Federal Regulations.

''(VII) DEFINITIONS.—In this clause:

''(aa) DOMESTIC VIOLENCE.—The term 'domestic violence' has the meaning given the term 'battered or subjected to extreme cruelty' in section 408(a)(7)((C)(iii).

''(bb) IMPLEMENTATION OF PROGRAMS.—The term 'implementation of programs' means activities conducted pursuant to section 134(a)(3)(A)(vi)(II) of the Workforce Investment Act of 1998 (29 U.S.C. 2864(a)(3)(A)(vi)(II)), placement of recipients in nontraditional employment, as reported to the Department of Labor pursuant to section 185(d)(1)(C) of such Act (29 U.S.C. 2935(d)(1)(C)), and the performance of the State on other measures such as the provision of education, training, and career development assistance for nontraditional employment developed pursuant to section 136(b)(2) of such Act (29 U.S.C. 2871(b)(2))).

''(cc) NONTRADITIONAL EMPLOYMENT.—The term 'nontraditional employment' means occupations or fields of work, including careers in computer science, technology, and other emerging high skill occupations, for which individuals from 1 gender comprise less than 25 percent of the individuals employed in each such occupation or field of work.

''(dd) WORKING POOR FAMILIES.—The term 'working poor families' means families that receive earnings at least equal to a comparable amount that would be received by an individual working a half-time position for minimum wage.

''(iii) EMPLOYMENT, EARNING, AND INCOME RELATED MEASURES.—$100,000,000 of the amount appropriated for a fiscal year under subparagraph (F) shall be used to award grants to States under this paragraph for that fiscal year based on the measures of employment, earnings, and income described in subclauses (I), (II), and (V) of clause (ii), including scores for the criteria described in those items.

''(iv) MEASURES OF SUPPORT FOR WORKING FAMILIES.—$100,000,000 of the amount appropriated for a fiscal year under subparagraph (F) shall be used to award grants to States under this paragraph for that fiscal year based on measures of support for working families, including scores for the criteria described in subclauses (III), (IV) and (VI) of clause (ii).

''(v) LIMITATION ON APPLYING FOR ONLY 1 BONUS.—To qualify under any one of the employment, earnings, food stamp, or health coverage criteria described in subclauses (I), (III), or (IV) of clause (ii), a State must submit the data required to compete for all of the criteria described in those subclauses.

(b) DATA COLLECTION AND REPORTING.—Section 411(a) of the Social Security Act (42 U.S.C. 611(a)) is amended by adding at the end the following:

''(8) REPORT ON OUTCOME OF WELFARE REFORM FOR STATES NOT PARTICIPATING IN BONUS GRANTS UNDER SECTION 403(a)(4).—

''(A) IN GENERAL.—In the case of a State which does not participate in the procedure for awarding grants under section 403(a)(4) pursuant to regulations prescribed by the Secretary, the report required by paragraph (1) for a fiscal quarter shall include data regarding the characteristics and well-being of former recipients of assistance under the State program funded under this title for an appropriate period of time after such recipient has ceased receiving such assistance.

''(B) CONTENTS.—The data required under subparagraph (A) shall consist of information regarding former recipients, including—

''(i) employment status;

''(ii) job retention;

''(iii) changes in income or resources;

''(iv) poverty status, including the number of children in families of such former recipients with income below ½ of the poverty line;

''(v) receipt of food stamps, medical assistance under the State plan approved under title XIX or child health assistance under title XXI, or subsidized child care;

''(vi) accessibility of child care and child care cost;

''(vii) the percentage of families in poverty receiving child care subsidies;

''(viii) measures of hardship, including lack of medical insurance and difficulty purchasing food; and

''(ix) the availability of the option under the State plan in section 402(a)(7)(relating to domestic violence) and the difficulty accessing services for victims of domestic violence.

''(C) SAMPLING.—A State may comply with this paragraph by using a scientifically acceptable sampling method approved by the Secretary.

''(D) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary to ensure that—

''(i) data reported under this paragraph is in such a form as to promote comparison of data among States;

''(ii) a State reports, for each measure, changes in data over time and comparisons in data between such former recipients and comparable groups of current recipients; and

''(iii) a State that is already conducting a scientifically acceptable study of former recipients that provides sufficient data required under subparagraph (A) may use the results of such study to satisfy the requirements of this paragraph.''.

(c) REPORT OF CURRENTLY COLLECTED DATA.—

(1) IN GENERAL.—Not later than July 1, 2000, and annually thereafter, the Secretary of Health and Human Services shall transmit to Congress a report regarding characteristics of former and current recipients of assistance under the State program funded under this part, based on information currently being received from States.

(2) CHARACTERISTICS.—For purposes of paragraph (1), the characteristics shall include earnings, employment, and, to the extent possible, income (including earnings, the value of benefits received under the State program funded under this title, and food stamps), the ratio of income to poverty, receipt of food stamps, and other family resources.

(3) BASIS OF REPORT.—The report under paragraph (1) shall be based on longitudinal data of employer reported earnings for a sample of States, which represents at least 80 percent of the population of the United States, including separate data for each of fiscal years 1997 through 2000 regarding—

(A) a sample of former recipients;

(B) a sample of current recipients; and

(C) a sample of food stamp recipients.

(d) REPORT ON DEVELOPMENT OF MEASURES.—Not later than July 1, 2000, the Secretary of Health and Human Services shall transmit to Congress—

(1) a report regarding the development of measures required under subclauses (II) and (V) of section 403(a)(4)(C)(ii) of the Social Security Act (42 U.S.C. 603(a)(4)(C)(ii)), as added by this Act, regarding subsidized child care and changes in income; and

(2) a report, prepared in consultation with domestic violence organizations, regarding the domestic violence criteria required under subclause (VI) of such section.

(e) EFFECTIVE DATES.—

(1) ADDITIONAL MEASURES OF STATE PERFORMANCE.—The amendments made by subsection (a) apply to each of fiscal years 2001 through 2003, except that the income change (or extreme child poverty) criteria described in section 403(a)(4)(C)(ii)(II) of the Social Security Act (42 U.S.C. 603(a)(4)(C)(ii)(II)) shall not apply to grants awarded under section 403(a)(4) of that Act (42 U.S.C. 603(a)(4)) for fiscal year 2001.

(2) DATA COLLECTION AND REPORTING.—The amendment made by subsection (b) shall apply to reports submitted in fiscal years beginning with fiscal year 2001.

AMENDMENT NO. 1839

In the matter under the heading ''CHILDREN AND FAMILIES SERVICES PROGRAMS'' under the heading ''ADMINISTRATION FOR CHILDREN AND FAMILIES'' in title II, strike ''$6,682,635,000, of which $20,000,000, to remain available until September 30, 2001, shall be for grants to States for adoption incentive payments, as authorized by section 473A of the Social Security Act; of which $500,000,000 shall be for making payments under the Community Services Block Grant Act; and of which

$5,267,000,000 shall be for making payments under the Head Start Act,'' and insert ''$9,682,635,000, of which $20,000,000, to remain available until September 30, 2001, shall be for grants to States for adoption incentive payments, as authorized by section 473A of the Social Security Act; of which $500,000,000 shall be for making payments under the Community Services Block Grant Act; and of which $8,267,000,000 shall be for making payments under the Head Start Act,''.

AMENDMENT NO. 1840

At the end of title III, insert the following:

SEC. ___. ADDITIONAL FUNDING.

In addition to any other funds appropriated under this Act to carry out title I of the Elementary and Secondary Education Act of 1965, there are appropriated an additional $3,000,000,000 to carry out such title.

AMENDMENT NO. 1841

At the end of title II, add the following:

SOCIAL SERVICES BLOCK GRANT

SEC. ____. Notwithstanding any other provision of this title, the amount appropriated under this title for making grants pursuant to section 2002 of the Social Security Act (42 U.S.C. 1397a) shall be increased to $2,380,000,000: *Provided*, That notwithstanding any other provision of this title, the amount specified for allocation under section 2003(c) of such Act for fiscal year 2000 shall be $2,380,000,000.

AMENDMENT NO. 1842

At the appropriate place add the following:

SEC. ____. It is the sense of the Senate that it is important that Congress determine the economic status of former recipients of assistance under the temporary assistance to needy families program funded under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.).

SMITH AMENDMENTS NOS. 1843–1844

(Ordered to lie on the table.)

Mr. SMITH of New Hampshire submitted two amendments intended to be proposed by him to the bill, S. 1650, supra; as follows:

AMENDMENT NO. 1843

At the appropriate place, insert the following:

DISABLED VETERANS' OUTREACH PROGRAMS

SEC. . Notwithstanding any other provision of this Act, $10,000,000 of the amounts appropriated in this Act for the Corporation for Public Broadcasting shall be transferred and utilized to carry out disabled veterans' outreach programs under section 4103A of title 38, United States Code.

AMENDMENT NO. 1844

At the appropriate place, insert the following:

SEC. . No funds appropriated under this Act may be used to enforce the provisions of the Act of March 3, 1931 (commonly known as the Davis-Bacon Act (40 U.S.C. 276a et seq.)) in any area that has been declared a disaster area by the President under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.).

HARKIN (AND ROBB) AMENDMENT NO. 1845

(Ordered to lie on the table.)

Mr. HARKIN (for himself and Mr. ROBB) submitted an amendment intended to be proposed by them to the bill, S. 1650, supra; as follows:

At the end of title III, add the following:

SEC. . SENSE OF THE SENATE REGARDING SCHOOL INFRASTRUCTURE.

(a) FINDINGS.—The Senate makes the following findings:

(1) The General Accounting Office has performed a comprehensive survey of the Nation's public elementary and secondary school facilities and has found severe levels of disrepair in all areas of the United States.

(2) The General Accounting Office has concluded that more than 14,000,000 children attend schools in need of extensive repair or replacement, 7,000,000 children attend schools with life threatening safety code violations, and 12,000,000 children attend schools with leaky roofs.

(3) The General Accounting Office has found the problem of crumbling schools transcends demographic and geographic boundaries. At 38 percent of urban schools, 30 percent of rural schools, and 29 percent of suburban schools, at least one building is in need of extensive repair or should be completely replaced.

(4) The condition of school facilities has a direct affect on the safety of students and teachers and on the ability of students to learn. Academic research has provided a direct correlation between the condition of school facilities and student achievement. At Georgetown University, researchers have found the test scores of students assigned to schools in poor condition can be expected to fall 10.9 percentage points below the test scores of students in buildings in excellent condition. Similar studies have demonstrated up to a 20 percent improvement in test scores when students were moved from a poor facility to a new facility.

(5) The General Accounting Office has found most schools are not prepared to incorporate modern technology in the classroom. Forty-six percent of schools lack adequate electrical wiring to support the full-scale use of technology. More than a third of schools lack the requisite electrical power. Fifty-six percent of schools have insufficient phone lines for modems.

(6) The Department of Education has reported that elementary and secondary school enrollment, already at a record high level, will continue to grow over the next 10 years, and that in order to accommodate this growth, the United States will need to build an additional 6,000 schools.

(7) The General Accounting Office has determined the cost of bringing schools up to good, overall condition to be $112,000,000,000, not including the cost of modernizing schools to accommodate technology, or the cost of building additional facilities needed to meet record enrollment levels.

(8) Schools run by the Bureau of Indian Affairs (BIA) for Native American children are also in dire need of repair and renovation. The General Accounting Office has reported that the cost of total inventory repairs needed for BIA facilities is $754,000,000. The December 1997 report by the Comptroller General of the United States states that, ''Compared with other schools nationally, BIA schools are generally in poorer physical condition, have more unsatisfactory environmental factors, more often lack key facilities requirements for education reform, and are less able to support computer and communications technology,

(9) State and local financing mechanisms have proven inadequate to meet the challenges facing today's aging school facilities. Large numbers of local educational agencies have difficulties securing financing for school facility improvement.

(10) The Federal Government has provided resources for school construction in the past. For example, between 1933 and 1939, the Federal Government assisted in 70 percent of all new school construction.

(11) The Federal Government can support elementary and secondary school facilities without interfering in issues of local control, and should help communities leverage additional funds for the improvement of elementary and secondary school facilities.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that Congress should provide at least $3,700,000,000 in Federal resources to help communities leverage funds to modernize public school facilities.

ENZI AMENDMENT NO. 1846

Mr. ENZI proposed an amendment to the bill, S. 1650, supra; as follows:

On page 13, line 14, insert after ''1970;'' the following: ''*Provided*, That of the amount appropriated under this heading that is in excess of the amount appropriated for such purposes for fiscal year 1999, $16,883,500 shall be used to carry out the activities described in paragraph (1) and $16,883,500 shall be used to carry out paragraphs (2) through (6);''.

DEWINE AMENDMENT NO. 1847

(Ordered to lie on the table.)

Mr. DEWINE submitted an amendment intended to be proposed by him to the bill, S. 1650, supra; as follows:

At the end, insert the following:

SEC. . FUNDING.

Notwithstanding any other provision of law—

(1) the total amount made available under this Act to carry out part C of title VIII of the Higher Education Amendments of 1998 shall be $2,000,000;

(2) the total amount made available under this Act to carry out section 428K of the Higher Education Act of 1965 shall be $2,000,000;

(3) the total amount made available under the heading ''SALARIES AND EXPENSES'', under the heading ''OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION'', under title I, for salaries and expenses for the Occupational Safety and Health Administration shall be $96,755,000; and

(4) the total amount made available under the heading ''SALARIES AND EXPENSES'', under the heading ''DEPARTMENTAL MANAGEMENT'', under title I, for salaries and expenses at the Department of Labor shall be $245,001,000.

GREGG AMENDMENTS NOS. 1848–1849

(Ordered to lie on the table.)

Mr. GREGG submitted two amendments intended to be proposed by him to the bill, S. 1650, supra; as follows:

AMENDMENT NO. 1848

In the matter under the heading ''COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS'', in the matter under the heading ''EMPLOYMENT AND TRAINING ADMINISTRATION'', in title I, insert before the period at the end of the first sentence the following: '': *Provided*, That funds appropriated for activities carried out under title V of such Act if allocated to private nonprofit organizations, shall only be allocated to such private nonprofit organizations (for use by such organizations, affiliates of such organizations, or successors in interest of such organizations), if such organizations administer not more than 10 percent of the projects carried out by such organizations with such funds through subcontracts with entities that are not directly associated or affiliated with such organizations.''

AMENDMENT NO. 1849

In the matter under the heading ''COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS'', in the matter under the heading ''EMPLOYMENT AND TRAINING ADMINISTRATION'', in title I, insert before the period at the end of the first sentence the following: '': *Provided,* That funds appropriated to carry out title V of such Act shall not be allocated to a public agency or a public or private nonprofit organization, affiliate of such an agency or organization, or successors in interest of such an agency or organization, if it has been determined that there has been fraud or criminal activity within such agency or organization, or that there are substantial and persistent administrative deficiencies involving such agency or organization, or that such agency or organization, for the period of 1993 through 1996, had disallowed costs in excess of 3 percent of funds that were awarded over such period to carry out title V of such Act, as found in independent audits conducted by the Office of Inspector General or by final determinations by the Secretary''.

NICKLES AMENDMENTS NOS. 1850–1851

(Ordered to lie on the table.)

Mr. NICKLES submitted two amendments intended to be proposed by him to the bill, S. 1650, supra; as follows:

AMENDMENT NO. 1850

At the appropriate place, insert the following:

''SEC. . PROTECTION OF THE SOCIAL SECURITY TRUST FUND.

''(a) Section 253(b) of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended to read as follows:

'' '(b) EXCESS DEFICIT.—The excess deficit is, if greater than zero, the estimated on-budget deficit for the budget year, excluding any surplus in the old-age, survivors, and disability insurance program established under title II of the Social Security Act.'.

''(b) Section 253(g) of the Balanced Budget and Emergency Deficit Control Act of 1985 is repealed.''.

AMENDMENT NO. 1851

At the appropriate place, insert the following:

''SEC. . PROTECTING SOCIAL SECURITY SURPLUSES.

(a) FINDINGS.—Congress finds that—

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

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

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

REID AMENDMENT NO. 1852

(Ordered to lie on the table.)

Mr. REID submitted an amendment intended to be proposed by him to the bill, S. 1650, supra; as follows:

At the appropriate place, insert the following:

SENSE OF THE SENATE ON PREVENTION OF NEEDLESTICK INJURIES

SEC. ____. (a) FINDINGS.—The Senate finds that—

(1) the Centers for Disease Control and Prevention reports that American health care workers report more than 800,000 needlestick and sharps injuries each year;

(2) the occurrence of needlestick injuries is believed to be widely under-reported;

(3) needlestick and sharps injuries result in at least 1,000 new cases of health care workers with HIV, hepatitis C or hepatitis B every year; and

(4) more than 80 percent of needlestick injuries can be prevented through the use of safer devices.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the Senate should pass legislation that would eliminate or minimize the significant risk of needlestick injury to health care workers.

SARBANES AMENDMENT NO. 1853

(Ordered to lie on the table.)

Mr. SARBANES submitted an amendment intended to be proposed by him to the bill, S. 1650, supra; as follows:

At the appropriate place, add the following:

SEC. ____. (a) Section 1905(u)(2)(B) of the Social Security Act (42 U.S.C. 1395d(u)(2)(B)) is amended—

(1) by inserting ''(i)'' after ''(B)''; and

(2) by adding at the end the following:

''(ii) for purposes of clause (i), a child is not considered to qualify for medical assistance under the State plan if the child qualified for such assistance only under a demonstration that—

''(I) was approved under section 1115(a);

''(II) was implemented on or before March 31, 1997; and

''(III) did not include hospital services as a covered benefit.''.

(b) Notwithstanding any other provision of this Act, amounts made available for salaries, expenses, and program management to agencies funded under title II of this Act shall be ratably reduced in an amount equal to the amount necessary to carry out the amendments made by subsection (a).

WELLSTONE AMENDMENTS NOS. 1854–1859

(Ordered to lie on the table.)

Mr. WELLSTONE submitted six amendments intended to be proposed by him to the bill, S. 1650, supra; as follows:

AMENDMENT NO. 1854

At the end of title III, insert the following:

SEC. ____. ADDITIONAL FUNDING.

In addition to any other funds appropriated under this Act to carry out title I of the Elementary and Secondary Education Act of 1965, there are appropriated an additional $3,000,000,000 to carry out such title.

AMENDMENT NO. 1855

In the matter under the heading ''CHILDREN AND FAMILIES SERVICES PROGRAMS'' under the heading ''ADMINISTRATION FOR CHILDREN AND FAMILIES'' in title II, strike ''$6,682,635,000, of which $20,000,000, to remain available until September 30, 2001, shall be for grants to States for adoption incentive payments, as authorized by section 473A of the Social Security Act; of which $500,000,000 shall be for making payments under the Community Services Block Grant Act; and of which $5,267,000,000 shall be for making payments under the Head Start Act,'' and insert ''$9,682,635,000, of which $20,000,000, to remain available until September 30, 2001, shall be for grants to States for adoption incentive payments, as authorized by section 473A of the Social Security Act; of which $500,000,000 shall be for making payments under the Community Services Block Grant Act; and of which $8,267,000,000 shall be for making payments under the Head Start Act,''.

AMENDMENT NO. 1856

At the appropriate place add the following:

SEC. ____. It is the sense of the Senate that it is important that Congress determine the economic status of former recipients of assistance under the temporary assistance to needy families program funded under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.).

AMENDMENT NO. 1857

At the appropriate place, insert the following:

SEC. ___. EVALUATION OF OUTCOME OF WELFARE REFORM AND FORMULA FOR BONUSES TO HIGH PERFORMANCE STATES.

(a) ADDITIONAL MEASURES OF STATE PERFORMANCE.—Section 403(a)(4)(C) of the Social Security Act (42 U.S.C. 603(a)(4)(C)) is amended—

(1) by striking ''Not later'' and inserting the following:

''(i) IN GENERAL.—Not later'';

(2) by inserting ''The formula shall provide for the awarding of grants under this paragraph based on criteria contained in clause (ii) and in accordance with clauses (iii) and (iv).'' after the period; and

(3) by adding at the end the following:

''(ii) FORMULA CRITERIA.—The grants awarded under this paragraph shall be based on the following:

''(I) EMPLOYMENT-RELATED MEASURES.—Employment-related measures, including work force entries, job retention, increases in earnings of recipients of assistance under the State program funded under this title, and measures of utilization of resources available under welfare-to-work grants under paragraph (5) and title I of the Workforce Investment Act of 1998 (29 U.S.C. 2801 et seq.), including the implementation of programs (as defined in subclause (VII)(bb)) to increase the number of individuals training for, and placed in, nontraditional employment.

''(II) MEASURES OF CHANGES IN INCOME OR NUMBER OF CHILDREN BELOW HALF OF POVERTY.—For a sample of recipients of assistance under the State program funded under this title, longitudinal measures of annual changes in income (or measures of changes in the proportion of children in families with income below ½ of the poverty line), including earnings and the value of benefits received under that State program and food stamps.

''(III) FOOD STAMPS MEASURES.—The change since 1995 in the proportion of children in working poor families that receive food stamps to the total number of children in the State (or, if possible, to the estimated number of children in working families with incomes low enough to be eligible for food stamps).

''(IV) MEDICAID AND SCHIP MEASURES.—The percentage of members of families who are former recipients of assistance under the State program funded under this title (who have ceased to receive such assistance for approximately 6 months) who currently receive medical assistance under the State plan approved under title XIX or the child health assistance under title XXI.

''(V) CHILD CARE MEASURES.—In the case of a State that pays child care rates that are equal to at least the 75th percentile of market rates, based on a market rate survey that is not more than 2 years old, measures of the State's success in providing child care,

as measured by the percentage of children in families with incomes below 85 percent of the State's median income who receive subsidized child care in the State, and by the amount of the State's expenditures on child care subsidies divided by the estimated number of children younger than 13 in families with incomes below 85 percent of the State's median income.

''(VI) MEASURES OF ADDRESSING DOMESTIC VIOLENCE.—In the case of a State that has adopted the option under the State plan relating to domestic violence set forth in section 402(a)(7) and that reports the proportion of eligible recipients of assistance under this title who disclose their status as domestic violence victims or survivors, measures of the State's success in addressing domestic violence as a barrier to economic self-sufficiency, as measured by the proportion of such recipients who are referred to and receive services under a service plan developed by an individual trained in domestic violence pursuant to section 260.55(c) of title 45 of the Code of Federal Regulations.

''(VII) DEFINITIONS.—In this clause:

''(aa) DOMESTIC VIOLENCE.—The term 'domestic violence' has the meaning given the term 'battered or subjected to extreme cruelty' in section 408(a)(7)((C)(iii).

''(bb) IMPLEMENTATION OF PROGRAMS.—The term 'implementation of programs' means activities conducted pursuant to section 134(a)(3)(A)(vi)(II) of the Workforce Investment Act of 1998 (29 U.S.C. 2864(a)(3)(A)(vi)(II)), placement of recipients in nontraditional employment, as reported to the Department of Labor pursuant to section 185(d)(1)(C) of such Act (29 U.S.C. 2935(d)(1)(C)), and the performance of the State on other measures such as the provision of education, training, and career development assistance for nontraditional employment developed pursuant to section 136(b)(2) of such Act (29 U.S.C. 2871(b)(2))).

''(cc) NONTRADITIONAL EMPLOYMENT.—The term 'nontraditional employment' means occupations or fields of work, including careers in computer science, technology, and other emerging high skill occupations, for which individuals from 1 gender comprise less than 25 percent of the individuals employed in each such occupation or field of work.

''(dd) WORKING POOR FAMILIES.—The term 'working poor families' means families that receive earnings at least equal to a comparable amount that would be received by an individual working a half-time position for minimum wage.

''(iii) EMPLOYMENT, EARNING, AND INCOME RELATED MEASURES.—$100,000,000 of the amount appropriated for a fiscal year under subparagraph (F) shall be used to award grants to States under this paragraph for that fiscal year based on the measures of employment, earnings, and income described in subclauses (I), (II), and (V) of clause (ii), including scores for the criteria described in those items.

''(iv) MEASURES OF SUPPORT FOR WORKING FAMILIES.—$100,000,000 of the amount appropriated for a fiscal year under subparagraph (F) shall be used to award grants to States under this paragraph for that fiscal year based on measures of support for working families, including scores for the criteria described in subclauses (III), (IV) and (VI) of clause (ii).

''(v) LIMITATION ON APPLYING FOR ONLY 1 BONUS.—To qualify under any one of the employment, earnings, food stamp, or health coverage criteria described in subclauses (I), (III), or (IV) of clause (ii), a State must submit the data required to compete for all of the criteria described in those subclauses.

(b) DATA COLLECTION AND REPORTING.—Section 411(a) of the Social Security Act (42 U.S.C. 611(a)) is amended by adding at the end the following:

''(8) REPORT ON OUTCOME OF WELFARE REFORM FOR STATES NOT PARTICIPATING IN BONUS GRANTS UNDER SECTION 403(a)(4).—

''(A) IN GENERAL.—In the case of a State which does not participate in the procedure for awarding grants under section 403(a)(4) pursuant to regulations prescribed by the Secretary, the report required by paragraph (1) for a fiscal quarter shall include data regarding the characteristics and well-being of former recipients of assistance under the State program funded under this title for an appropriate period of time after such recipient has ceased receiving such assistance.

''(B) CONTENTS.—The data required under subparagraph (A) shall consist of information regarding former recipients, including—

''(i) employment status;

''(ii) job retention;

''(iii) changes in income or resources;

''(iv) poverty status, including the number of children in families of such former recipients with income below ½ of the poverty line;

''(v) receipt of food stamps, medical assistance under the State plan approved under title XIX or child health assistance under title XXI, or subsidized child care;

''(vi) accessibility of child care and child care cost;

''(vii) the percentage of families in poverty receiving child care subsidies;

''(viii) measures of hardship, including lack of medical insurance and difficulty purchasing food; and

''(ix) the availability of the option under the State plan in section 402(a)(7)(relating to domestic violence) and the difficulty accessing services for victims of domestic violence.

''(C) SAMPLING.—A State may comply with this paragraph by using a scientifically acceptable sampling method approved by the Secretary.

''(D) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary to ensure that—

''(i) data reported under this paragraph is in such a form as to promote comparison of data among States;

''(ii) a State reports, for each measure, changes in data over time and comparisons in data between such former recipients and comparable groups of current recipients; and

''(iii) a State that is already conducting a scientifically acceptable study of former recipients that provides sufficient data required under subparagraph (A) may use the results of such study to satisfy the requirements of this paragraph.''.

(c) REPORT OF CURRENTLY COLLECTED DATA.—

(1) IN GENERAL.—Not later than July 1, 2000, and annually thereafter, the Secretary of Health and Human Services shall transmit to Congress a report regarding characteristics of former and current recipients of assistance under the State program funded under this part, based on information currently being received from States.

(2) CHARACTERISTICS.—For purposes of paragraph (1), the characteristics shall include earnings, employment, and, to the extent possible, income (including earnings, the value of benefits received under the State program funded under this title, and food stamps), the ratio of income to poverty, receipt of food stamps, and other family resources.

(3) BASIS OF REPORT.—The report under paragraph (1) shall be based on longitudinal data of employer reported earnings for a sample of States, which represents at least 80 percent of the population of the United States, including separate data for each of fiscal years 1997 through 2000 regarding—

(A) a sample of former recipients;

(B) a sample of current recipients; and

(C) a sample of food stamp recipients.

(d) REPORT ON DEVELOPMENT OF MEASURES.—Not later than July 1, 2000, the Secretary of Health and Human Services shall transmit to Congress—

(1) a report regarding the development of measures required under subclauses (II) and (V) of section 403(a)(4)(C)(ii) of the Social Security Act (42 U.S.C. 603(a)(4)(C)(ii)), as added by this Act, regarding subsidized child care and changes in income; and

(2) a report, prepared in consultation with domestic violence organizations, regarding the domestic violence criteria required under subclause (VI) of such section.

(e) EFFECTIVE DATES.—

(1) ADDITIONAL MEASURES OF STATE PERFORMANCE.—The amendments made by subsection (a) apply to each of fiscal years 2001 through 2003, except that the income change (or extreme child poverty) criteria described in section 403(a)(4)(C)(ii)(II) of the Social Security Act (42 U.S.C. 603(a)(4)(C)(ii)(II)) shall not apply to grants awarded under section 403(a)(4) of that Act (42 U.S.C. 603(a)(4)) for fiscal year 2001.

(2) DATA COLLECTION AND REPORTING.—The amendment made by subsection (b) shall apply to reports submitted in fiscal years beginning with fiscal year 2001.

AMENDMENT NO. 1858

At the end of title II, add the following:

SOCIAL SERVICES BLOCK GRANT

SEC. ____. Notwithstanding any other provision of this title, the amount appropriated under this title for making grants pursuant to section 2002 of the Social Security Act (42 U.S.C. 1397a) shall be increased to $2,380,000,000: *Provided,* That notwithstanding any other provision of this title, the amount specified for allocation under section 2003(c) of such Act for fiscal year 2000 shall be $2,380,000,000.

AMENDMENT NO. 1859

At the end of title III, insert the following:

SEC. ____. ADDITIONAL FUNDING.

In addition to any other funds appropriated under this Act to carry out title I of the Elementary and Secondary Education Act of 1965, there are appropriated an additional $3,000,000,000 to carry out such title.

COCHRAN AMENDMENT NO. 1860

(Ordered to lie on the table.)

Mr. COCHRAN submitted an amendment intended to be proposed by him to the bill, S. 1650, supra; as follows:

At the appropriate place in the bill, insert the following: ''*Provided further,* That $2,000,000 shall be available from the Office on Women's Health to support biological, chemical and botanical studies to assist in the development of the clinical evaluation of phytomedicines in women's health.''

BINGAMAN (AND OTHERS) AMENDMENT NO. 1861

(Ordered to lie on the table.)

Mr. BINGAMAN (for himself, Mr. REED, Mr. KERRY, and Mr. KENNEDY) submitted an amendment intended to be proposed by them to the bill, supra; as follows:

On pages 52, line 8, after ''section 1124A'', insert the following: ''*Provided further,* That $200 million of funds available under section 1124 and 1124A shall be available to carry out the purposes of section 1116(c) of the Elementary and Secondary Education Act of 1965.''

REED AMENDMENTS NOS. 1862–1863

(Ordered to lie on the table.)

Mr. REED submitted two amendments intended to be proposed by him to the bill, S. 1650, supra; as follows:

AMENDMENT NO. 1862

In title I, under the heading ''OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION—SALARIES AND EXPENSES'', strike the second proviso.

AMENDMENT NO. 1863

At the appropriate place, insert the following:

SEC. ___. INVESTIGATIONS AND REPORTS CONCERNING EMPLOYEE DEATHS.

(a) IN GENERAL.—Notwithstanding any other provision of this Act, amounts appropriated to the Occupational Safety and Health Administration for fiscal year 2000 may be obligated or expended to conduct an investigation in response to an accident causing the death of an employee described in subsection (b) and to issue a report concerning the causes of such an accident, so long as the Occupational and Safety and Health Administration does not impose a fine or take any other enforcement action as a result of such investigation or report.

(b) EMPLOYEE.—An employee described in this section is an employee who is under 18 years of age and who is employed by a person engaged in a farming operation that does not maintain a temporary labor camp and that employs 10 or fewer employees.

REED (AND OTHERS) AMENDMENT NO. 1864

(Ordered to lie on the table.)

Mr. REED (for himself, Ms. COLLINS, Mr. SMITH of Oregon, Mr. LEVIN, and Mr. CONRAD) submitted an amendment intended to be proposed by them to the bill, supra; as follows:

At the end of title III, add the following:

LEVERAGING EDUCATIONAL ASSISTANCE PARTNERSHIP PROGRAM

SEC. ____. (a) IN GENERAL.—Notwithstanding any other provision of this title, amounts appropriated in this title to carry out the leveraging educational assistance partnership program under section 407E of the Higher Education Act of 1965 (20 U.S.C. 1070c et seq.) shall be increased by $50,000,000.

(b) REDUCTION.—The total discretionary amount appropriated by this Act shall be reduced by $50,000,000. Such reduction shall be made through a uniform percentage reduction in the amounts made available for expenses and program management to agencies funded under titles I through IV of this Act.

REED (AND OTHERS) AMENDMENT NO. 1865

(Ordered to lie on the table.)

Mr. REED (for himself, Mr. SMITH of Oregon, Mr. KENNEDY, Mrs. MURRAY, Mr. LEVIN, and Mr. CONRAD) submitted an amendment intended to be proposed by them to the bill, supra; as follows:

OFFICE OF POSTSECONDARY EDUCATION

STUDENT FINANCIAL ASSISTANCE

For carrying out subparts 1, 3 and 4 of part A, part C and part E of title IV of the Higher Education Act of 1965, as amended, $9,548,000, which shall remain available through September 30, 2001.

REED AMENDMENTS NOS. 1866–1868

(Ordered to lie on the table.)

Mr. REED submitted three amendments intended to be proposed by him to the bill, S 1650, supra; as follows:

AMENDMENT NO. 1866

In title I, under the heading ''OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION—SALARIES AND EXPENSES'', insert before the colon at the end of the second proviso the following: '', except that amounts appropriated to the Occupational Safety and Health Administration for fiscal year 2000 may be obligated or expended to conduct an investigation in response to an accident causing the death of an employee (who is under 18 years of age and who is employed by a person engaged in a farming operation that does not maintain a temporary labor camp and that employs 10 or fewer employees) and to issue a report concerning the causes of such an accident, so long as the Occupational and Safety and Health Administration does not impose a fine or take any other enforcement action as a result of such investigation or report''.

AMENDMENT NO. 1867

At the end of title I, add the following:

SEC. ____. None of the funds appropriated in this title may be expended for expenses of the Office of Workers' Compensation Programs until the day after there is enacted a law that states the following:

''(a) Notwithstanding any provision of section 8122 of title 5, United States Code, a claim for compensation under subchapter I of chapter 81 of such title shall be treated as timely filed for the purposes of that subchapter if—

''(1) the individual who filed the claim is eligible to do so under subsection (b) or is a person who filed the claim on behalf of such an individual;

''(2) the claim is for compensation for a disability or death resulting from a disease or condition described in subsection (c); and

''(3) the claim—

''(A) was filed under section 8121 of title 5, United States Code, on or before the date of the enactment of this Act; or

''(B) is filed under such section within one year after that date.

''(b) An individual is eligible under this section to file a claim for compensation under section 8121 of title 5, United States Code, without regard to paragraph (1) of that section, if the individual—

''(1) while serving as an employee of the War Department or the Navy Department during World War II, was exposed to a nitrogen or sulfur mustard agent in the performance of official duties as an employee; and

''(2) developed a disease specified in subsection (c) after the exposure.

''(c) A claim for compensation under subchapter I of chapter 81 of title 5, United States Code, that is filed under this section shall be granted if warranted under the provisions of that subchapter for a disability or death resulting from any of the following diseases or conditions:

''(1) In the case of an individual who was exposed to a sulfur mustard agent:

''(A) Chronic conjunctivitis.

''(B) Chronic keratitis.

''(C) Chronic corneal opacities.

''(D) Formation of scars.

''(E) Nasopharyngeal cancer.

''(F) Laryngeal cancer.

''(G) Lung cancer, other than mesothelioma.

''(H) Squamous cell carcinoma of the skin.

''(I) Chronic laryngitis.

''(J) Chronic bronchitis.

''(K) Chronic emphysema.

''(L) Chronic asthma.

''(M) Chronic obstructive pulmonary disease.

''(2) In the case of an individual who was exposed to a nitrogen mustard agent:

''(A) Any disease or condition specified in paragraph (1).

''(B) Acute nonlymphocytic leukemia.

''(d) Section 8119 of title 5, United States Code, does not apply with respect to a claim filed under this section.

''(e) In this section, the term 'World War II' has the meaning given the term in section 101(8) of title 38, United States Code.''.

AMENDMENT NO. 1868

At the end of title I, add the following:

SEC. ____. None of the funds appropriated in this title may be expended for expenses of the Office of Workers' Compensation Programs until the day after there is enacted a law that states the following:

''(a) Notwithstanding any provision of section 8122 of title 5, United States Code, a claim for compensation under subchapter I of chapter 81 of such title shall be treated as timely filed for the purposes of that subchapter if—

''(1) the individual who filed the claim was eligible to do so under subsection (b) or was a person who filed the claim on behalf of such an individual;

''(2) the claim is for compensation for a disability or death resulting from a disease or condition described in subsection (c); and

''(3) the claim was filed under section 8121 of title 5, United States Code, not later than March 10, 1994.

''(b) An individual is eligible under this section to file a claim for compensation under section 8121 of title 5, United States Code, without regard to paragraph (1) of that section, if the individual—

''(1) while serving as an employee of the War Department or the Navy Department during World War II, was exposed to a nitrogen or sulfur mustard agent in the performance of official duties as an employee; and

''(2) developed a disease specified in subsection (c) after the exposure.

''(c) A claim for compensation under subchapter I of chapter 81 of title 5, United States Code, that is filed under this section shall be granted if warranted under the provisions of that subchapter for a disability or death resulting from any of the following diseases or conditions:

''(1) In the case of an individual who was exposed to a sulfur mustard agent:

''(A) Chronic conjunctivitis.

''(B) Chronic keratitis.

''(C) Chronic corneal opacities.

''(D) Formation of scars.

''(E) Nasopharyngeal cancer.

''(F) Laryngeal cancer.

''(G) Lung cancer, other than mesothelioma.

''(H) Squamous cell carcinoma of the skin.

''(I) Chronic laryngitis.

''(J) Chronic bronchitis.

''(K) Chronic emphysema.

''(L) Chronic asthma.

''(M) Chronic obstructive pulmonary disease.

''(2) In the case of an individual who was exposed to a nitrogen mustard agent:

''(A) Any disease or condition specified in paragraph (1).

''(B) Acute nonlymphocytic leukemia.

''(d) Section 8119 of title 5, United States Code, does not apply with respect to a claim filed under this section.

''(e) In this section, the term 'World War II' has the meaning given the term in section 101(8) of title 38, United States Code.''.

REED (AND OTHERS) AMENDMENT NO. 1869

(Ordered to the lie on the table.)

Mr. REED (for himself, Mr. SMITH of Oregon, Mr. KENNEDY, Mrs. MURRAY, Mr. LEVIN, and Mr. CONRAD) submitted an amendment intended to be proposed by them to the bill, supra; as follows:

At the end of title III, add the following:

LEVERAGING EDUCATIONAL ASSISTANCE PARTNERSHIP PROGRAM

SEC. . (a) IN GENERAL.—Notwithstanding any other provision of this title, amounts appropriated in this title to carry out the leveraging educational assistance partnership program under section 407 of the Higher Education Act of 1965 (20 U.S.C. 1070c et seq.) shall be increased by $50,000,000, and these additional funds shall become available on October 1, 2000.

WYDEN (AND OTHERS) AMENDMENT NO. 1870

(Ordered to lie on the table.)

Mr. WYDEN (for himself, Mr. GRAHAM, and Mr. SMITH of Oregon) submitted an amendment intended to be proposed by them to the bill, supra; as follows:

On page 19, line 8, insert before the period the following: '': *Provided further*, That funds made available under this heading shall be used to report to Congress, pursuant to Public Law 85–67 (29 U.S.C. 5630 with options that will ensure a legal domestic work force in the agricultural sector, and provide for improved compensation, longer and more consistent work periods, improved benefits, improved living conditions and better housing quality, and transportation assistance between agricultural jobs for agricultural workers, and address other issues related to agricultural labor that the Secretary of Labor determines to be necessary''.

DOMENICI AMENDMENTS NOS. 1871–1872

(Ordered to lie on the table.)

Mr. DOMENICI submitted two amendments intended to be proposed by him to the bill, S. 1650, supra; as follows:

AMENDMENT NO. 1871

At the end, add the following:

SEC. . LAWTON CHILES FOUNDATION.

From amounts made available to the Secretary of Health and Human Services under this Act, the Secretary shall award a grant, in the amount of $10,000,000, to the Lawton Chiles Foundation to support a facility for the foundation.

AMENDMENT NO. 1872

At the end, add the following:

SEC. . LAWTON CHILES FOUNDATION.

From amounts made available to the Secretary of Health and Human Services under this Act, the Secretary shall award a grant, in the amount of $10,000,000, to the Lawton Chiles Foundation to support a facility for the foundation.

BINGAMAN AMENDMENTS NOS. 1873–1874

(Ordered to lie on the table.)

Mr. BINGAMAN submitted two amendments intended to be proposed by him to the bill, S. 1650, supra; as follows:

AMENDMENT NO. 1873

At the appropriate place in the bill add the following:

SEC. . STUDY OF CONFOUNDING BIOPHYSIOLOGICAL INFLUENCES ON POLYGRAPHY.

From within funds made available by this Act, the Director of the National Institutes of Health shall enter into appropriate arrangements with the National Academy of Sciences to conduct a comprehensive study and investigation into the scientific validity of polygraphy as a screening tool for federal and federal contractor personnel. Such study and investigation shall include the effect of prescription and non-prescription drugs on the validity of polygraph tests, the potential for other techniques of suppressing or altering conscious or autonomic physiological reflexes to compromise the validity of polygraph tests, and differential responses to polygraph tests according to biophysiological factors that may vary according to age, gender, ethnic or socioeconomic backgrounds, or other factors relating to natural variability in human populations. The study and investigation shall specifically address the scientific validity of polygraph tests being proposed for use in proposed rules published at 64 Fed. Reg. 45062 (August 18, 1999).

AMENDMENT NO. 1874

At the appropriate place in the bill add the following:

SEC. . STUDY OF CONFOUNDING BIOPHYSIOLOGICAL INFLUENCES ON POLYGRAPHY.

From within funds made available by this Act, the Director of the National Institutes of Health shall enter into appropriate arrangements with the National Academy of Sciences to conduct a comprehensive study and investigation into the scientific validity of polygraphy as a screening tool for federal and federal contractor personnel. Such study and investigation shall include the effect of prescription and non-prescription drugs on the validity of polygraph tests, the potential for other techniques of suppressing or altering conscious or autonomic physiological reflexes to compromise the validity of polygraph tests, and differential responses to polygraph tests according to biophysiological factors that may vary according to age, gender, ethnic or socioeconomic backgrounds, or other factors relating to natural variability in human populations. The study and investigation shall specifically address the scientific validity of polygraph tests being proposed for use in proposed rules published at 64 Fed. Reg. 45062 (August 18, 1999).

BINGAMAN (AND OTHERS) AMENDMENT NO. 1875

(Ordered to lie on the table.)

Mr. BINGAMAN (for himself, Mr. REED, Mr. KERRY, and Mr. KENNEDY) submitted an amendment intended to be proposed by them to the bill, supra; as follows:

On page 52, line 8, after ''section 1124A'', insert the following: ''*Provided further*, That $200 million of funds available under section 1124 and 1124A shall be available to carry out the purposes of section 1116(c) of the Elementary and Secondary Education Act of 1965.''

BINGAMAN AMENDMENTS NOS. 1876–1878

(Ordered to lie on the table.)

Mr. BINGAMAN submitted three amendments intended to be proposed by him to the bill, S. 1650, supra; as follows:

AMENDMENT NO. 1876

At the end of title II, add the following:

SEC. 216. STUDY AND REPORT ON THE GEOGRAPHIC ADJUSTMENT FACTORS UNDER THE MEDICARE PROGRAM.

(a) STUDY.—The Secretary of Health and Human Services shall conduct a study on—

(1) the reasons why, and the appropriateness of the fact that, the geographic adjustment factor (determined under paragraph (2) of section 1848(e) (42 U.S.C. 1395w–4(e)) used in determining the amount of payment for physicians' services under the medicare program is less for physicians' services provided in New Mexico than for physicians' services provided in Arizona, Colorado, and Texas; and

(2) the effect that the level of the geographic cost-of-practice adjustment factor (determined under paragraph (3) of such section) has on the recruitment and retention of physicians in small rural states, including New Mexico, Iowa, Louisiana, and Arkansas.

(b) REPORT.—Not later than 3 months after the date of enactment of this Act, the Secretary of Health and Human Services shall submit a report to Congress on the study conducted under subsection (a), together with any recommendations for legislation that the Secretary determines to be appropriate as a result of such study.

AMENDMENT NO. 1877

At the end of title II, add the following:

DENTAL SEALANT DEMONSTRATION PROGRAM

SEC. ____. From amounts appropriated under this title for the Health Resources and Services Administration, $1,000,000 shall be made available to the Maternal Child Health Bureau for the establishment of a multi-State preventive dentistry demonstration program to improve the oral health of low-income children and increase the access of children to dental sealants through community- and school-based activities.

AMENDMENT NO. 1878

At the end of title II, add the following:

SEC. 216. REVISION OF GEOGRAPHIC ADJUSTMENT FACTOR USED IN MAKING MEDICARE PAYMENTS FOR PHYSICIANS' SERVICES IN NEW MEXICO.

(a) IN GENERAL.—Notwithstanding section 1848 of the Social Security Act (42 U.S.C. 1395w–4), in the case of physicians' services provided in New Mexico, the geographic adjustment factor (determined under subsection (e)(2) of such section) used in determining the amount of payment for such services shall be equal to the national average of such factors.

(b) EFFECTIVE DATE.—This section shall apply to services provided on or after January 1, 2000.

BINGAMAN (AND MURRAY) AMENDMENT NO. 1879

(Ordered to lie on the table.)

Mr. BINGAMAN (for himself and Mrs. MURRAY) submitted an amendment intended to be proposed by them to the bill, S. 1650, supra; as follows:

At the end of title III add the following:

ADVANCED PLACEMENT INCENTIVE PROGRAM

SEC. ____. Notwithstanding any other provision of this title, the amount appropriated under this title to carry out school improvement activities authorized by titles II, IV, V–A and B, VI, IX, X, and XIII of the Elementary and Secondary Education Act of 1965 (''ESEA''); the Stewart B. McKinney Homeless Assistance Act; and the Civil Rights Act of 1964 and part B of title VIII of the Higher Education Act of 1965 programs shall be increased to $2,888,634,000: *Provided*, That $2,000,000 of which shall become available on October 1, 2000, shall remain available through September 30, 2001, and shall be made available for grants to States to enable the States to establish pilot programs for Internet-based advanced placement courses in rural parts of the United States where students would not have access to advanced

placement instruction without the assistance provided under this section.

WELLSTONE AMENDMENTS NOS. 1880–1881

(Ordered to lie on the table.)

Mr. WELLSTONE submitted two amendments intended to be proposed by him to the bill, S. 1650, supra; as follows:

AMENDMENT NO. 1880

On page 31, line 9, strike ''2,750,700,000'' and insert ''$2,799,516,000, of which $70,000,000 shall be made available to carry out the mental health services block grant under subpart I of part B of title XIX of the Public Health Service Act, and''.

AMENDMENT NO. 1881

On page 31, line 9, strike ''$2,750,700,000'' and insert ''$2,799,516,000, of which $70,000,000 shall be made available to carry out the mental health services block grant under subpart I of part B of title XIX of the Public Health Service Act, and''.

KERRY (AND SMITH) AMENDMENT NO. 1882

(Ordered to lie on the table.)

Mr. KERRY (for himself and Mr. SMITH of Oregon) submitted an amendment intended to be proposed by them to the bill, S. 1650, supra; as follows:

At the appropriate place, insert:

SEC. . SENSE OF THE SENATE REGARDING COMPREHENSIVE PUBLIC EDUCATION REFORM.

(a) FINDINGS.—The Senate finds the following:

(1) Recent scientific evidence demonstrates that enhancing children's physical, social, emotional, and intellectual development before the age of six results in tremendous benefits throughout life.

(2) Successful schools are led by well-trained, highly qualified principals, but many principals do not get the training that the principals need in management skills to ensure their school provides an excellent education for every child.

(3) Good teachers are a crucial catalyst to quality education, but one in four new teachers do not meet state certification requirements; each year more than 50,000 under-prepared teachers enter the classroom; and 12 percent of new teachers have had no teacher training at all.

(4) Public school choice is a driving force behind reform and is vital to increasing accountability and improving low-performing schools.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the federal government should support state and local educational agencies engaged in comprehensive reform of their public education system and that any education reform should include at least the following principals:

(A) that every child should begin school ready to learn by providing the resources to expand existing programs, such as Even Start and Head Start;

(B) that training and development for principals and teachers should be a priority;

(C) that public school choice should be encouraged to increase options for students; and

(D) that support should be given to communities to develop additional counseling opportunities for at-risk students.

(E) School boards, administrators, principals, parents, teachers, and students must be accountable for the success of the public education system and corrective action in underachieving schools must be taken.

BINGAMAN (AND HUTCHISON) AMENDMENT NO. 1883

(Ordfered to lie on the table.)

Mr. BINGAMAN (for himself and Mrs. HUTCHISON) submitted an amendment intended to be proposed by them to the bill, S. 1650, supra; as follows:

At the appropriate place, insert the following:

SEC. ___. The United States-Mexico Border Health Commission Act (22 U.S.C. 290n et seq.) is amended—

(1) by striking section 2 and inserting the following:

''SEC. 2. ESTABLISHMENT OF BORDER HEALTH COMMISSION.

''Not later than 30 days after the date of enactment of this section, the President shall appoint the United States members of the United States-Mexico Border Health Commission, and shall attempt to conclude an agreement with Mexico providing for the establishment of such Commission.''; and

(2) in section 3—

(A) in paragraph (1), by striking the semicolon and inserting ''; and'';

(B) in paragraph (2)(B), by striking ''; and'' and inserting a period; and

(C) by striking paragraph (3).

BROWNBACK AMENDMENT NO. 1884

(Ordered to lie on the table.)

Mr. BROWNBACK submitted an amendment intended to be proposed by him to the bill, S. 1650, supra; as follows:

At the appropriate place insert the following:

The Senate finds the following:

Earlier this year, the House of Representatives passed a Social Security lockbox designed to protect the Social Security surplus by an overwhelming vote of 416 to 12;

Bipartisan efforts over the past few years have eliminated the budget deficit and created a projected combined Social Security and non-Social Security surplus of $2,896,000,000,000 over the next ten years;

This surplus is largely due to the collection of the Social Security taxes and interest on already collected receipts in the trust fund;

The President and the Congress have not reached an agreement to use any of the non-Social Security surplus on providing tax relief; and

Any unspent portion of the projected surplus will have the effect of reducing the debt held by the public; Now, therefore,

It is the sense of the Senate that the Senate—

(1) Should not consider legislation that would spend any of the Social Security surplus; and

(2) Should continue to pursue efforts to continue to reduce the $3,618,000,000,000 in debt held by the public.

COVERDELL AMENDMENT NO. 1885

Mr. COVERDELL proposed an amendment to amendment No. 1846 proposed by Mr. ENZI to the bill, S. 1650, supra; as follows:

Strike all after the first word and insert the following: ''That of the amount appropriated under this heading that is in excess of the amount appropriated for such purposes for fiscal year 1999, $16,883,000 shall be used to carry out the activities described in paragraph (1) and $16,883,000 shall be used to carry out paragraphs (2) through (6);''.

GRAHAM (AND OTHERS) AMENDMENT NO. 1886

Mr. GRAHAM (for himself, Mr. WELLSTONE, Mr. ROCKEFELLER, Mr. DODD, Mr. KENNEDY) proposed an amendment to the bill, S. 1650, supra; as follows:

Strike all after the first word and insert the following: Notwithstanding any other provision of this title, the amount appropriated under this title for making grants pursuant to section 2002 of the Social Security Act (42 U.S.C. 1397a) shall be increased to $2,380,000,000: *Provided*, That (1) $1,330,000,000 of which shall become available on October 1, 2000, and (2) notwithstanding any other provision of this title, the amount specified for allocation under section 2003(c) of such Act for fiscal year 2001 shall be $3,030,000,000.

CAMPAIGN FINANCE INTEGRITY ACT OF 1999

ALLARD AMENDMENT NO. 1887

(Ordered referred to the Committee on Rules and Administration.)

Mr. ALLARD submitted an amendment intended to be proposed by him to the bill (S. 1671) to reform the financing of Federal elections; as follows:

At the end of the bill, add the following:

SEC. ___. DEDUCTION FOR POLITICAL CONTRIBUTIONS.

(a) IN GENERAL.—Part VII of subchapter B of chapter 1 of the Internal Revenue Code of 1986 is amended by redesignating section 222 as section 223 and inserting after section 221 the following new section:

''SEC. 222. POLITICAL CONTRIBUTIONS.

''(a) ALLOWANCE OF DEDUCTION.—In the case of an individual, there shall be allowed as a deduction for the taxable year an amount equal to the lesser of—

''(1) the aggregate amount of contributions made to any candidate during the taxable year, or

''(2) $100 ($200 in the case of a joint return).

''(b) VERIFICATION.—The credit allowed by subsection (a) shall be allowed, with respect to any contribution, only if such contribution is verified in such manner as the Secretary shall prescribe by regulations.

''(c) DEFINITIONS.—For purposes of this section, the terms 'candidate' and 'contribution' have the meaning given those terms in section 301 of the Federal Election Campaign Act of 1971.''

(b) DEDUCTION ALLOWED WHETHER OR NOT TAXPAYER ITEMIZES OTHER DEDUCTIONS.—Section 62(a) of the Internal Revenue Code of 1986 (defining adjusted gross income) is amended by inserting after paragraph (17) the following new paragraph:

''(18) POLITICAL CONTRIBUTION.—The deduction allowed by section 222.''

(c) CONFORMING AMENDMENT.—The table of sections for part VII of subchapter B of chapter 1 of the Internal Revenue Code of 1986 is amended by striking the last item and inserting the following new items:

''Sec. 222. Political contribution.

''Sec. 223. Cross reference.''

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after the date of enactment of this Act.

LEGISLATION TO REENACT CHAPTER 12 OF TITLE 11, UNITED STATES CODE

GRASSLEY AMENDMENT NO. 1888

Mr. SESSIONS (for Mr. GRASSLEY) proposed an amendment to the bill (S. 1606) to reenact chapter 12 of title 11, United States Code, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. AMENDMENTS.

Section 149 of title I of division C of Public Law 105–277, as amended by Public Law 106–5, is amended—

(1) by striking ''October 1, 1999'' each place it appears and inserting ''July 1, 2000''; and

(2) in subsection (a)—

(A) by striking ''March 31, 1999'' and inserting ''September 30, 1999''; and

(B) by striking ''April 1, 1999'' and inserting ''October 1, 1999''.

SEC. 2. EFFECTIVE DATE.

The amendments made by section 1 shall take effect on October 1, 1999.

Amend the title so as to read: ''To extend for 9 additional months the period for which chapter 12 of title 11, United States Code, is reenacted.''.

NOTICE OF HEARING

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MURKOWSKI. Mr. President, I would like to announce for the information of the Senate and the public that a legislative hearing has been scheduled before the Energy and Natural Resources Committee.

The purpose of the hearing is to receive testimony on S. 882, a bill to strengthen provisions in the Energy Policy Act of 1992 and the Federal Nonnuclear Energy Research and Development Act of 1974 with respect to potential Climate Change.

The hearing will take place on Tuesday, October 26, 1999 at 9:30 a.m. in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Subcommittee on Energy Research, Development, Production and Regulation, Committee on Energy and Natural Resources, United States Senate, 364 Dirksen Senate Office Building, Washington, DC, 20510–6150.

For further information, please call Kristin Phillips, Staff Assistant or Colleen Deegan, Counsel.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. SPECTER. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry, be allowed to meet during the session of the Senate on Thursday, September 30, 1999. The purpose of this meeting will be to discuss the administration's Agriculture agenda for the upcoming World Trade Organization meeting in Seattle.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. SPECTER. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, September 30, 1999, at 10:30 to hold a hearing.

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

COMMITTEE ON THE JUDICIARY

Mr. SPECTER. Mr. President, the Committee on the Judiciary requests unanimous consent to conduct a markup on Thursday, September 30, 1999 beginning at 10:00 a.m. in Dirksen Room 226.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. SPECTER. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Thursday, September 30, 1999 at 2:00 p.m. to hold a closed hearing on intelligence matters.

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

SPECIAL COMMITTEE ON THE YEAR 2000 TECHNOLOGY PROBLEM

Mr. SPECTER. Mr. President, I ask unanimous consent that the Special Committee on the Year 2000 Technology Problem be permitted to meet on September 30, 1999 at 9:30 a.m. for the purpose of conducting a hearing.

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

SUBCOMMITTEE ON CONSUMER AFFAIRS

Mr. SPECTER. Mr. President, I ask unanimous consent that the Consumer Affairs Subcommittee of the Senate Committee on Commerce, Science, and Transportation be authorized to meet on Thursday, September 30, 1999, at 9:30 a.m. on the Motor Vehicle Rental Fairness Act of 1999.

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

SUBCOMMITTEE ON FOREST AND PUBLIC LAND MANAGEMENT

Mr. SPECTER. Mr. President, I ask unanimous consent that the Subcommittee on Forests & Public Land Management of the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Thursday, September 30, for purposes of conducting a Subcommittee on Forests & Public Lands Management hearing which is scheduled to begin at 2:30 p.m. The purpose of this oversight hearing is to receive testimony on S. 1457, the Forest Resources for the Environment and the Economy Act.

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

ADDITIONAL STATEMENTS

TRIBUTE TO ADMIRAL CHAMBERLIN

• Mr. KENNEDY. Mr. President, it is a privilege to take this opportunity to pay tribute to Rear Admiral Bob Chamberlin, on his retirement from the United States Navy after 33 years of distinguished and dedicated service to the nation.

Rear Admiral Chamberlin is a native of Massachusetts. He graduated from high school in Westwood and went on to earn his bachelor's degree at the University of Wisconsin, where he distinguished himself as a first-tier ROTC graduate. Shortly after receiving his commission in 1966, he was assigned to the U.S.S. *Hisseem* in Pearl Harbor. From there he went on to serve in Vietnam, gaining the respect of all who shared duty with him and earning numerous decorations and awards, including the Navy Commendation Medal with Combat V, the Vietnamese Medal of Honor First Class, and the Combat Action Ribbon.

Following his Vietnam tour, he came home to Massachusetts and earned an MBA degree from Harvard. He went on to serve in a variety of supply and financial management assignments, ashore and afloat. He was soon regarded by his superiors as a tireless and innovative logistician. Ten years after attending the Naval Supply Corps School in Athens, Georgia, he returned to the school as an instructor and course developer.

In 1987, after serving as director of stock control at the Aviation Supply Office in Philadelphia and as supply officer on the U.S.S. *Nimetz*, he was promoted to captain and was assigned to the Naval Supply Systems Command in Washington, D.C., where he served as the project officer on a major supply-system modernization initiative. Later, he was appointed to be the Command's vice commander.

In July 1993, he was promoted to rear admiral, and for the past two years, he has served as the principal deputy director of the Defense Logistics Agency—America's combat support agency. His vision and leadership have been vital to the agency's award-winning business-process initiatives to ensure that the nation's armed forces receive the supplies and equipment they need, and in a way that offers the best possible return to the American taxpayer.

Admiral Chamberlin has been in the forefront of the ongoing advances in military logistics. His exemplary military career comes to a close this month, but his contributions and achievements will continue to be felt throughout the Navy and the Department of Defense.

Bob Chamberlin has served his country with great ability, valor, loyalty, and integrity. On the occasion of his retirement from the United States Navy, I commend him for his outstanding service. He is Massachusetts'

finest, and I wish him well in the years ahead.●

VIRGINIA ANNE HOLSFORD

● Mr. COCHRAN. Mr. President, tomorrow a good friend of mine is retiring after 24 years of faithful and exemplary service as primary assistant for two federal judges in my state. Virginia Anne Holtsford served first as secretary and primary assistant to Judge Orma Smith, who was United States District Judge for the Northern District of Mississippi. Upon his death she became the secretary and primary assistant to United States Fifth Circuit Appeals Court Judge E. Grady Jolly of Jackson, Mississippi. She has been with Judge Jolly from his first day on the bench, more than seventeen year ago. She is retiring to move back to her hometown of Iuka, Mississippi, to be with her mother.

This is how Judge Jolly described Ms. Holtsford to me: ''Anne Holtsford has a very special way of dealing with folks that has endeared her to hundreds of people who transact business with the federal courts in Mississippi and, indeed, throughout the Fifth Circuit. I believe there is no more popular and better-liked secretary in the Fifth Circuit.''

All of us who have had the good fortune to know Anne Holtsford appreciate her dedicated, friendly and professional service. We will miss her very much, but certainly she deserves a wonderful retirement.

I join all of her many friends in commending her for a job well done and wishing her much happiness in the years ahead.●

AMBASSADOR VANDEN HEUVEL'S TRIBUTE TO SENATOR KENNEDY

● Mr. FEINGOLD. Mr. President, I rise today to congratulate the Honorable EDWARD KENNEDY, who received the Franklin Delano Roosevelt Freedom Medal in early May of this year. I ask that Ambassador William J. vanden Heuvel's remarks honoring Senator KENNEDY be printed in the RECORD following this statement.

The remarks follow.

THE FOUR FREEDOMS: A GATEWAY TO THE NEW MILLENNIUM

An Address by William J. vanden Heuvel, President of the Franklin & Eleanor Roosevelt Institute—Hyde Park, New York—May 7, 1999

Today, midst the renewal of life that Spring represents, we come to the valley of the Hudson River that Franklin Delano Roosevelt loved so very much. The President parents and four children of Franklin and Eleanor Roosevelt are buried in this country churchyard. We remember that three sovereigns of the Netherlands—Wilhelmina, Juliana and Beatrix came to this church to worship accompanied by it Senior Warden who was also the President of the United States. We welcome the Queen's High Commissioner. Wim van Gelder, and the delegation from Zeeland where the Roosevelt Study Center has established itself as a preeminent place of study of the American presidency.

Winston Churchill described Franklin Roosevelt as the greatest man he had ever known. President Roosevelt's life, Churchill said, ''must be regarded as one of the commanding events in human destiny.'' We listen once more to the words the President spoke to the Congress on January 6, 1941, as he defined the fundamental charter of democracy: [The voice of President Roosevelt as he spoke to the Congress of the United States on January 6, 1941]

''In the future days, which we seek to make secure we look forward to a world founded upon four essential freedoms. The first is Freedom of Speech and Expression—everywhere in the world. The second is Freedom of every person to worship God in his own way—everywhere in the world. The third is Freedom from Want—which, translated into world terms, means economic understanding which will secure to every nation a healthy peacetime life for its inhabitants—everywhere in the world. The fourth is Freedom from Fear—which, translated into world terms, means a worldwide reduction of armaments to such a point and in such a thorough fashion that no nation will be in a position to commit an act of physical aggression against any neighbor—anywhere in the world.''

Freedom of Speech and Expression
Freedom of Worship
Freedom from Want
Freedom from Fear

For ourselves, for our nations, for our world. Those are the reasons why we fought the most terrible war in human history—to secure those freedoms for our children and generations to come, to make possible for them the well-ordered society that only Democracy can assure, a community established by the consent of the governed, where the rule of law prevails, where freedom means respect for each other, and where fairness and decency and tolerance are the cherished values, where government protects the powerless while encouraging everyone to nourish the spirit and substance of our land.

Franklin Roosevelt was the voice of the people of the United States during the most difficult crises of the century. He led America out of the despair of the Great Depression. He led us to victory in the Great War. Four times he was elected President of the United States. By temperament and talent, by energy and instinct, Franklin Roosevelt came to the presidency, ready for the challenges that confronted him. He was a breath of fresh air in our political life—so vital, so confident and optimistic, so warm and good humored. He was a man of incomparable personal courage. At the age of 39, he was stricken with infantile paralysis. He would never walk or stand again unassisted. We can feel the pain of his struggle—learning to move again, to stand, to rely upon the physical support of others—never giving into despair, to self-pity, to discouragement. Just twelve years after he was stricken, he was elected President of a country itself paralyzed by the most fearful economic depression of its history. He lifted America from its knees and led us to our fateful rendezvous with history. The majesty of that triumph can never be dimmed.

He transformed our government into an active instrument of social justice. He made America the arsenal of democracy. He was Commander-in-Chief of the greatest military force in history. He crafted the victorious alliance that won the war. He was the father of the nuclear age. He inspired and guided the blueprint for the world that was to follow. The vision of the United Nations, the commitment to collective security, the determination to end colonialism, the opportunity of peace and prosperity for all people—everywhere in the world. Such was the legacy of Franklin Roosevelt.

President Roosevelt spoke in simple terms that everyone understood. Civilization needs a police force, he said, just as every one of our communities look to their local police for security and protection against the lawless. Adolf Hitler and his Nazi hoodlums brought the world to the precipice of destruction. Franklin Roosevelt was the first among the world's leaders to denounce and confront the savagery of the Nazis. The tin horn dictators who trample democratic values today when they carry out ethnic cleansing and murder innocent people, destroying their children and their hopes, are in the same gangster tradition. It is Franklin Roosevelt's legacy to nullify their power by collective action. If the freedoms, which are the essence of civilization, are only rhetoric unworthy of defense and sacrifice, they will not prosper. They will perish.

The America that President Roosevelt left us was prepared for the challenge of the New Frontier. Despite the trouble and turbulence of the 20th century, there is much of which we can be proud. We have a nation based upon the consent of the governed. We must cause it once again to be respectful of the opinions of Mankind. We have amassed wealth that has never been equaled. We have brought together all of the world's races and creeds and shown that we can live together in peace and common purpose. We have spent our treasure and spilled our blood to prevent tyrants from destroying the possibilities of freedom and liberty.

Neither President Roosevelt nor we who share his vision are projecting a Utopia, a place liberated of all human trouble, where no one shall want for anything. No, the Four Freedoms are not a vision of a distant millennium, but rather the basis of a world attainable in our own time and generation.

It is the purpose of this day to honor five laureates whose lives and achievements give us hope that our cherished freedoms will endure as our Republic will endure.

It is my privilege and honor to bestow the Franklin Delano Roosevelt Four Freedoms Medals.

AWARD OF THE FRANKLIN DELANO ROOSEVELT FREEDOM MEDAL TO EDWARD MOORE KENNEDY

''We look forward,'' President Roosevelt told Congress and an embattled world on January 6, 1941, ''to a world founded upon four essential freedoms''—Freedom of Speech and Expression, Freedom of Worship, Freedom from Want, Freedom from Fear.

On this 7th day of May, 1999, the Franklin Delano Roosevelt Freedom Medal is awarded to Edward Moore Kennedy whose commitment to peace and social justice and whose brilliant command of the parliamentary process have made him the most influential Senator of his era, esteemed by his colleagues, and respected and admired throughout the world.

Six times the voters of Massachusetts have elected you to the Senate of the United States. Like the great leaders of this century, you have been the target of doubt, derision, ridicule and hatred, but to your enemies' everlasting disappointment, you have endured and prevailed, fortified by an inner strength that caused each fateful assault to leave you stronger, more determined, and more effective.

You have been much more than the heir to a great political dynasty. You have been the executor of its legacy, a pioneer forever advancing the new frontiers of equal opportunity and American purpose. Born into a

family of wealth and influence, you created an independent career that has profoundly enriched the Kennedy saga and given voice and power precisely to those who, lacking wealth and influence, have been denied the opportunity of the American dream.

In the struggle for civil rights, your eloquence has been the trumpet of our leadership. You are the inexhaustible champion of racial justice and minority rights, of better schools, of the protection of the environment, of care and concern for the casualties of a market society—of those left out of America's historic prosperity. No one has done more to provide healthcare for all Americans. You have built extraordinary coalitions—and when necessary you have stood alone—in extending insurance coverage, in controlling costs, in protecting the vulnerable, in advancing medical research. You have fought for a social security system that truly assures security. You have led the fight for the minimum wage and the rights of labor, for equal opportunity for women, for the protection of children and for all those caught in the web of poverty. What the New Deal established, you advanced. You are the defender of past social gains and the designer of new social opportunities. Your capacity for friendship, your graciousness and good humor, your willingness to do the tedious homework that makes you a master of legislative detail has enabled you to overcome partisan divisions. You have achieved extraordinary results without compromising principle.

In world affairs, you are a champion of peace and international understanding. Northern Ireland has the hope of peace today in large part because of your outspoken opposition to violence and terrorism and your untiring support of those on the front line working for justice and reconciliation. The developing nations of the world know you as their friend, and the United Nations esteems you as an American leader who is determined to see our country fulfill its responsibilities of leadership.

Your life has not been absent adversity and pain but that has not lessened your determination to strive, to seek, to find and never yield in the quest for a better world. In 1980 bringing your campaign to an end, you said: ''. . . But for all those whose cares have been our concern, the work goes on, the cause endures, the hope still lives, and the dream shall never die.'' You have been faithful to that promise. Those words define our purpose with this award. You have understood and enhanced the great message of the Four freedoms as Franklin Delano Roosevelt meant them. Therefore, in his name, we honor—and we thank you.●

CLOSING OF FORT McCLELLAN

Mr. SESSIONS. Mr. President, this is an important day for the United States and for Alabama in the community of Anniston, Calhoun County.

Fort McClellan closed today. It was a casualty of the 1995 BRAC process. There was a great institution and a great installation. Thousands and hundreds of thousands of Americans served in that community. It was given to the military in the early 1900s by the people of that area in order to found this base.

I would like to read part of an article by Rose Livingston, writing for the Birmingham News, captioned ''Taps for Fort McClellan as final door closes.''

The barracks are boarded up, and barricades block their driveways. Flags have been furled and stored as mementos. Soldiers have packed up and shipped out.

Fort McClellan is no more.

The 82-year-old Army training base in Anniston finally shut its gates Thursday. It was given birth in 1917 by a community that chipped in to buy the land and donated it to their government. Its demise came at the hands of federal bean-counters, who decided in 1995 that Fort McClellan was surplus.

No bugle sounded, no cannon fired for the final shutdown. Those symbols were quieted after a closing ceremony in August, when soldiers were still around to march in it. Most are long gone. All that remains now is a skeleton crew to manage the base's transition from a bustling military post to a profit-generating private enterprise.

Indeed, we will be looking for reuse of that facility. The community has a joint power reuse authority: The Chamber of Commerce, the city of Anniston are all working to do what they can to create the kind of activity in a different way than what existed there.

I am pleased we had the support of this Senate to create the Center for Domestic Preparedness at Fort McClellan because Fort McClellan was a chemical training school, among other things, and we have to be able to be prepared in this Nation for the use of weapons of mass destruction.

So this base at least will be a small part of some of the chemical testing facilities, some of the training facilities, and training of teachers. They will be able to teach firemen and police how to respond if they are faced with a chemical or biological weapons attack in their towns and cities.

The people of Anniston, the people of Fort McClellan, and the people of Calhoun County are patriotic Americans. They gave the land that became Ft. McClellan, and now they will receive the land back. But they will lose a great deal of income and support.

The people of Anniston fought for their fort, but took the loss gracefully. They believed that chemical weapons would remain a major threat and that we ought not to close this base. I think they made a lot of good arguments. But the Commission decided otherwise, and with good grace, fortitude, and determination, they accepted it and made a determination to move to the future. I believe they will be successful in that.

I know time is late. We need to move on to other matters. But I did not want this day to pass before we had an opportunity to pause and recognize the extraordinary contribution of over 2,000 men and women soldiers and over 2,000 civilians who have served at that base.

STATE OF SOCIETY

Mr. SESSIONS. Mr. President, I thank the Senator from Kansas for the remarks he made earlier and his commitment to revitalizing the moral fiber of this Nation.

I think the polls he showed that the American people consider the threat of decline in values as the greatest threat facing our country are correct. If we lose our commitment to honesty, truth, discipline, hard work, and faith, if we lose those values, our Nation could be jeopardized. I thank the Senator from Kansas for raising those points because in many ways they transcend all the other issues we are facing.

I know Senator BROWNBACK, the Presiding Officer tonight, was watching closely Sunday night when we had the ''Touched By An Angel'' show. They talked about a Senator who was given a challenge to go out to Sudan and see for themselves what it was like. The show could have been done about the Presiding Officer tonight because Senator BROWNBACK did that months ago. He personally went to Sudan and observed the terrible conditions there. He observed men being abused and killed. He observed women being taken into slavery and abused sexually—being bought and sold nearly into the 21st century. He was appalled by it. He has come back here and done something about that.

I know Dr. BILL FRIST, another Member of this body, had been there himself, to this poor, dangerous country, and helped serve with medical skills he possesses.

I just want to say congratulations to you, and thank you for that. I think that film could well have been written about either of you. You felt a calling to respond to the less fortunate and have done so. I believe something good is going to come out of that.

Thank you, Mr. President.

TO REENACT CHAPTER 12 OF TITLE 11, UNITED STATES CODE

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 281, S. 1606.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1606) to reenact chapter 12 of title XI United States Code, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 1888

(Purpose: To extend for 9 additional months the period for which chapter 12 of title XI, United States Code, is reenacted)

Mr. SESSIONS. Mr. President, Senator GRASSLEY has an amendment at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Alabama (Mr. SESSIONS), for Mr. GRASSLEY, proposes an amendment numbered 1888.

Mr. SESSIONS. 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 the following:

SECTION 1. AMENDMENTS.

Section 149 of title I of division C of Public Law 105–277, as amended by Public Law 106–5, is amended—

(1) by striking ''October 1, 1999'' each place it appears and inserting ''July 1, 2000''; and

(2) in subsection (a)—

(A) by striking ''March 31, 1999'' and inserting ''September 30, 1999'': and

(B) by striking ''April 1, 1999'' and inserting ''October 1, 1999''.

SEC. 2. EFFECTIVE DATE.

The amendments made by section 1 shall take effect on October 1, 1999.

Amend the title so as to read: ''To extend for 9 additional months the period for which chapter 12 of title 11, United States Code, is reenacted.''.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the amendment be agreed to, the bill be read a third time and passed, as amended, the motion to reconsider be laid upon the table, and any statement relating to the bill be printed in the RECORD.

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

The amendment (No. 1888) was agreed to.

The bill (S. 1606), as amended, was passed, as follows:

S. 1606

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

SECTION 1. AMENDMENTS.

Section 149 of title I of division C of Public Law 105–277, as amended by Public Law 106–5, is amended—

(1) by striking ''October 1, 1999'' each place it appears and inserting ''July 1, 2000''; and

(2) in subsection (a)—

(A) by striking ''March 31, 1999'' and inserting ''September 30, 1999''; and

(B) by striking ''April 1, 1999'' and inserting ''October 1, 1999''.

SEC. 2. EFFECTIVE DATE.

The amendments made by section 1 shall take effect on October 1, 1999.

REAUTHORIZING THE JOHN HEINZ SENATE FELLOWSHIP PROGRAM

Mr. SESSIONS. Mr. President, I ask unanimous consent that S. Res. 180 be discharged from the Rules Committee and, further that the Senate proceed to its consideration.

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

The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 180) reauthorizing the John Heinz Senate Fellowship Program.

There being no objection, the Senate proceeded to consider the resolution.

Mr. SESSIONS. Mr. President, I ask unanimous consent the resolution be agreed to, the motion to reconsider be laid upon the table, and any statement relating to this resolution be printed in the RECORD.

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

The resolution (S. Res. 180) was agreed to.

The resolution is as follows:

S. RES. 180

Resolved,

SECTION 1. JOHN HEINZ SENATE FELLOWSHIP PROGRAM.

Senate Resolution 356, 102d Congress, agreed to October 7, 1992, is amended by striking sections 2 through 6 and inserting the following:

''SEC. 2. FINDINGS.

''The Senate makes the following findings:

''(1) Senator John Heinz believed that Congress has a special responsibility to serve as a guardian for those persons who cannot protect themselves.

''(2) Senator Heinz dedicated much of his career in Congress to improving the lives of senior citizens.

''(3) It is especially appropriate to honor the memory of Senator Heinz through the creation of a Senate fellowship program to encourage the identification and training of new leadership in aging policy and to bring experts with firsthand experience of aging issues to the assistance of Congress in order to advance the development of public policy in issues that affect senior citizens.

''SEC. 3. FELLOWSHIP PROGRAM.

''(a) IN GENERAL.—In order to encourage the identification and training of new leadership in issues affecting senior citizens and to advance the development of public policy with respect to such issues, there is established a John Heinz Senate Fellowship Program.

''(b) SENATE FELLOWSHIPS.—The Heinz Family Foundation, in consultation with the Secretary of the Senate, is authorized to select Senate fellowship participants.

''(c) SELECTION PROCESS.—The Heinz Family Foundation shall—

''(1) publicize the availability of the fellowship program;

''(2) develop and administer an application process for Senate fellowships;

''(3) conduct a screening of applicants for the fellowship program; and

''(4) select participants without regard to race, color, religion, sex, national origin, age, or disability.

''SEC. 4. COMPENSATION; NUMBER OF FELLOWSHIPS; PLACEMENT.

''(a) COMPENSATION.—The Secretary of the Senate is authorized, from funds made available under section 5, to appoint and fix the compensation of each eligible participant selected under this resolution for a period determined by the Secretary.

''(b) NUMBER OF FELLOWSHIPS.—No more than 2 fellowship participants shall be so employed. Any individual appointed pursuant to this resolution shall be subject to all laws, regulations, and rules in the same manner and to the same extent as any other employee of the Senate.

''(c) PLACEMENT.—The Secretary of the Senate, after consultation with the Majority Leader and Minority Leader of the Senate, shall place eligible participants in positions in the Senate that are, within practical considerations, supportive of the fellowship participants' areas of expertise.

''SEC. 5. FUNDS.

''The funds necessary to compensate eligible participants under this resolution for fiscal year 1999 shall be paid from the contingent fund of the Senate. Such funds shall not exceed, for fiscal year 1999, $71,000. There are authorized to be appropriated $71,000 for each of the fiscal years 2000 through 2004 to carry out the provisions of this resolution.''.

REREFERRAL OF S. 1515

Mr. SESSIONS. Mr. President, I ask unanimous consent that S. 1515 be discharged from the Committee on Health, Education, Labor, and Pensions and referred to the Committee on the Judiciary.

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

REAUTHORIZING THE JACOB K. JAVITS SENATE FELLOWSHIP PROGRAM

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 193 introduced earlier today by Senator DODD.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 193) to reauthorize the Jacob K. Javits Senate Fellowship Program.

There being no objection, the Senate proceeded to consider the resolution.

Mr. DODD. Mr. President, today I am introducing a Senate resolution to reauthorize the Jacob K. Javits Senate Fellowship Program. This program was created in 1985 to honor the life work of our former colleague, Senator Jacob K. Javits, who served the people of New York with distinction and legislative acumen for many years. The Senate expanded this program and reauthorized it for 5 years in 1988 and reauthorized the program again in 1993 for another 5 years. The resolution I am introducing today will reauthorize this outstanding program for another 5 years through September 30, 2004.

The Javits Fellowship Program authorizes up to 10 fellowship participants each year to be placed by the Secretary of the Senate, in consultation with the Majority Leader and Minority Leader, in positions in the Senate. To the extent practical, such positions should be supportive of the fellowship participants' academic programs. My office has been the beneficiary of this program and found the Javits fellows to be talented, energetic, and of great assistance to the work of the Senate.

I thank my colleague, the chairman of the Rules Committee, Senator MCCONNELL, for his assistance in moving this resolution. I urge its adoption.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the resolution and preamble be considered and agreed to, en bloc, the motion to reconsider be laid upon the table without any intervening action, and that any statement be printed in the RECORD.

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

The resolution (S. Res. 193) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 193

Resolved,

SECTION 1. SHORT TITLE.

This resolution may be cited as the ''Jacob K. Javits Senate Fellowship Program Resolution''.

SEC. 2. FELLOWSHIP PROGRAM EXTENDED; ELIGIBLE PARTICIPANTS.

(a) REAUTHORIZATION.—In order to encourage increased participation by outstanding

students in a public service career, the Jacob K. Javits Senate Fellowship Program (in this resolution referred to as the ''program'') is extended for 5 years.

(b) ELIGIBLE PARTICIPANTS.—The Jacob K. Javits Foundation, Incorporated, New York, New York, (referred to in this resolution as the ''Foundation'') shall select Senate fellowship participants in the program. Each such participant shall complete a program of graduate study in accordance with criteria agreed upon by the Foundation.

SEC. 3. SENATE COMPONENT OF FELLOWSHIP PROGRAM.

(a) IN GENERAL.—The Secretary of the Senate (in this resolution referred to as the ''Secretary'') is authorized from funds made available under section 5, to appoint and fix the compensation of each eligible participant selected under section 2 for a period determined by the Secretary. The period of employment for each participant shall not exceed 1 year. Compensation paid to participants under this resolution shall not supplement stipends received from the Secretary of Education under the program.

(b) NUMBER OF FELLOWSHIPS.—For any fiscal year not more than 10 fellowship participants shall be employed.

(c) PLACEMENT.—The Secretary, after consultation with the Majority Leader and the Minority Leader, shall place eligible participants in positions in the Senate that are, within practical considerations, supportive of the fellowship participants' academic programs.

SEC. 4. ADMINISTRATIVE SUPPORT.

The Secretary of Education may enter into an agreement with the Foundation for the purpose of providing administrative support services to the Foundation in conducting the program.

SEC. 5. FUNDS.

An amount not to exceed $250,000 shall be available to the Secretary from the contingent fund of the Senate for each of the 5 year periods beginning on October 1, 1999 to compensate participants in the program.

SEC. 6. PROGRAM EXTENSION.

This program shall terminate September 30, 2004. Not later than 3 months prior to September 30, 2004, the Secretary shall submit a report evaluating the program to the Majority Leader and the Senate along with recommendations concerning the program's extension and continued funding level.

EXTENDING THE ENERGY POLICY AND CONSERVATION ACT

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of H.R. 2981, which is at the desk.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 2981) to extend energy conservation programs under the Energy Policy and Conservation Act through March 31, 2000.

There being no objection, the Senate proceeded to consider the bill.

Mr. SESSIONS. I ask unanimous consent the bill be read the third time and passed, the motion to reconsider be laid upon the table, and that any statement relating to the bill be printed in the RECORD.

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

The bill (H.R. 2981) was read a third time and passed.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. SESSIONS. I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nominations to the Executive Calendar: 169, 229, 230, and 234.

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

Mr. SESSIONS. I further ask unanimous consent that the nominations be confirmed, the motions to reconsider be laid upon the table, any statements relating to the nominations be printed in the RECORD, the President be immediately notified of the Senate's action, and that the Senate then return to legislative session.

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

The nominations considered and confirmed en bloc are as follows:

DEPARTMENT OF DEFENSE

Arthur L. Money, of Virginia, to be an Assistant Secretary of Defense.

IN THE AIR FORCE

The following Air National Guard of the United States officer for appointment in the Reserve of the Air Force to the grade indicated under title 10, U.S.C., section 12203:

To be major general

Brig. Gen. Daniel James III, 0000.

The following named officer for appointment as Deputy Judge Advocate General of the United States Air Force and for appointment to the grade indicated under title 10, U.S.C., section 8037:

To be major general

Brig. Gen. Thomas J. Fiscus, 0000.

The following named officer for appointment in the Reserve of the Air Force to the grade indicated under title 10, U.S.C., section 12203:

To be brigadier general

Col. Bernard J. Pieczynski, 0000.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will resume legislative session.

ORDERS FOR FRIDAY, OCTOBER 1, 1999

Mr. SESSIONS. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 9 a.m. on Friday, October 1. I further ask unanimous consent that on Friday, 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 resume consideration of the Labor-HHS appropriations bill.

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

PROGRAM

Mr. SESSIONS. For the information of all Senators, the Senate will convene at 9 a.m. tomorrow and immediately begin 30 minutes of debate on the Collins amendment regarding diabetes. At the expiration of that debate, the Senate will proceed to a vote on the amendment. Therefore, Senators may expect the first vote at approximately 9:30 a.m. Further consideration of the Labor-HHS bill is expected during tomorrow's session of the Senate, to be followed by a period of morning business.

ADJOURNMENT UNTIL 9 A.M. TOMORROW

Mr. SESSIONS. If there is no further business to come before the Senate, I now ask unanimous consent the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 7:51 p.m., adjourned until Friday, October 1, 1999, at 9 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate September 30, 1999:

DEPARTMENT OF DEFENSE

ARTHUR L. MONEY, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF DEFENSE.

THE ABOVE NOMINATION WAS APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

IN THE AIR FORCE

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. DANIEL JAMES, III, 0000.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS DEPUTY JUDGE ADVOCATE GENERAL OF THE UNITED STATES AIR FORCE AND FOR APPOINTMENT TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 8037:

To be major general

BRIG. GEN. THOMAS J. FISCUS, 0000.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. BERNARD J. PIECZYNSKI, 0000.