

the additional \$20 billion or so which the Joint Chiefs indicated will be required annually over the next 5 years to address personnel, readiness, and modernization deficiencies.

The Congress will have to come to grips with these funding realities or consider significantly scaling back our worldwide commitments. We cannot continue to have it both ways. It is unfair to our men and women in uniform and cannot be sustained over time.

Mr. President, our hearings have substantiated the readiness and funding problem facing our armed forces. The solution to these problems will require the close cooperation between the Congress and the administration. It will require the Congress to relook the balanced budget agreement and will require challenging decisions by all parties. We have no choice but to make careful and deliberate decisions. The future of our Nation and the lives of our soldiers, sailors, airmen, and marines depend on it.

EXHIBIT 1

U.S. SENATE,
COMMITTEE ON ARMED SERVICES,
Washington, DC, October 8, 1998.

Hon. WILLIAM S. COHEN,
Secretary of Defense,
Washington, DC.

DEAR MR. SECRETARY: In light of your recent testimony and the testimony of the Joint Chiefs of Staff before the Committee, it is obvious that maintaining the delicate balance among the key components of personnel and quality of life, readiness and modernization in the FY2000–2005 Future Years Defense Plan will be difficult. The current discussions of “catch-up” pay raises, returning to a richer military retirement system, funding modernization programs, providing adequate training funds and controlling high personnel and operational tempos make your task of setting priorities a significant challenge.

As you develop the defense budget request for fiscal year 2000, it is imperative that the Department thoroughly analyze any proposals to address the pay gap or return to the pre-August 1986 military retirement system. We are totally committed, as we are sure you are, to taking care of our military personnel and their families. However, before enacting any proposals in this area with significant long-term costs, the Department of Defense and the Congress must have a clear view of the likely impact of the proposals on recruiting, retention, and military readiness.

During our hearing on October 6, 1998, you testified that you would address the issues of military pay and retirement in your fiscal year 2000 budget. As you and the Chiefs testified, there are a number of programs that combine to make up Quality of Life for our military personnel and their families, including pay, retirement, housing, health care, personnel tempo and morale and recreation programs and facilities. We believe that recommendations included in your budget request for the areas indicated above must be fully supported by careful analyses justifying the costs and providing assurance of measurable increases in recruiting, retention and military readiness.

We look forward to reviewing your recommendations in the FY 2000 budget request.

Sincerely,

CARL LEVIN,
Ranking Member.
STROM THURMOND,
Chairman.

NEWMAN POSTAL SITUATION

Mr. COVERDELL. Mr. President, it is with great concern that I rise to address a recurring problem in my state with the United States Postal Service. It seems that we are continually faced with situations where the Postal Service has created controversy by indicating—in some cases—that they will move existing post offices from downtown areas. In Georgia, as in many states, these post offices have been main street fixtures for residents, creating a meeting place for shoppers, business people and officials. The idea of moving these post offices is particularly worrisome for rural areas where local merchants have long relied upon this common bond. It is a problem that Congress should examine in order to work with the Postal Service to promote a better understanding and working relationship with the affected communities.

We currently have a particular case in Newnan, Georgia which illustrates the problem. After receiving word from the community that the post office was moving out of the downtown area, we began contact with the Postal Service to determine whether or not these rumors were true. We gained assurances from the Postal Service that they did not intend to move from the downtown area because there was “overwhelming community support” for keeping it there. Since that time, we have received another report from the Postal Service that, because of security requirements, they indeed may have to move to an alternate location. I am concerned by the lack of clarity in the reports my office has received on this matter and am working to get a clarification from the Postal Service. I would like to reiterate for the record my commitment to maintaining a full service postal facility in downtown Newnan. I would welcome the opportunity to work with local officials and businesses in Newnan and the Postal Service to meet this goal.

As I mentioned, Mr. President, this matter in Newnan is a reflection of the work we have ahead to avoid these controversies between smaller communities and the post office. It is a problem I hope we rectify favorably for the citizens of Newnan in this case, and for people all over America in the future.

RECESS

The PRESIDING OFFICER. The Chair, in his capacity as a Senator from the State of Montana, seeing no other Senators desiring to speak, asks unanimous consent that the Senate stand in recess until 1:30 p.m. this afternoon.

There being no objection, at 10:24 a.m., the Senate recessed until 1:29 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. BURNS).

The PRESIDING OFFICER. The Chair recognizes the Senator from Alaska.

OMNIBUS CONSOLIDATED AND EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR FISCAL YEAR 1999—CONFERENCE REPORT

Mr. STEVENS. Mr. President, I ask unanimous consent that there now be 3 hours equally divided for debate today on the conference report to accompany H.R. 4328, the omnibus appropriations bill for 1999, notwithstanding the receipt of the papers, and that when the Senate receives the conference report, it be considered as having been read with no action other than debate occurring and the vote to occur at 9 a.m. on Wednesday, without any intervening action, debate or motion, and that paragraph 4 of rule XII and all points of order be waived.

The PRESIDING OFFICER. Is there objection?

Hearing none, without objection, it is so ordered.

Mr. STEVENS. Mr. President, I further ask unanimous consent that 15 minutes of the time under my control as manager of the bill on our side be under the control of Senator GREGG, and that following the vote Senator SPECTER be recognized for up to 15 minutes for general debate, to be followed by Senator ASHCROFT for 30 minutes of general debate.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. STEVENS. Mr. President, it is with some regret that it is my job to bring before the Senate the Omnibus Consolidated and Emergency Supplemental Appropriations Act of 1999. Throughout the year, I have urged that we find a way to move on the individual appropriations bills so that we would avoid a repetition of what took place 2 years ago. Unfortunately, that request was not followed, despite the urging of the distinguished majority leader and minority leader to work with the Appropriations Committee.

We were unable to finish the bills within the normal timeframe this year.

We had an extremely difficult calendar because of the fact that Labor Day—the first Monday was the 7th of September. We then had the Jewish holidays which we were in recess for. We were just unable to finish in time. We had to get first one and then another and then another and now another continuing resolution in order to try and finish our work. I deeply regret the process that we are going through now.

It is my task to present to the Senate, I think, the largest appropriations bill in a decade. Mr. President, it contains a grand total of \$486.8 billion in

appropriations. The regular appropriations bills are a total of \$203 billion; the balance are in the supplemental and emergency appropriations.

It has been a very difficult process to go through. We have had a series of meetings with representatives of the President and with our leaders. I thank the distinguished chairman of the House committee, Congressman LIVINGSTON, and his colleague, the ranking member there, Congressman OBEY, as well as my colleague and great friend here in the Senate, the Senator from West Virginia, Senator BYRD.

We have worked many long hours now. And I really think our staffs deserve a great deal of credit, because we worked a lot of long hours, but they worked through the night after we had worked long hours and were there again the next morning when we started our negotiations once again.

These negotiations have gone on now almost 3 weeks, and the product is the bill that was filed in the House last night. That bill, Mr. President, contains 11 divisions.

Division A contains 8 of the 13 annual appropriations bills for the fiscal year 1999; for the Departments of Agriculture, Commerce-Justice-State, the District of Columbia, Foreign Operations, Interior, Labor, Health and Human Services-Education, Transportation, and Treasury-General Government.

This division also contains the emergency agricultural assistance package and supplemental appropriations under Energy and Water Development and VA-HUD. It also contains the spending offsets that were presented to us by the administration.

I might state that those were checked out by our Budget Committees and by the Congressional Budget Office. We believe that we are under the caps as were set by the budget agreement with the President.

The division B contains emergency appropriations for military readiness and overseas contingency operations, storm damage to defense facilities, antiterrorism, the year 2000 conversions—the so-called Y2K problem—and counterdrug activities.

Divisions C through K are various authorizing measures that were added to the bill. I hasten to point out that while many of them come from authorization committees, it is the Appropriations Committees that must put our names on these bills as they are presented to the House and Senate. We have done our very best to check through these bills. And I might state that our staffs have read them through not just once but twice to make certain that each one of them is as it was represented to us as these measures were brought to us.

Division C is in fact a potpourri of measures, including the FAA reauthorization extension, post office namings, the Olympic and Amateur Sports Act amendments, Internet legislation, the American Fisheries Act, Persian Gulf veterans health, and others.

Division D is the Drug Demand Reduction Act.

Division E covers methamphetamine trafficking. It is another drug bill.

Division F covers the marijuana for medical purposes.

Division G is the State Department reauthorization bill.

Division H is the new provisions concerning Sallie Mae.

Division I covers the chemical weapons convention.

Division J covers tax extenders and home health care provisions.

Division K contains pay-as-you-go provisions to maintain the separation of mandatory and discretionary spending as outlined in last year's balanced budget agreement.

Let me just take a few minutes of the Senate, Mr. President, to provide some highlights of the bill under the Appropriations Committee's jurisdiction; that is divisions A and B.

The total discretionary spending in division A is \$206 billion. This includes \$2.8 billion in offsets.

The agriculture portion of the conference includes the conference report on the agricultural appropriations bill that was vetoed by the President with some modifications. It contains an additional \$1.64 billion in emergency crop and market loss assistance for farmers and ranchers. This brings the total agricultural emergency assistance funding for this year to \$5.9 billion.

There are also increases for food safety and rural empowerment zones and enterprise communities. The Commerce-State-Justice portion of this bill contains funding through June 15. It supports crime fighting and antidrug activities, counterterrorism, and border patrols.

The Census Bureau will receive the funding it needs to continue to prepare for the decennial census. The National Oceanic and Atmospheric Administration, National Weather Service, and Science programs are, in my judgment, adequately funded. The State Department would receive funds for international programs and U.N. arrearsages subject to authorization.

The District of Columbia provisions would largely ratify the District's own consensus budget and continue ongoing management reforms.

The Foreign Operations portion contains funding for export promotion and economic aid, as well as the funding for the International Monetary Fund, IMF, with conditions for reform. I might say, I am personally very gratified that this is finally being sent to the President for approval.

The Department of the Interior would receive increases for park operations and much-needed maintenance, funding for the Everglades restoration effort, and other public land needs. Full funding for many cultural and historical preservation programs are also included in that portion of the bill.

The Labor, Health and Human Services, and Education bill provides funds for worker assistance, increases fund-

ing for medical research at the National Institutes of Health by \$2 billion, and fully funds the Low Income Home Energy Assistance Program, LIHEAP. Increases were provided for child care block grants, special education, and to reduce class size.

The Transportation portion of the bill contains the highest limitation in history on obligations in the highway trust fund—\$4 billion above last year's level. Adequate funds for the Coast Guard and the Federal Aviation Administration and our mass transportation programs are included.

The Treasury-General Government portion contains funding to increase drug control programs and improve IRS customer relations.

Two bills already passed by the Congress and signed by the President were, in fact, reopened by the final negotiations and additional materials are available for those bills.

Division A contains additional appropriations under Energy and Water Development, including funds for the Tennessee Valley Authority, and authorization to refinance its debts, and funds for the Department of Energy's energy supply programs.

The VA-HUD bill is also augmented by additional spending for urban empowerment zones, the Boston Harbor cleanup, climate change, and the Corporation for National and Community Service.

As I said, division B contains the emergency supplemental spending in the omnibus bill, with the exception of agriculture assistance, which is in division A.

The total discretionary spending in division B is \$14.9 billion. It includes \$6.8 billion to improve military readiness and to fund ongoing overseas contingency operations such as Bosnia.

Mr. President, \$2.4 billion is included to protect our embassies around the world and to fund our continuing fight against terrorism worldwide. And \$3.4 billion is provided to address the Y2K problem—the year 2000 problem—throughout the Federal Government as a whole. This is provided in emergency appropriations subject to the President's approval.

Mr. President, \$700 million is included for a package of counterdrug activities. Another \$1.5 billion is provided to address the damage caused by Hurricane Georges and Hurricane Bonnie.

Mr. President, as I indicated, this is a very complicated bill.

Mr. President, I want to take a moment to talk about two of the provisions that are in the bill that are legislative items. They were bills that I presented to the Senate. One is the American Fisheries Act. It is a culmination of the negotiations that were undertaken with my colleagues from the State of Washington after I had introduced Senate bill 1221.

We reached the agreement to include this American Fisheries Act in the legislation that is being considered. It is title II of division C of the bill. This

act will not only complete the process begun in 1976 to give the U.S. interests a priority in the harvest of U.S. fishery resources, but will also significantly decapitalized the Bering Sea pollock fishery.

The 1976 act was, in fact, the Magnuson Act, that extended our jurisdiction to the 200-mile limit. The Bering Sea pollock fishery is the largest, and its present state of overcapacity is the result of mistakes in, and misinterpretations of, the 1987 Commercial Fishing Industry Vessel Anti-Reflagging Act, which is generally known as the Anti-Reflagging Act.

In 1986, as the last of the foreign-flag fishing vessels in the U.S. fleet were being replaced by U.S.-flag vessels, we discovered that Federal law did not prevent U.S.-flag vessels from being entirely owned by foreign interests. We also discovered that Federal law did not require U.S. fishing vessels to carry U.S. crew members, and that U.S. fishing vessels could essentially be built in foreign shipyards under the existing regulatory definition of the word "rebuild."

The goals of the 1987 Anti-Reflagging Act were to, one, require the U.S. control of fishing vessels that fly the U.S. flag; two, stop the foreign construction of the U.S.-flag vessels under the "rebuild" loophole; and, three, to require the U.S.-flag fishing vessels to carry U.S. crews. Of these three goals, only the U.S. crew requirement was achieved by the 1987 act.

The Anti-Reflagging Act did not stop foreign interests from owning and controlling U.S.-flag fishing vessels. About 30,000 of the 33,000 existing U.S.-flag fishing vessels are not subject to any U.S. controlling interest requirement.

The Anti-Reflagging Act also failed to stop the massive foreign rebuilding programs between 1987 and 1990 that brought almost 20 of the largest fishing vessels ever built in the world into our fisheries as "rebuilt" vessels.

Today, half of the Nation's largest fishery—which is the Bering Sea pollock—continues to be harvested by foreign interests on foreign-built vessels that are not subject to any U.S.-controlling interest standard.

On September 25, 1997, I introduced the American Fisheries Act, S. 1221, to try to fix these mistakes. Senators from almost every fishing region of the country joined me in supporting that effort, including Senators BREAUX, HOLLINGS, GREGG, WYDEN and MURKOWSKI.

As introduced, the bill had three primary objectives: requiring the owners of all U.S.-flag fishing vessels to comply with a 75-percent U.S.-controlling interest standard, similar to the standard for other commercial U.S.-flag vessels that operate in U.S. waters; two, to remove from U.S. fisheries at least one-half of the foreign-built factory trawlers that entered the fisheries through the Anti-Reflagging Act for foreign rebuild grandfather loophole and that continued to be foreign-owned as

of September 25, 1997; and, third, to prohibit the entry of any new fishing vessels above 165 feet, 750 tons, or with engines producing greater than 3,000 horsepower in the North Pacific fisheries fleet.

I am pleased to report that the package we are submitting to the Senate today accomplishes all three of these main objectives of S. 1221 as introduced. I thank Senator GORTON and his colleague from Washington, Senator MURRAY, for their efforts, particularly Senator GORTON for his tremendous effort in finally reaching an agreement on this bill. For almost a decade now, he and I have had various disagreements on the Bering Sea pollock fishery and issues related to the Anti-Flagging Act.

At the Commerce Committee hearing in March of this year, and later at an Appropriations Committee markup in July, Senator GORTON plainly expressed his concerns with my bill, S. 1221. In August, he spent considerable time with representatives from the Bering Sea pollock fishery and by sheer will managed to develop a framework upon which we could agree. After he presented the framework to me, we convened meetings of fishery representatives in September that literally went around the clock for 5 days. Those meetings included Bering Sea pollock fishery industry representatives, industry representatives from other North Pacific fisheries, the State of Alaska, North Pacific council members, National Marine Fisheries, the Coast Guard, the Maritime Administration, environmental representatives and staff for various Members of Congress and the Senate and House committees that have jurisdiction over this.

At the end of those meetings, a consensus had been achieved among Bering Sea fishing representatives on an agreement to reduce capacity in the Bering Sea pollock fishery. For the next 3 weeks, we drafted legislation. We have spent considerable time with the fishing industry from other fisheries that were concerned about the possible impacts of the changes in the Bering Sea pollock fishery upon their areas in offshore fisheries.

The legislation we are passing today includes many safeguards for those other fisheries and for the participants in those fisheries. By delaying implementation of some of the measures until January 1, 2000, it also provides the North Pacific Council and the Secretary of Commerce with sufficient time to develop safeguards for those other fisheries.

This legislation is unprecedented in the 23 years since the enactment of what is now known as the Magnuson-Stevens Act. With the council system, congressional action of this type is not needed in Federal fisheries anymore. However, the mistakes in the Anti-Reflagging Act and the way it was interpreted created unique problems in the Bering Sea pollock fishery that only

Congress can fix. The North Pacific Council does not have the authority to turn back the clock by removing fishery endorsements, to provide the funds required under the Federal Credit Reform Act to allow for the \$75 million loan to remove the overcapacity in the area, and to strengthen the U.S.-control requirements for fishing vessels, to restrict Federal loans on large fishing vessels, and to do many other things we have agreed to do in this legislation.

While S. 1221 as introduced was more modest in scope, I believe the measures in this agreement are fully justified as a one-time corrective measure for the negative effects of the Anti-Reflagging Act that I have mentioned before.

There is also in this bill the Olympic and Amateur Sports Act Amendments of 1998. This legislation includes that bill, a bill that Senator CAMPBELL joined me in cosponsoring to update the Federal charter for the U.S. Olympic Committee and the framework for Olympic and amateur sports in the United States. This framework is known as the Amateur Sports Act because most of its provisions were added by the Amateur Sports Act of 1978.

The act gives the U.S. Olympic Committee certain trademark protections to raise money—and does not provide reappropriations—therefore, it does not come up for routine reauthorization.

The Amateur Sports Act has not been amended since its comprehensive revision in 1978 which provided the foundation for the modern Olympic movement in the United States. The bill we are considering does not fundamentally change that act. Our review showed us it is fundamentally sound.

We believe the modest changes that we ask the Senate and the Congress to make will ensure that the act serves the United States well into the 21st century. The significant changes which have occurred in the world of Olympic and amateur sports since 1978 warrant what I call fine-tuning of this act.

Some of the developments of the past 20 years include, first, that the schedule for the Olympics and Winter Olympics has been alternated so games are held every 2 years instead of every 4—significantly increasing the workload of the U.S. Olympic Committee; second, that sports have begun to allow professional athletes to compete in some Olympic events; third, that even sports still considered "amateur" have athletes who with greater financial opportunities and professional responsibilities now compete more than we ever considered in 1978; four, that the Paralympics—the Olympics for disabled amateur athletes—have grown significantly in size and prestige.

These and other changes led me to call for a comprehensive review of the Amateur Sports Act in 1994.

The Commerce Committee has held three hearings since then.

At the first and second—on August 11, 1994 and October 18, 1995—witnesses identified where the Amateur Sports Act was showing signs of strain.

We postponed our work until after the 1996 Summer Olympics in Atlanta, but on April 21, 1997, held a third hearing at the Olympic Training Center in Colorado Springs to discuss solutions to the problems which had been identified.

By January 1998, we'd refined the proposals into possible amendments to the Amateur Sports Act, which we discussed at length at an informal working session on January 26, 1998, in the Commerce Committee hearing room.

The bill that Senator CAMPBELL and I introduced in May reflected the comments received in January, and excluded proposals for which consensus appeared unachievable.

With the help of the U.S. Olympic Committee, the Athletes Advisory Council, the National Governing Bodies' Council, numerous disabled sports organizations, and many others, we continued to fine tune the bill until it was approved by the Commerce Committee in July.

I will include a longer summary of the bill for the RECORD, but will briefly explain its primary components: (1) The bill would change the title of the underlying law to the "Olympic and Amateur Sports Act" to reflect that more than strictly amateurs are involved now, but without lessening the amateur and grass roots focus reflected in the title of the 1978 Act; (2) the bill would add a number of measures to strengthen the provisions which protect athletes' rights to compete; (3) it would add measures to improve the ability of the USOC to resolve disputes—particularly close the Olympics, Paralympics, or Pan-American Games—and reduce the legal costs and administrative burdens of the USOC; (4) it would add measures to fully incorporate the Paralympics into the Amateur Sports Act, and update the existing provisions affecting disabled athletes; (5) it would improve the notification requirements when an NGB has been put on probation or is being challenged; (6) it would increase the reporting requirements of the USOC and NGB with respect to sports opportunities for women, minorities, and disabled individuals; and (7) it would require the USOC to report back to Congress in 5 years with any additional changes that may be needed to the act.

Mr. President, I am the only Senator from President Ford's Commission on Amateur Sports who is still serving.

It has therefore been very helpful to have Senator CAMPBELL—an Olympian himself in 1964—involved in this process. He is a good friend.

Over my objection, he attempted to have this package named after me—an honor that I have declined.

There are many others who deserve recognition for their work to bring about the 1978 Act, and that continues to be the case. Specifically, I refer to my friend from Colorado, who has done a tremendous amount of work on this.

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

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

THE OLYMPIC AND AMATEUR SPORTS ACT
AMENDMENTS OF 1998

(1) Incorporates Paralympics into Amateur Sports Act; clearly reflects equal status between able-bodied and disabled athletes; continues original focus of Act to integrate disabled sports with able-bodied National Governing Bodies (NGB's), but allows USOC to recognize paralympic sports organizations if integration does not serve best interest or if NGB objects to integration; officially recognizes U.S. Olympic Committee (USOC) as the national Paralympic committee.

(2) Allows USOC to remove certain lawsuits against it to federal court.

(3) Statutorily requires the creation of an Athletes' Advisory Council and National Governing Bodies' Council to advise the USOC.

(4) Adds requirement that USOC Board be 20 percent active athletes (USOC already does this, but original Act only required 20 percent on NGB Boards).

(5) Gives USOC trademark protection for the Pan-American Games, Paralympics, and symbols associated with each.

(6) Requires USOC to keep agent for service of process only in CO, rather than all 50 States.

(7) Requires USOC to report to Congress only once every four years, instead of annually.

(8) Requires the USOC report to Congress to include data on the participation of women, disabled individuals, and minorities.

(9) Protects the USOC against court injunction in selecting athletes to serve on the Olympic, Paralympic, or Pan-American teams within 21 days of those games if the USOC's constitution and bylaws cannot provide a resolution before the games are to begin.

(10) Requires USOC to hire an ombudsman for athletes nominated by the Athletes' Advisory Council to provide advice to athletes about the Act, relevant constitution and bylaws of the USOC and NGBs, rules of international sports federations and IOC/IPC, and to assist in mediating certain disputes involving the opportunity to an amateur athlete to compete.

(11) Allows USOC/NGBs not to send to the Olympics, Pan-American Games, or Paralympics athletes who have not met the eligibility criteria of the USOC and appropriate NGB, even if not sending those athletes will result in an incomplete team.

(12) Requires improved notification and hearing requirements by USOC when an NGB is being challenged to be replaced or put on probation.

(13) Clarifies that NGBs must agree to submit to binding arbitration at request of athletes under the Commercial Rules of the American Arbitration Association (as in existing USOC constitution and bylaws), but gives USOC authority to alter the rules with the concurrence of the Athletes' Advisory Council and National Governing Bodies Council, or by a 2/3's vote of the USOC Board of Directors.

(14) Allows NGBs to establish criteria on a sport-by-sport basis for the "active athletes" that must comprise at least 20 percent of their boards of directors and such other governing boards; the USOC, AAC, and NGB Council would set guidelines, but an NGB would have authority to seek exceptions to the guidelines from the USOC.

(15) Requires NGBs to disseminate and distribute to athletes, coaches, trainers, etc., all applicable rules and any changes of the NGB, USOC, international sports federation, IOC, International Paralympic Committee and Pan-American Sports Organization.

(16) Requires special report to Congress at end of five years on implementation of the provisions and any additional changes USOC thinks needed to Act.

Mr. STEVENS. Mr. President, let me mention one final section in the bill. We have had a lot of contention in conferences over the small fishing village of King Cove, which lies at the tip of the Alaskan peninsula, 625 miles southwest of Anchorage. It is exposed to the Pacific Ocean and the Bering Sea, and this community is often ravaged by 80-mile-per-hour winds, or more, and by driving sea winds. This extreme weather often shuts down access into or out of King Cove for days at a time.

In an effort to improve King Cove's access to emergency medical facilities, I added language to the Interior appropriations bill that would grant a right-of-way from King Cove to the giant airport at Cold Bay. Mr. President, that road would have gone through a portion of the old army military base that is now known as Izembek Wildlife Refuge. This 30-mile road would have provided the cheapest and most reliable means of access to my constituents who live at King Cove.

However, the administration raised environmental considerations regarding the wildlife refuge and refused to accept the provision that would authorize the road.

After much discussion on a series of options being offered to us by the administration, we have crafted a compromise that provides for the health and safety of the Alaskan Native people of King Cove and still protects the refuge, as it was indicated that the administration believed that was its highest priority.

This provision now provides King Cove Natives with the money to build a road from King Cove to a small lagoon some 20 miles away. There they will build a dock and use a small vessel to cross over the lagoon to property that they own adjacent to the runway at Cold Bay. The provision also provides funding to improve the airstrip at King Cove and for improvements to the health clinic at King Cove; namely, to put in state-of-the-art medical facilities and telemedicine capability there to protect our people until these transportation facilities are constructed.

Mr. President, I will have other comments to make about this bill later. I have taken too long already.

Mr. BYRD. Mr. President, we are about to take up the conference report on the so-called omnibus appropriation measure, which contains funding for Fiscal Year 1999 for the departments and agencies under the jurisdiction of eight Appropriations Subcommittees: Agriculture, Commerce/Justice/State/The Judiciary, the District of Columbia, Foreign Operations, Interior, Labor/Health and Human Services and Education, Transportation, and Treasury and General Government. In addition, this omnibus package contains

some \$20 billion, which has been designated as an emergency, in a supplemental package for such things as: agriculture disaster assistance—\$6 billion; defense, including military readiness, \$6.8 billion; hardening of embassies and other security matters—\$2 billion; Y2K—\$3.25 billion, of which \$1.1 billion is for the Department of Defense; war on drugs—\$690 million; and various disaster assistance programs, such as FEMA, Community Development Block Grants, and other programs which aid those who have suffered from natural disasters in the past months, such as Hurricane Georges—\$1.4 billion. Also included are a substantial number of legislative riders that have been recommended by various members of the House and Senate and have been approved by not only the Appropriations Committees but also the joint leadership and the administration. As if that were not enough, this conference report also includes a \$9.2 billion tax package.

This omnibus conference report is massive. It numbers thousands of pages. I haven't seen it yet, but that is what I am told. It provides funding totaling nearly \$500 billion, or close to one-third of the entire Federal budget. If you don't think that is a lot of money—\$500 billion—that is \$500 for every minute since Jesus Christ was born. Let me say that again. That \$500 billion is \$500 for every 60 seconds since Jesus Christ was born. It is virtually beyond comprehension when we talk about funding of that size. Webster's Dictionary does not contain words enough to allow me to appropriately express my disappointment and my regret that we have reached the point we have, to present this colossal monstrosity to the United States Senate.

All too often in recent years, we have faced similar situations where Congress has failed to enact its 13 separate annual appropriation bills in a timely manner and, in many cases, we have failed to enact them at all, except in an omnibus package. Just 2 years ago, under the chairmanship in the Senate of the distinguished Senator from Oregon, Mr. Hatfield, the Senate was placed in a similar position. It wasn't Mr. Hatfield's fault, but the Senate was placed in a similar position of having to vote on an omnibus appropriation bill that contained six of the annual appropriation bills in one conference report.

Then, as today, Members were asked to vote on those appropriation bills in their entirety, plus hundreds of other provisions, sight unseen, a pig in a poke, without satisfactory opportunities to understand those provisions and virtually without opportunity to amend the omnibus bill.

In 1996, I joined Chairman Hatfield and our present chairman, Senator STEVENS, in expressing my regret that the Senate was put into that difficult position. Senator STEVENS indicated that he hoped the Senate would never have to appropriate by way of an omni-

bus bill again. Last year, Chairman STEVENS and his counterpart, the distinguished chairman of the House Appropriations Committee, Representative LIVINGSTON, with the support of the ranking members on each of the subcommittees, were able to complete action on all 13 appropriation bills without the need for omnibus legislation. That was last year, and that is the way the process ought to work every year.

It is very, very costly to the U.S. taxpayers to have to govern through a series of continuing resolutions. Departments and agencies have to curtail their operations and alter their plans in many cases because they are not certain as to what their appropriation will be for the full fiscal year. We have now had five continuing resolutions in relation to the fiscal year 1999 appropriation bills. Five continuing resolutions!

As Members are aware, we have only enacted into law three fiscal year 1999 regular appropriation bills—defense, military construction and energy and water. Furthermore, the Senate never took up the District of Columbia, or the Labor-HHS appropriation bills, and although it was taken up on the Senate floor, action was never completed on the Interior appropriation bill. Yet, here we are today faced with having to vote not only on those three appropriations bills, but also on five more in this conference report, plus many authorization measures and a tax bill.

The process that has brought us to this point is deplorable. It is manifestly preposterous in that no Member of the House or Senate could possibly know, much less understand, all of the provisions that are contained in this conference report. It is absolutely excusable. It ranks, as far as the legislative lexicon is concerned, with the unpardonable sin in the spiritual realm—the unpardonable sin. It is absolutely unpardonable for Members of the Senate and the House to put themselves into this kind of situation. It should be difficult for every one of us to face the voters of this country. If the voters really understood what we are doing here, they would probably feel like voting us all out of office. Thank God, only one-third of the Senators have to go before the voters each 2 years. By failing to enact our regular appropriation bills on time, we have brought this situation upon ourselves. There is nobody here but us; there is nobody to blame but us. We are to blame for this. We brought this situation on ourselves.

Senators are being asked to vote on this massive piece of legislation that provides funding of nearly one-half trillion dollars—approximately one-third of the entire Federal budget—without an adequate opportunity to consider it or amend it. Senators cannot amend this conference report—in spite of the Constitution, which says, with reference to revenue-raising bills, that they shall originate in the House

of Representatives, but that the Senate may propose amendments to revenue-raising bills, as on all other measures, as on all other legislation. The Constitution didn't foresee this kind of a monstrosity—eight appropriations bills wrapped into one conference report, one tax bill, and a supplemental appropriation bill—right? Right. Eight. What a monstrosity, what a gargantuan monstrosity!

Do I know what is in the measure? Are we kidding? No. I don't know what is in this measure. I know a few things that are in it, but only God knows everything that is in this monstrosity. Only God knows what is in this conference report. And very few people, relatively speaking, are on speaking terms with Him.

Nobody in this Government—not one person in this Government—understands every jot and tittle that are in this measure; not one.

We have no opportunity to amend it. In other words, the representatives of the people are being denied by the rules the opportunity to offer an amendment on behalf of one's constituencies. No Senator can offer any amendments to this conference report. And, yet, we have seen in the last several days daily press conferences where both sides—both sides, out in the Rose Garden they appeared, and out here somewhere near the Capitol—both sides were patting themselves on the backs, patting each other on the backs, and congratulating themselves and each other. For what? For finally putting together a massive gargantuan monstrosity referred to as "the conference report" containing the bills that we should have passed long months ago.

We put off acting on these bills for months, and then, finally, when we get beyond the beginning of the new fiscal year, we finally bring in a massive piece of legislation. We don't know what is in it. Nobody in here knows everything that is in it. Certain Members know certain things about it. And then we pat ourselves on the back. What a great victory—it was proclaimed down in the Rose Garden—what a victory for the American people! What a shame. Webster wouldn't define that as a victory.

I was invited to go down to the White House. I didn't go. I didn't consider that a victory. I am not going to be a prop, a backup prop, for that kind of victory. Why is it a victory? Several months late we all gather in the Rose Garden and pat ourselves on the back for having finally gotten around to doing the work that we should have done months ago? Is that a victory?

Mr. President, although I strenuously object to the process, I will vote for this monstrous measure in the form of a conference report for the same reason that many other Senators will vote for it—and that is to keep the Government running.

All that I have said is not to say that this huge legislation does not have some good things in it. There are some

good things in it that we know about—good things for the Nation—and we do have to pass appropriations bills to keep the Government running. If Congress does nothing else in an entire year, it must pass appropriations measures to keep the Government running. But it is not a vote which I relish casting.

I would be less than honest if I did not state here and now that I do not know—as I have stated already—a great deal about what is in this legislation. In that, I am not alone. This conference report is a creation, without a mother or a father—rather more like a Frankenstein creature, a being of some sort that has been patched together from old legislative body parts that do not quite fit. And just as Dr. Frankenstein was quite surprised by the results of his creation, so may we be startled by the result of ours.

So we all gather down in the Rose Garden to proclaim what a victory this Frankenstein monster is for the American people! Hail, hail the victory for the American people.

Hastily drafted legislation, as Senators in this body well know, often has strange and unintended consequences. I don't fault the chairman of the Appropriations Committee, Senator STEVENS and the Appropriations Committee worked hard and reported the appropriations bills. We could long ago have acted upon these bills in the Senate and sent them down to the White House. We could have long ago done it. The Appropriations Committee didn't hold up the bills. I fault the entire Congress for repeatedly failing to do its work, and for bringing us to the brink all too often.

Thirteen appropriations bills, Mr. President, and several supplemental bills comprise the sum total of what this Congress actually has to accomplish each year. Those 13 bills, and any supplementals which may be needed, make up our basic work requirement each year before we can go home. Yet, how often we have to cobble together continuing resolutions or horrific omnibus bills like this one because we will not do our work in a timely way. Out there in the real world when you don't do your work you are fired. On the real job site, colleagues, we would be gone! We would have been gone, out there on the real job site! That is us, the delayers.

What results when we get to the end of a session and go through these agonies is Government at its worst. Someone said that making legislation was like making sausage. Don't kid yourselves. I have made sausage. It is nothing like making this piece of goods. I have made sausage. I can tell you that what we did this year in gobbling together this appropriations conference report is significantly more sloppy, more messy than making sausage.

Congress did not even pass a budget resolution this year. How about that. The Senate passed a budget resolution.

The House passed one. But they never got together in conference, so Congress never passed a budget resolution this year.

I believe that this is probably the first time since 1974, when we enacted the Congressional Budget Act, that we have gone ahead and written appropriations bills without the discipline of a budget resolution.

It is rather like writing checks when you have no idea how much money is in your bank account. No sane, responsible citizen would do that. But that is what we have done with the Federal budget in this unfortunate year. We have prostituted the legislative process. We have prostituted the appropriations process. Aha, what a victory!

But the worst part about this year-end charade we so often play with appropriations bills, and especially this year's belly dance with the White House, is the way that we have flaunted the Constitution—flaunted the Constitution!

Mr. President, I do not like to be tedious about these things, but the Constitution is not a rough draft.

Article I, Section 1, of the U.S. Constitution says:

All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

Earlier this year, I filed an amicus brief before the Supreme Court of the United States along with Senators MOYNIHAN and LEVIN with the aim of bringing down a gross aberration of the framers' intent called the line-item veto.

One of the major agreements made in support of our case against the line-item veto was that the President is not empowered to legislate, and the Supreme Court upheld that. The President is supposed to faithfully execute the law, not write it. And so we argued that when the President can completely alter an appropriations bill by lining out portions of it, by repealing it, by canceling it, canceling portions of it, thus creating an entirely different bill—one that has never passed either House of Congress—he, the President, has become not just a legislator but a superlegislator. The Court agreed. God save the Supreme Court of the United States! The Court agreed. They wisely struck down this unwise and dangerous statute.

But now look, just look now at what we have done. Look at what we have done now to the framers' handiwork at the close of the 105th Congress. We invited—we, the Congress invited—the executive branch to legislate. We said, "We can't do it. You come on in." We invited them to legislate. Shame, shame on us! We eagerly offered the executive branch a seat at the legislative table. They are, in fact, in every way co-architects of this giant piece of legislation.

We have allowed—not only allowed, we have invited—this White House to participate in this process, just as if,

under the Constitution, the executive branch were legislators. So we have invited the executive branch to be co-authors of this giant, hybrid measure in the form of a conference report. It contains both legislation and appropriations bills about which most Members of Congress, especially on this side of the aisle, know very little.

Why do I say "especially on this side of the aisle" we know very little about it? I will tell you why. We had two or three levels of conferences going on, all at the same time. The appropriators, Senator STEVENS, Representative LIVINGSTON, the chairmen of the two appropriations committees, respectively, and Mr. OBBY of the other body and I, as ranking members of the two appropriations committees, met. We met all day Saturday; we met all day on the Sabbath; we met all day Monday, Columbus Day, and we hammered out item after item after item. On the other side of the table were the executive branch people. Can you imagine that. We invited them by our having delayed action on the appropriations bills.

Then on another level there was Speaker GINGRICH and the majority leader of the Senate, Mr. LOTT, both Republicans, a great political party—I have nothing against that; I have nothing against those two men, but there was the majority, the Speaker of the House, and the majority leader of the Senate. Where were the Democratic legislators at that level? There weren't any. No Democrats from the Senate or House were there to represent the minority in those negotiations.

Who represented the minority? The executive branch—the executive branch represented the minority in the Senate and House because the minority in the Senate and House wasn't at the table. We weren't at the table. The minority in the Congress had been blacked out of the picture because our seat at the legislating table was occupied, by whom? By the President's men. I don't think the President attended any of the meetings. But he was represented. He had his representatives from the White House at the table.

On one side of the table were the representatives of the President; on the other side of the table were the Speaker and the majority leader of the Senate representing the majority. We in the minority in the Senate and in the House were not at that table. If Banquo's ghost would have appeared there, I wouldn't have seen him.

I deplore this process. We have run roughshod over the Constitution of the United States of America. Through this process, we have, in effect, circumvented the supreme law of the land because we have circumvented the Constitution, Section 9 of Article I and Section 1 of Article I.

We have blurred and we have blended the very clear lines of the separation of powers set out in our national charter, and instead we have cooked up this unsavory soup which will be force fed to

the American people in order to avoid a completely avoidable, but for partisan games, Government shutdown. This time there is no Supreme Court to save us from ourselves. We are quite randomly doing violence to the Constitution, and justifying it because of political expediency. Not only are we justifying it, we are claiming that it is the "second coming." "Hallelujah, what a victory for the American people. Come one, come all. Come down to the Rose Garden! Hallelujah, what a great victory for the American people!"

What a shame! Call that a victory!

I extend my thanks to the distinguished chairman of the Senate Appropriations Committee, Mr. STEVENS. He has worked hard. He has done a masterful job in bringing the bills to the floor. He has worked zealously, assiduously, and effectively. I have never seen a finer chairman of the Appropriations Committee. I take my hat off to him. And I do the same with respect to his counterpart in the House, Mr. LIVINGSTON. I commend them both and I thank them both for their hard work in bringing this measure to the floor under very difficult circumstances. And I also commend the ranking member of the House Appropriations Committee, Mr. OBEY. Moreover, I appreciate the tireless efforts of the subcommittee chairmen and the ranking members of the subcommittees. I thank the staffs that have been hard at work, far into the nights. Our staffs on both sides worked far into the nights to cobble together these webs, fragments, and pieces of legislation. Each chairman and ranking member, and their staffs, on a bipartisan basis, have worked many long hours and weekends in order to complete this piece of legislation.

While I do sincerely appreciate all their efforts, I hope that they will join me in my belief that this has to stop. How long, how long are we going to have to deprive our constituents of the opportunity of having their Representatives offer amendments to legislation on the Senate floor? I will never vote for another such monstrosity as long as I am privileged to hold this office. And I hope I never see another such monstrosity. I will never again support such a convulsion of the legislative process as the one we have seen this year. And I hope that others will agree that this process is just as silly and as sad and as ridiculous and as disgraceful as I think it is. I hope they will join me in an effort to prevent it in the future.

I again thank the chairman of the committee. I am sure that he does not think any more of this process than I do. Under the Constitution, the legislative branch is to appropriate. The legislative branch has control over the purse, and the legislative branch should never so conduct itself as to essentially invite the executive branch to participate in the writing of appropriations bills.

The President has his right under the Constitution to veto a bill, but I say we

ought to appropriate. We ought to pass the bills. We ought to be able to have them called up here, be able to offer amendments on both sides of the aisle—and on another day I will talk about that part of the process that is partly to blame for this situation we are in. But we ought to send the President the bills. Send them on time. If he wants to veto them, fine; he has that right under the Constitution. And the Senate and the House can try to override if they can. If they cannot, then they just cannot. But we ought not, ought not be a party to inviting the executive branch to participate in legislating appropriations bills and then gather on the White House lawn and here at the Capitol to proclaim that it is a victory for the American people.

Shame on us!

Mr. President, I ask unanimous consent that 15 minutes of my time be reserved for Mr. DORGAN.

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

Mr. BYRD. Mr. President, I ask unanimous consent that Mr. WELLSTONE have 15 minutes of time, later.

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

Mr. STEVENS. I see the Senator from Nebraska here. I will yield him such time as he wishes on the bill.

The PRESIDING OFFICER. The Senator from Nebraska is recognized.

Mr. HAGEL. Mr. President, I wish to thank my friend, the distinguished chairman of the Senate Appropriations Committee, for the time. I also wish to acknowledge, with a great amount of respect, the work that he has done on the Omnibus appropriations bill. He has done this work after being placed in an almost impossible situation, being placed in a situation not of his making. Nonetheless, the quality of his effort and leadership is recognized in this Capitol, as it has been for many years. I, too, wish to recognize that.

With that said, I rise today to oppose the omnibus appropriations bill. In my opinion, this bill is the irresponsible product of a dishonest process. It is wrong for America, and I will vote against it.

For the first time in a generation, this Congress balanced the Federal budget. We had a chance to deliver—deliver real tax relief for the second year in a row. Instead, we began to drift early this year by failing to pass an annual budget resolution—the first year without a budget resolution since the Budget Act became law in 1974. Now we have this unaccountable bill that gives away much of our hard-fought budget success.

It is humanly impossible for any of us in this Congress to know all that is in this bill. Some parts were still changing as recently as yesterday, and the full text of the bill was not available even to most U.S. Senators until almost noon today. It will take months for us to study the more than 3,000 pages of text and learn what is in it.

Yet, we are asked to vote on this package, up or down, no amendments, with a couple of hours of debate. Take it or leave it.

Mr. President, that is irresponsible. That is irresponsible. We cannot forget that the American people are watching. We have to take a step back from all of this, from the swirl of negotiations and the deal-making—oh, yes, there has been a lot of deal-making—and remember who pays the bills. Whose money is it? We seem to forget whose money we are dealing with. We talk about a billion here, and a billion there—\$100 billion. Now we are up to over \$500 billion in this bill. This money comes from the pockets of the American taxpayer. It is their money. It is not the Congress' money. And they are watching. The American taxpayers are watching. They are watching how we spend their hard-earned money.

We don't have very good answers, certainly not in this bill. None of us knows, or could possibly know everything that the money is going for—the taxpayers' money is going for—in this bill, or how many millions of dollars have been tucked away for special projects for individual Members thrown in at the last minute behind the curtain deals. Can anyone possibly believe that this mindless process gives the American people any confidence that Congress knows what is going on, or Congress knows what it is doing, or Congress knows or cares about how we spend the taxpayers' money? The American people look at this process, and they turn away in disgust, as they should.

I want to share with this body, Mr. President, a couple of comments from letters and e-mail I have received from constituents in Nebraska in the last 48 hours.

This one comes from Mr. Lee Hamann of Elkhorn, NE. He writes:

Absolutely incredible. The 100,000-teacher item is another hoax, just like the 100,000-police-officer scam a few years ago—that the Congress and President Clinton pulled on America. Where do the local governmental bodies get the money to continue to pay these new positions after the Federal money runs out? And who says we need 100,000 new teachers?

Who invented that number?

One of the biggest problems in funding education is that the majority of the money is not being spent on teachers; it's going to administration. Compliance with Federal mandates [and regulations] and a whole host of other politically correct nonsense that has nothing to do with teaching our children and maintaining good discipline in schools. If Congress wants to do something positive for education, then give us a realistic school voucher system and allow parents to deduct tuition to private schools [church or secular].

This comes from a constituent, a taxpayer.

Another one from Mr. Michael J. Snyder from Edison, NE. He writes:

I would like to have seen a tax cut for the family. Not everybody in Nebraska farms.

Not everybody is going to get some of the extra money.

There are some of us who would like to see a cut in our income tax so that we would be able to keep more of our own money to use for our own purposes. I think we can find better ways to use it than the Federal Government.

Another one from David Begley from Omaha, NE. He says:

Why do all the appropriations bills get done at the last minute and then the President threatens to shut down the Government and blame the Republicans?

Who is in charge back there?

Good question.

Mr. President, I understand very well that our democracy requires compromise. There is much room for honorable give and take in negotiations—honest, open, honorable negotiations. I am well aware that our negotiators had to face a President who pushed again and again and again for irresponsible new spending programs. I did not expect this bill to be absolutely pure and free from all blemishes. None of us did. But there must be a limit. This bill gave up too much. This bill busts the budget. This bill busts the budget by more than \$20 billion.

I don't believe the Founding Fathers of this country ever intended for a few Members and staff to make more than one-half of a trillion dollars worth of arbitrary, closed-door decisions for the rest of us, for America—almost one-third of the Federal budget—and then present them to all other Senators and Representatives, men and women elected by the people of this country, by the taxpayers, and then say take it or leave it, an up-or-down vote. No debate, no amendments. This process, Mr. President, is not worthy of the U.S. Senate.

Instead of cutting taxes, paying down the national debt, or even "saving Social Security," this bill squanders the first budget surplus in almost three decades. Almost one-third of the projected surplus is going to more than \$20 billion of new spending not paid for by offsetting it, by cutting any other spending. Instead of reflecting the priorities of the American people, this bill reflects on the priorities of the minority in Congress, such as \$1.2 billion in new Federal money to pacify the National Education Association.

Instead of less regulation, this bill gives us more government.

It includes a provision that will hamstring Federal prosecutors by subjecting them to a patchwork of State ethical guidelines. On its merits, this provision never would have survived the U.S. Senate.

It includes \$192.5 million for the Global Environmental Facility, even though, Mr. President, the Senate and the House had rejected this level of funding. We had actually rejected it. And this is to advance a treaty, the Global Warming Treaty, that the administration does not have the guts to send to this body to debate. They don't have the guts to do it, because they know it would be defeated. But, yet, through back-door spending—and what we have given up after the House and

the Senate said we weren't—but yet this is now put in this bill. We are allowing this administration to get away with it. How did something like this get into this bill?

Of course, this bill also includes much that is good, much that I support and fought for, along with Chairman STEVENS and others. I worked hard, like many of us, to win full funding and reforms for the International Monetary Fund.

I strongly support the agricultural relief provisions and many provisions of this bill. But we should have the guts to stand up and say these and other important programs are priorities. And we should have the courage—we should have the courage—to tell the American public how we are going to pay for it. We shouldn't use budget gimmicks to hide what we have spent.

This bill includes a full range of spending by the Federal Government, and it should have been subject to the full range and full scrutiny of honest, open debate. It should have been subject to debate and amendment—the most powerful, the most powerful and important tools available for the U.S. Senators to carry out their constitutional responsibilities. But, instead, this bill is presented to us without opportunity for amendment or opportunity to really know what is in this bill. Over 3,000 pages make up this bill.

This "omnibus" bill also includes several authorization bills—policy bills—that should have risen or fallen on their own merits, not by finding their way into this unamendable tome. Congress should set new government policy when ideas are fully debated. Congress should set new government policies when ideas are amended and considered, and defined and voted for—not when a small group of negotiators decides that idea or this idea has merit. But this "omnibus" bill includes entire policy bills included in this one-half-trillion-dollar, over-3,000-page document.

Many of these policy bills have been slipped in from overhauls of immigration policy to regulation of the Internet. Seven separate antidrug authorization bills were slipped into this "omnibus" bill. And we can't amend any of it. We can't shape it, change it, influence it, delete it. We can't do our jobs as representatives of the American people.

Mr. President, this is not how the U.S. Senate should operate. The American people deserve better, and until recently they got better.

Throughout the 1980s—let's go back to the 1980s—Congress did business by passing "omnibus" bills, or "continuing resolutions" very much like this one. These were unaccountable, pork-laden bills that ran thousands of pages like this bill. They made a mockery of accountability of our democratic process. And then in 1988, many of you will remember that President Reagan stood up against what he described as "... monstrous continuing resolutions

that pack hundreds of billions of dollars worth of spending into one bill. . . ."

In his very memorable State of the Union Address, he stacked 3,296 pages of budget bills weighing 43 pounds at the podium in the House of Representatives and implored Congress, "Let's change all this."

President Reagan called on Congress to pass spending bills the right way—the right way—one at a time, and he pledged to veto any future continuing resolutions. For 8 years, from 1988 through 1996, Congress did its work, as it should, as the American people expected, and passed individual appropriations bills in full and open debate.

Then Congress started slipping into an old pattern. The omnibus bill that year, in 1996, rolled six of the 13 annual appropriations bills into one. This year is worse, one of the worst ever, including eight of the annual appropriations bills, plus authorization bills, in this omnibus appropriations bill.

It is time for us to stand up before this old process takes new root. It is time once more to look at ourselves and declare: Let's change this. I will vote against this bill because I believe it is wrong and the process is wrong. I believe the right thing to do is to kill this bill and for Congress to keep working for the rest of this year, if it takes that, until we do this right.

I believe we should worry less about the elections and polls and government by calculation and more about doing our jobs, the jobs the American people sent us here to do. But more importantly, I believe we will all work hard—I will—to prevent this unaccountable process from ever happening again.

A top priority for this new Congress, the 106th Congress, that will be seated in January of next year must be, must be, to make the necessary changes and reforms to keep the budget process on track. Perhaps we should enact biennial budgeting and appropriations. The distinguished chairman of the Senate Budget Committee, Senator DOMENICI, has talked of this; Senator STEVENS has talked of this. Or we make other changes to ensure that we will put an end to this moonlight madness. This must stop.

Mr. President, this is not Halloween. This isn't trick-or-treat time. This is serious business. I am prepared to work with the Senate's bipartisan leadership, with all my colleagues, to make these changes occur. The American taxpayers expect and deserve better. We owe it to the people who pay the bills.

My colleagues, we can change this nonsense. We must change this nonsense.

I yield the floor, and I thank my friend, the distinguished chairman of the Senate Appropriations Committee.

Mr. STEVENS. Mr. President, how much time remains?

The PRESIDING OFFICER (Mr. THOMAS). The Senator from Alaska has 39 minutes.

Mr. STEVENS. And Senator BYRD?

The PRESIDING OFFICER. Forty-one minutes.

Mr. STEVENS. It is my understanding I had reserved 15 minutes for the Senator from New Hampshire. Is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. STEVENS. Does my time that the Chair just announced include Senator GREGG's 15 minutes?

The PRESIDING OFFICER. Yes, it does.

Mr. STEVENS. It does.

The PRESIDING OFFICER. Yes.

Mr. STEVENS. I thank the Chair.

How much time does the Senator from Montana wish, Mr. President?

Mr. BURNS. I thank the Senator. No more than probably 5 or 6 minutes.

Mr. STEVENS. I yield the Senator such time as he wishes to use.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BURNS. Mr. President, one does not have to reiterate the complexity of going through this process of appropriations. I rise on this floor of the Senate with mixed emotions this afternoon as we consider the omnibus appropriations bill for 1999. I, as the speaker before me, know and understand what the chairman of the Appropriations Committee has gone through to bring this process to this point. I shall vote yea on this bill, but anybody who tells me that they have a handle on this bill would be just like their local weather forecaster—they are either a fool or a newcomer.

The framers of our Constitution did not envision the process which was the design of an administration that was irresponsible and reckless in both actions and words with the Congress and the people of this country. Being forced into a situation where the will of Americans is denied in the spending of their hard-earned money, that is not my idea of representative government. The same Americans were even denied debate on issues that would become the law of the land. I think it was THOMAS Jefferson who said that the Constitution should be flexible; it should be subject to change with the times to reflect the will of the people and not to the master politician. I believe the American people have fallen prey to those who have mastered their craft very well.

The process, as all appropriations processes, started as it should have; subcommittees, working with the administration, held hearings with the different Departments of the Federal Government, which is the administration. After being completed at that level, the consideration moved to the full Appropriations Committee. All members of that committee debated and passed on to the full Senate the appropriations bill that was started at the subcommittee level some 6 or 7 months ago.

Where were all the voices that we hear now when the work was being

done at the grassroots level? Now we hear them as we come to the close of the 105th Congress. Did we not know then that a well-orchestrated delaying action was taking shape? The answer is a resounding yes. There was not one, not one who as a Member of Congress representing their respective States, was not aware, did not know where we were heading. Attempts by this administration were made to shortcut or shortcircuit the process. So when the 105th Congress closes its work, it will be the responsibility of the 106th Congress to ensure that this will never happen again. The American people deserve no less.

Now, as to the bill itself, to those critics who say there is not good in this bill, I say you are wrong. To those who say there is no tax relief in this bill, I say you are wrong—small as it might seem. And to say that tax relief is not for the proper segment of our Nation's economy, I say you are also wrong. To those who would say we have saved, saved I say, Social Security and the financial foundation of our Nation, I say you are wrong again.

It is disingenuous to ask that money be spent from the Nation's Treasury for domestic social programs under emergency conditions knowing of the surplus of funds that now exists and knowing the appropriations would not be subject to budget caps that were agreed to over a year ago. The only absolute condition—Social Security can be saved and reformed—is when Congress has created and saved, saved those surplus funds to ensure its solvency. Spending some of the surplus weakens our ability to reform and ensure the solvency of any entitlement deemed by this Congress or the administration.

The most important ingredient to make our system work for all Americans is trust and integrity. The framers of the Constitution warned us that there are weaknesses and pitfalls and certain dangers in self-government. In fact, the self-governed, who have the power to vote themselves bread with not one drop of sweat falling from their brows, are not absolved from the responsibility that they have at the ballot box. We, every American, all share this duty.

For this system to survive depends on the degree of national responsibility that is found in their elected Representatives. This 105th Congress has addressed crises that fell on our ability to produce food and fiber for this Nation. We addressed the crisis that has befallen our rural communities as a result.

We have attempted to address education by using money alone. Again, I fear that we will be disappointed with the results. In this body, we make most of our decisions based on history. The key has always been the past. Communities of this Nation should have, and have had, the power and the wisdom to say "what, why, and how" they should educate the next generation.

The stakes are high, as the very freedoms we all hold dear and above all else are at issue. The price of freedom is too dear to change the very basic foundation. The Nation has always drawn its power from local communities and their ability to solve not just local problems, but most of the problems of the Nation's interests. To abandon that premise would be dangerous and unwise.

It is unfortunate that we have to pass a measure of this magnitude, of this size, but that is the way it was forced upon this Congress this year. Were bad decisions made early on? Yes. But we can make some good decisions now. We must always keep in mind: We only have a surplus in our Nation's Treasury as a result of a strong economy. You could say the taxpayer really overpaid us. If they did, they are also telling us that we should not keep the change.

I yield the floor.

MODIFYING SECTION 110 OF THE ILLEGAL IMMIGRATION REFORM AND IMMIGRANT RESPONSIBILITY ACT OF 1996

Mr. ABRAHAM. Mr. President, I would like to take a moment to comment on a provision included in the omnibus appropriations measure that would modify section 110 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996.

Section 110 would have required the INS to establish, by September 30, 1998, an automated entry and exit control system to document the arrival and departure of every alien entering the United States. This particular language in the Illegal Immigration Reform Act was adopted only in conference and had the unintended and unforeseen consequence of requiring the INS to implement automated entry and exit control at land borders and at seaports, rather than simply at airports.

I learned of this market early this Congress and realized that extremely grave consequences would result to trade, commerce, tourism, and legitimate cross-border traffic if it were implemented anywhere other than at airports. My home State of Michigan would be hard-hit. More United States-Canada trade crosses the Michigan border than in any other State. The American automobile industry in particular would be devastated. That industry alone conducts over \$300 million of trade with Canada every single day, and relies on new "just-in-time" delivery methods that make United States-Canada border crossings an integral part of American automobile manufacturing. A delivery of parts delayed by as little as twenty minutes can cause expensive assembly line shutdowns.

Unfortunately, testimony at the two Immigration Subcommittee hearings I chaired on this topic indicated that delays at the border could immediately exceed 24 hours. Implementation of entry and exit control at the land borders would effectively shut the border and effectively shut down the auto and many other industries. It would also

involve untold expenditures in the billions of dollars for new infrastructure and personnel.

I would like to thank my colleagues for appreciating the seriousness and urgency of this problem. The Senate spoke with one voice on this issue when it granted unanimous consent to the legislation I introduced. Senate bill 1360, that removed any requirement to implement entry and exit control at the land borders and instead provided for a feasibility study on implementing section 110 at the land borders. Last week, the Senate granted unanimous consent to a stopgap measure I introduced to ensure that implementation would not be required pending our resolving this on a longer-term basis.

My colleague from New Hampshire, Senator GREGG, who is the chairman of the Commerce, Justice, State Appropriations Subcommittee, also appreciated the importance and urgency of this issue when he ensured that a provision concerning section 110 was included in the Senate Commerce, Justice, State appropriations bill.

Mr. GREGG. I thank the Senator from Michigan for pointing that out. We included a repeal of section 110 in the CJS appropriations bill. Section 110 would require a tremendous amount of appropriations for what would be, in my view, almost no tangible benefit. We should be responsible with our appropriations and ensure that federal monies are spent on immigration enforcement efforts that really will be effective, rather than on unintended, untried, and untested systems.

Mr. ABRAHAM. Is my understanding correct that the current appropriations legislation before the Congress does not include any funding for implementing entry and exit control at the land borders?

Mr. GREGG. That is correct.

Mr. ABRAHAM. I would hope that the appropriators will ensure in the future that no money is appropriated for this system until it is certain that the system will cause no additional delays at the land borders and will not harm American trade, tourism, or other legitimate cross-border traffic in any way. Do you agree?

Mr. GREGG. I agree with you entirely on that.

Mr. GORTON. Let me just add, both as a member of the Appropriations Committee and as a Senator from the State of Washington, that I agree that no money should be spent on implementing any such system at the land borders or seaports until we are assured that no adverse consequences will result. I am convinced that the consequences would be disastrous. I would also like to ask the distinguished Majority Leader for his support.

Mr. LOTT. I thank my colleagues. I agree that we have no idea at this point what sort of system would be implemented at land borders and seaports or how much it would cost. Under the compromise worked out with the House

and included in the omnibus legislation, there will be no implementation at the land borders or seaports for 2½ years. I hope that will give us enough time to figure out what to do with this.

Let me assure my colleagues that if it becomes clear that such a system will not be able to be implemented without adverse effects on our border communities, on trade, or on tourism, I will work with them on authorizing legislation to remedy any problems and will work with them to ensure that no appropriations go toward implementing any system that will not be acceptable to them and supported in their States.

Mr. ABRAHAM. I thank the distinguished Majority Leader for his concern and his support. I would also like to note that the compromise language provides that the system to be developed by the INS must "not significantly disrupt trade, tourism, or other legitimate cross-border traffic at land border points of entry."

As I have noted, delays of even 20 minutes or less could cause very significant disruptions in the auto industry in Michigan. I am sure the many other industries and States affected will face similar devastating consequences from increases in waiting time at the land borders. Disruptions must be considered all along the chain of production and trade and in the widest possible context, not simply in terms of what actually occurs at the border, in determining whether or not they are significant. Do my colleagues agree?

Mr. LOTT. I agree.

Mr. GORTON. I agree.

Mr. GREGG. I agree.

Mr. ABRAHAM. I thank my colleagues and appreciate their support.

I will be working to ensure that such a system never harms our borders and our trade, and will also be working on providing that this issue is properly studied before it is implemented.

Mr. DURBIN. Mr. President, I would like to commend the distinguished Senator from Michigan for all of his hard work on the H1B visa program. I voted against passage of this measure in the Senate in the spring but today am happy to have it included in the omnibus. This is due to the incredible efforts of Senator ABRAHAM. This is a well-balanced measure that addresses the needs of the business community while protecting the well-being of American workers. One of the most impressive accomplishments in this proposal is that it attempts to meet a short-term labor shortfall while instituting a program to ensure a long-term labor supply. The bill creates a new program of grants to provide technical skills training for workers.

This bill contains provisions to ensure that Americans will not be harmed by this legislation. A \$500 fee paid by businesses wishing to participate in the H1B program will raise approximately \$75 million annually to be split between a scholarship program for

underprivileged high school students studying mathematics, computer science, or engineering and funding for job training programs which focus on information technology.

One project that I hope would be supported under this new program is the DePaul University High-Tech Workforce Pilot Program in Chicago. It was developed in conjunction with Chicago companies and local government with the goal of preparing America's workforce to compete in the dynamic high-tech industry. It has also been developed to be a model that can be replicated by other universities and cities. I believe that DePaul's training, retraining and education program will expand America's skilled labor force.

Let me again congratulate, Senator ABRAHAM for his success and hard work.

Mr. ABRAHAM. Mr. President, I thank the Senator from Illinois. As he pointed out, the American Competitiveness and Workplace Improvement Act, includes a provision to provide math, engineering and computer science scholarships to needy students and a provision to provide additional worker training programs. There are a number of pilot programs being developed around the country to provide high-tech training to American workers. As Senator DURBIN mentioned, DePaul University has developed just such a pilot program to address the shortage of qualified U.S. high-tech workers that might well serve as a good model for other programs across the country. Programs like the one developed by DePaul University are what we had in mind when the training provisions were drafted.

NATIONAL SECURITY

Mr. MACK. Mr. President, I understand that language has been added to section 117 of the FY99 Treasury-Postal appropriations bill since that bill was passed by the Senate. It is also my understanding that this bill will be included in the omnibus spending bill. I would like clarification from my colleague from North Carolina who attended the conference on this legislation.

Mr. GRAHAM. I join my colleague from Florida in making this inquiry. Since enactment of the provision by the Senate, I have noted that a new section (d) has been added in conference, which provides that the President may waive the "requirements" of this section in the national security. I note that the term "requirements" may require clarification. As I understand the import of this language, it does not allow the President to waive the section as a whole, but only those part that relate to "requirements" on the Secretaries of Treasury and State. Is that the understanding of the Senator from North Carolina?

Mr. FAIRCLOTH. Yes, that is my understanding, and that is confirmed by the Report of the Conference Managers, which distinguishes between the term

"provision" and the term "requirements of this provision." And it is further my understanding that, to the extent that the section 117 establishes any "requirements" within this so-called waiver provision, those requirements are contained only in new section (2)(A).

Mr. LAUTENBERG. As the author of the original provision, Mr. President, I can assure my colleagues that it was my intention that state sponsors of terrorist acts against Americans pay the price for their deeds set by U.S. courts. I did not include a waiver because I don't believe countries which sponsor terrorism should be shielded from these judgements. On the interpretation of the waiver added in conference, I would have to rely on the Senator from North Carolina and the chairman of the Appropriations Committee.

DEPARTMENT OF ENERGY'S WINDOWS PROGRAM

Mr. MACK. Mr. President, I would like to engage Senator GRAHAM in a colloquy concerning the Department of Energy's energy saving windows program. I would first like to thank Senator GORTON for his past efforts in assisting the State of Florida's development of electrochromic technology. We support the Department of Energy's continued support of the State of Florida's electrochromic program.

Mr. GRAHAM. Electrochromic technology provides a flexible means of controlling the amount of heat and light that pass through a glass surface providing significant energy conservation opportunities. I understand the Department of Energy estimates that placing this technology on all commercial building windows in the United States would produce yearly energy savings equivalent to the amount of oil that passes through the Alaskan pipeline each year.

Mr. MACK. I have been told the State of Florida has provided over \$1.2 million toward the advancement of plasma enhanced chemical vapor deposition (PECVD) techniques for electrochromic applications. The program is being undertaken in conjunction with the University of South Florida and utilizes the expertise and patented technology of the National Renewable Energy Laboratory in Colorado.

Mr. GRAHAM. This program is an excellent example of successful technology transfer from a national laboratory as well as an example of a successful public/private partnership. I understand the program is consistent with industry priorities and the goals of the Department of Energy's energy saving windows program. We hope that the Department of Energy will provide no less than \$1 million of Fiscal Year 1999 funding for electrochromics to further the State of Florida's development of PECVD techniques for electrochromic technology.

Mr. MACK. I understand that the State of Florida's development of plasma enhanced chemical vapor deposition (PECVD) for electrochromic appli-

cations is consistent with the priorities of the industry within the United States and the goals of the Department of Energy's windows program?

Mr. GRAHAM. Senator you are correct. I would also like to voice my concern regarding Fiscal Year 1998 funding that has not been provided by the Department of Energy to assist the State of Florida's program.

Mr. MACK. I agree with you Senator. I hope the Department of Energy will move quickly to release Fiscal Year 1998 funding in an effort to maintain domestic superiority in this important energy conservation technology.

FISCAL YEAR 1999 TREASURY AND GENERAL GOVERNMENT APPROPRIATIONS—MIDWEST HIDTA

Mr. HARKIN. Mr. President, I would like to thank Chairman CAMPBELL for his hard work, commitment, and dedication to increasing the funding level for the high-intensity drug trafficking areas in the fiscal year 1999 Treasury and General Government appropriations bill. When the Senate version of this legislation was being debated on the floor, Chairman CAMPBELL and I worked together to increase funding for several of these areas, including an additional \$3.5 million for the Midwest HIDTA.

Mr. President, in the last three years, the Midwest has experienced a phenomenal increase in the importation, distribution, and clandestine manufacturing of methamphetamine. The region's central location, variety of interstate highway systems, along with its air and rail hubs enhance, its popularity as a market for Mexican methamphetamine trafficking operating out of the Southwest border areas. The Midwest HIDTA is integral to the strategy employed by each state to reduce methamphetamine importation, distribution, manufacturing, and related criminal activity.

Although the conference report for the fiscal year 1999 Treasury and General Government appropriations bill did not include specific funding for each HIDTA, the conferees did include a significant increase in HIDTA funding.

Therefore, I would like to ask the Chairman of the Treasury and General Government Appropriations Subcommittee if it was the intent of the conferees that a large portion of the increase in HIDTA funding should go to the areas which were specifically listed in S. 2312 as passed by the Senate. These areas include the current Midwest HIDTA, an expansion of the Midwest HIDTA to include the State of North Dakota, the Central Florida HIDTA, the Cascade HIDTA, and the Southwest Border HIDTA.

Mr. CAMPBELL. I thank my colleague from Iowa for raising this issue. The Senator from Iowa is correct that the conferees did not include a specific increase in funding for the individual HIDTA's. However, it is my hope that the Office of National Drug Control Policy will use these extra resources to fund an increase in those HIDTA's

which demonstrates the greatest need. Consideration should be given to those HIDTA's cited in the amendment described by the Senator from Iowa.

Mr. HARKIN. I thank my colleague from Colorado for his assistance in this matter, and for his efforts to increase the safety of our citizens by substantially reducing drug-related crime and violence.

ENERGY EFFICIENCY

Mr. MURKOWSKI. Mr. President, I rise today to further clarify that the language in the legislative report that accompanied S. 2237 with respect to energy efficiency codes and standards was not intended to conflict with existing laws. This issue was debated thoroughly when the Congress passed the Energy Policy and Conservation Act in 1975, and again in the debate over the 1992 Energy Policy Act. I ask unanimous consent to have printed in the RECORD a letter from seven of my colleagues expressing concern over this language.

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

U.S. SENATE,

Washington, DC, September 3, 1998.

Senator FRANK H. MURKOWSKI,
Chairman, Committee on Energy and Natural Resources, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN. We are deeply concerned over language in the legislative report that accompanies S. 2237, The Department of the Interior and Related Agencies appropriations bill. Several sentences in the Energy Conservation section of the report (pp. 100-101) reverse nearly a quarter-century of federal policy and ignore the clear statutory direction given in the Energy Policy and Conservation Act 1975 ("EPCA").

EPCA is where the Department of Energy's appliance efficiency program began and it clearly says (at 42 U.S.C. 6291) that DOE should measure "the quantity of energy directly consumed by a consumer product at its point of use." Then and now, others believe that DOE's standards should be based upon a more expansive definition of energy use, one that included exogenous factors like "total fuel cycle" costs, emissions and externalities.

Congress and the President wisely rejected such an approach both in 1975 and in succeeding debates in recognition that determining the energy use of an appliance at its point-of-use is a measurement, while attempting to factor in various exogenous factors is an attempt to estimate that which cannot be measured, projected, quantified or extrapolated with any real accuracy. It is a case of comparing hard, objective measurements with soft, subjective estimates.

This approach was clearly seen as unworkable in 1975. Nothing that has happened in the intervening twenty-three years makes it any more workable today. No two people could agree on which exogenous factors should be quantified, let alone how they might be quantified. The resulting numbers would be useless, reflecting politics rather than good science, engineering or mathematics.

This report language, which directs the Department to drop the current "point of use" standard in favor of this expansive "source based" standard, was inserted with no hearings, no debate and no attempt to involve the committee of jurisdiction, which you chair. In addition, DOE's recently formed Advisory Committee on Appliance Standards

was completely ignored by the "source energy" advocates, who are themselves members of the Advisory Committee.

We urge you, as Chairman of the Energy Committee, to assert your committee's jurisdiction over this statute and program. A program that has provided America's consumers with accurate and useful information for the past twenty-three deserves thorough review before changes of this magnitude.

Sincerely,

TOM HARKIN.
CHUCK GRASSLEY.
CRAIG THOMAS.
MICHAEL B. ENZI.
LARRY E. CRAIG.
JOHN GLENN.
JAN KYL.

Mr. MURKOWSKI. During past consideration of this issue, the majority of Congress determined that energy consumed at the point of use can be measured, projected and extrapolated with greater accuracy than data based on subjective estimates of externalities, such as emissions, and "source energy." This determination is clearly reflected in the authorizing statute, 42 USCS Section 6291, which defines "energy use" as "the quantity of energy directly consumed by a consumer product at point of use, determined in accordance with test procedures under section 323 (42USCS Sec. 6293)." Any substantive change in existing law and policy should only be undertaken after careful consideration by the authorizing committee of jurisdiction, the Committee on Energy and Natural Resources.

With respect to the Federal Energy Management Program, another program potentially affected by this language, 42 USCS 8253 and Executive Orders 12759 and 12902, which relate to improvement in energy efficiency in federal buildings, stating that "each agency shall apply energy conservation measures to, and shall improve the design for the construction of, its Federal buildings in use during the fiscal year 1995 is at least 10 percent less than the energy consumption per gross square foot of its Federal buildings in use during the fiscal year 1985. . . ."

The June 1996 policy statement of the Federal Interagency Energy Policy Committee interprets these authorities as encouraging cost-effective energy projects that results in "operational cost savings," regardless of whether that consumption is measured on a site basis or a source basis. While this allows the goal of reduced energy consumption to be demonstrated by source or site analysis, saving taxpayer dollars is retained as its primary criteria for projects. A change to consideration of externalities and "source energy efficiency" over direct cost savings would be a major change that should also be undertaken only after thorough analysis of its impact by the authorizing committee.

I understand the concern that the Department could improve the analytical methods that are used to calculate "source" energy efficiency, which would give consideration to the full panoply of costs involved in using var-

ious appliances and making other energy efficiency decisions. Under the authorizing statute, the Department may make an effort to reduce the subjectivity involved in making the estimates necessary to make "source energy" calculations.

This work can be taken into account as the appropriate authorizing committees consider changes in our existing national policy. Until that time, the existing statutes are the law of the land.

THE AMERICAN FISHERIES ACT

Mrs. MURRAY. Mr. President, the Omnibus Appropriations measure before us contains an important provision regarding foreign ownership and control of United States fishing vessels as well as a resolution of disputes regarding the North Pacific pollock fishery. More than one year ago, Senator STEVENS introduced S. 1221, the American Fisheries Act. A major purpose of this legislation, and a goal I strongly support, was to further increase the level of ownership of U.S. fishing vessels. The Americanization of the U.S. fishing industry began in 1976 with the passage of the Magnuson Fishery Conservation and Management Act which established a 200 mile Exclusive Economic Zone (EEZ) and prioritized access to fishery resources within the EEZ to American citizens. This legislation is an historic milestone in international marine policy and set a precedent that all coastal nations have followed. It was an important step in securing American control of the vast fishery resources off our coastlines.

Eleven years later, another step was taken to further Americanize U.S. fisheries. The 1987 Anti-Reflagging Act required U.S. citizens to own and control at least 51% of any U.S.-flag fishing vessels. This Act also included grandfather provisions that, because of drafting errors, allowed any current U.S. flag fishing vessels that did not meet the new standard to be exempt from the new ownership standard and allowed vessels under contract to be rebuilt into fishing vessels in foreign shipyards to retain their U.S. fishing privileges. The two grandfather provisions allowed a far greater degree of foreign owned and controlled fishing vessels to remain in U.S. fisheries than had been intended. Although the United States Coast Guard correctly interpreted these grandfather provisions in a legal sense, there has been ongoing controversy regarding Congressional intent with these grandfather provisions and their application by the Coast Guard.

Eleven years later, the American Fisheries Act will finally resolve this issue. It requires a real, effective, and enforceable U.S. ownership threshold for U.S. flag fishing vessels. Under this Act, U.S. citizens must own and control 75 percent of the ownership interest in any U.S. flag fishing vessel. I strongly support these provisions as an important step in our ongoing efforts to Americanize the fisheries of the

United States EEZ. It is time to more fully ensure that the vast fishery resources of the United States are harvested by Americans. These provisions will go a long way to making that the case.

In addition to the further Americanization of U.S. fisheries, the Title included in the Omnibus Appropriations measure also resolves the long-standing allocation battles surrounding the North Pacific pollock fishery. When S.1221 was introduced by Senator STEVENS in September 1997, one of the goals in addition to Americanizing the U.S. fishing fleet was to phase out a number of Seattle-based catcher processors that had used the grandfather provisions of the 1987 Anti-Reflagging Act to enter the pollock fishery. Senator SLADE GORTON and I strongly opposed the original legislation because of the devastating impact this phase out would have had on Washington state jobs and the Puget Sound economy. However, there were a number of Washington state constituencies who strongly supported the legislation and the phase out of these catcher processors.

In the interest of resolving this issue, Senator GORTON convened a meeting in August 1998 of all the major participants in the North Pacific pollock fishery to explore the possibility of reaching a settlement of the dispute. My good colleague from Washington state established a number of principles which all the parties agreed to and guided the discussion of potential solutions. Those discussions led to the conclusion that 4 key issues needed to be addressed: Americanization, decapitalization, rationalization, and reallocation. This meeting led to a series of intense negotiations among the major North Pacific pollock fishery participants, led by Senator STEVENS' office, that provided the framework for the legislation before us.

While my colleagues from Alaska and Washington have provided a much more detailed outline of the provisions of the American Fisheries Act, I would like to summarize some of the key aspects.

This bill includes a substantial reallocation of the North Pacific fishery resource, one of the most valuable fishery resources in the world. The 1.2 million metric ton fishery is worth approximately \$250 million annually. For the last 6 years, there has been tremendous allocation disputes regarding this resource before the North Pacific Fishery Management Council. Prior to 1992, the offshore component of the fishery harvested approximately 85% of the resource. In 1992, the North Pacific Fishery Management Council reduced this harvest level by allocating 35% of the resource to the onshore component of the fishery, that is, catcher boats delivering to onshore processing plants. Recently, the Council recommended to the Secretary of Commerce increasing this percentage to 39%. This bill provides 50% of the resource to the onshore sector, 10% to the mothership

sector, and 40% to the offshore sector, permanently resolving the long-standing allocation battles over this valuable resource. With each percentage point of the total allowable catch valued at approximately \$5 million, this shift in harvest opportunity represents anywhere from a \$55 million to \$75 million reallocation.

To offset this massive move of fish, the legislation includes a substantial reduction in the excess fishing capacity in the offshore sector. Overcapitalization has been an ongoing problem in all North Pacific fisheries and is the source of the allocation battles that ensue over these fisheries. This act will permanently remove nine pollock factory trawlers from the pollock fishery, in fact, from the U.S. EEZ entirely. Eight of these vessels will be scrapped, preventing them from being used in any fishery in the world. In exchange for retiring these vessels and transferring the pollock catch history associated with them to the onshore sector, the owners of these vessels will be paid \$90 million. An additional \$5 million will be paid to the remaining participants in the offshore sector of the fishery for the additional reduction in the offshore allocation. \$20 million will be provided by the federal government as it bears responsibility for the failure of the 1987 Anti-Reflagging Act to effectively keep foreign fishing vessels out of the U.S. EEZ. The remaining \$75 million will be paid by the onshore sector through a federally-guaranteed loan.

Replacement of the capacity represented by these removed vessels is prevented by statutorily establishing either through explicit listing of the vessels or specific criteria for participation, the factory trawlers, motherships, catcher boats, and onshore processors that can continue to participate in the North Pacific pollock fishery. This listing of the eligible fishery participants is essential to preventing recapitalization of the fishery and ensuring that steps toward rationalizing the fishery can proceed. It has not been done without controversy, however. There has been a great deal of concern among the fishing industry in Washington state and Alaska about the exclusive listing of onshore processors. Many fishery participants have made a distinction between addressing overcapitalization on the water and on the land. Many have argued that the exclusive listing of onshore processors will deny fishermen competitive markets for their fish. Others are concerned that it locks in substantial foreign investment in the processing sector of the fishery while at the same time the bill seeks to further Americanize the harvesting of fish in the U.S. EEZ. I share these concerns. However, the need to rationalize this fishery necessitates this action. In the absence of this provision, the ability to proceed with the formation of fishery cooperatives as a means to end the race for fish could not be success-

ful. In the end, I feel the potential benefits such rationalization could provide for both the resource and the industry dependent upon it justify this action. Nonetheless, I think it imperative that both the Council and the Congress closely monitor the impacts of this provision to ensure it achieves our goal of improving the situation for fishermen. If not, additional measures may need to be taken.

This bill relies in great measure on the ability and willingness of the North Pacific pollock fishery sectors to form fishery cooperatives. Fishery cooperatives, authorized under current law, are a privately negotiated allocation on a company-by-company or vessel-by-vessel basis of a portion of the total allowable catch. Similar to an individual fishing quota program, cooperatives provide fishery participants with the certainty they need to stop the race for fish, and harvest and process the fish on a more flexible schedule with greater attention to bycatch, efficiency, and safety. The existing fishery cooperative in the offshore sector of the Pacific Whiting fishery has shown tremendous benefits in these regards and has helped rationalize the fishery. It is hoped that cooperatives can do the same in the pollock fishery.

In the interest of ensuring that small, independent fishermen are the true beneficiaries of fishery cooperatives, the bill includes a number of requirements for fishery cooperatives in all three sectors which are designed to provide these small, independent fishermen with sufficient leverage in the negotiations to protect their interests.

In addition, the bill attempts to ensure adequate protections for other fisheries in the North Pacific and Pacific from any potential adverse impacts resulting from the formation of fishery cooperatives in the pollock fishery. The formation of fishery cooperatives will undoubtedly free up harvesting and processing capacity that can be used in new or expanded ways in other fisheries. Although many of these vessels and processors have legitimate, historic participation in these other fisheries, they should not be empowered by this legislation to gain a competitive advantage in these other fisheries to the detriment of participants who have not benefitted from the resolution of the pollock fishery problems.

While we have attempted to include at least a minimum level of protections for these other fisheries, it is clear to many of us that unintended consequences are likely. It is therefore imperative that the fishery management councils not perceive the protections provided in this bill as a statement by Congress that these are the only protections needed. In fact, the opposite is true. Although the protections provided for the head and gut groundfish offshore sector from the pollock offshore sector are more highly developed and articulated in the bill, the protections for other fisheries are

largely left for the Councils to recommend. Those of us involved intimately in the development of this legislation strongly urge the Councils to monitor the formation of fishery cooperatives closely and ensure that other fisheries are held harmless to the maximum extent possible.

In particular, the legislation directs the North Pacific Council to address the issue of latent capacity in the Bering Sea crab fishery. I am deeply concerned by the recent failure of the North Pacific Council to address this issue in response to this legislation. The relatively minor level of protection provided in the bill for the Bering Sea crab fishery should in no way be construed by the Council as sufficient to protect the crab fishery from potential adverse impacts of pollock fishery cooperatives nor should it be deemed sufficient to address the issue of overcapitalization of the crab fishery and the need to remove latent capacity. I strongly urge the Council to take measures to further reduce latent capacity in the crab fishery beyond that which the License Limitation Program addressed and to avoid rewarding speculative participation in anticipation of the developing industry-funded capacity reduction program being developed by the crab industry. At the same time, the Council should ensure that true historic participants in the crab fishery who have made legitimate investments to harvest crab are not eliminated.

The American Fisheries Act title in this Omnibus Appropriations measure is an important next step in our efforts to Americanize U.S. fisheries and ensure their long-term sustainable use. I support this provision and will work with my colleagues to ensure that is effectively and fairly implemented. In closing, I want to thank Senator STEVENS, GORTON, and MURKOWSKI for their hard work on this legislation. I would also like to acknowledge the hard work of Trevor McCabe, Jeanne Bumpus, Bill Woolf, Martin Kodis, and my own staff, Justin LeBlanc. Without their dedication and perseverance, we would not have put this legislation together.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, it is my understanding there is some time remaining on this issue, is that correct?

The PRESIDING OFFICER. There is indeed. There are 41 minutes under the order; 30 of those minutes have been allocated so there remains 11 minutes.

Mr. DURBIN. Mr. President, I rise to address this piece of legislation which is being talked about on the floor. Millions of people come to Washington, DC, every year to see the sights of Washington. One of the most impressive is a trip to the Archives. Go to the Archives and see the glass cases. In those cases you will find the Constitution of the United States in its original form and the Declaration of Independence. Schoolchildren remember that for a lifetime. They have seen a document that is historic.

I might say to my colleagues in the Senate, I have just seen a document that is historic. Not 50 feet away from where I stand, in room 224, sits a document of 4,000 pages; some 25 pounds of paper that comprise this omnibus legislation we are talking about, a measure rarely seen by anyone.

Is it important? A third of the Federal budget is in that document in that room, and most of the Members of the Senate, aside from a glance walking through, will not see anything else in the document. If we are quizzed as to what is in the measure, we are hoping that our staff or someone else has read it because, frankly, we have not.

How did we get in this predicament? How are we here, on October 20, at the tail end of a misspent life, wondering why this Senate and this Congress were so unproductive during the 105th Congress? Some want to blame the President. But I remind those who do to take a look at the Constitution, because the Constitution has established three branches of Government, each with a responsibility. In this case, our responsibility was, on April 15, to pass a budget resolution, a resolution which was to be basically a blueprint for all spending by the Appropriations Committee.

I see the Senator from Alaska, the chairman of the Appropriations Committee, here. I have served on the House Appropriations Committee, and I know that budget resolution is your guide, your roadmap, for determining how much each department can be given in money. Does the President write the budget resolution? No. It is passed by the House, then the Senate. It is enacted by them as a resolution and not a law. The President doesn't even sign it.

What happened this year? We never passed a budget resolution. For the first time in 25 years we failed to pass a budget resolution. Was it the President's fault? Not at all. It was the fault of the House and the Senate. You see, the Senate passed its version of the budget resolution. When it went over to the House, they said, "We think the surplus is so invigorating we want to give away \$800 billion in tax cuts." Luckily, some Republican Senators—Democrats as well—said that is irresponsible and stopped it in its tracks, and that was the end of the discussion.

Then everything started piling up. We did not pass a budget resolution. We did not pass seven appropriations bills. In fact, you would need a bloodhound and a flashlight to find anything that we have done in the past year that we have been in session—with the exception of renaming Washington National Airport after President Reagan.

Here we are, 3 weeks into this new fiscal year, without a budget resolution trying to play catchup. We are fearful of another Government shutdown, because Congress has failed to meet its responsibility, and we are moving to try, in one vote in the House today and the Senate tomorrow, to correct the

mistakes of a year with one bill: 4,000 pages, 25 pounds of documentation.

This Congress has failed to pass campaign finance reform, a bipartisan measure supported by the President—killed on the floor of the U.S. Senate. This Congress has failed to pass any effort to stop the tobacco companies from luring our children into addiction—another bipartisan effort, killed on the floor of the Senate. This Congress has failed to pass a Patients' Bill of Rights, reform of managed care so that all of us as patients have some rights to quality care when we go to see a doctor or to a hospital—killed on the floor of the Senate. We have failed to do anything to preserve the Social Security system beyond the year 2030, even though we have the wherewithal in this surplus to start speaking in specific terms about doing that. We have failed to pass the legislation proposed by my colleague, Senator CAROL MOSELEY-BRAUN of Illinois, to invest in 5,000 new and repaired schools across America to try to address the onslaught of children who will be coming into school, increasing the school population of our Nation and making certain that current schools have the technology to be able to teach our children as they should. We did not address that, either.

Literally in the closing days of negotiations, President Clinton came to the negotiators, to the Republican leaders, and said: This Congress will not leave town without doing at least one thing, one thing for education, but an important thing—reducing, on a nationwide basis, class size in grades kindergarten through 3 to no more than 18 students in a classroom. That is what the 100,000 teachers are about, so we have enough teachers so kids have the kind of attention they need at the earliest time in their educational development.

I happen to think that is one of the most important things we could do in our Nation. My wife and I raised three children. We are watching a little grandson grow up right now. You come to realize what early childhood development means. The biggest growth industry in America today is the construction of prisons. How many of those prisoners might have had a different life if they got off to a better start?

That better start could have been a better classroom experience, a better education.

When I asked the warden of a prison in Illinois recently about how many of the inmates there came to prison even close to any level of competency in education, he said fewer than half. Most people who show up in prison have little or no educational skills. It is part of their frustration. I won't make that as an excuse for committing a crime, but certainly you can understand the frustration and waste involved when we don't use education well.

President Clinton said to the negotiators, "You won't leave town, you

won't put together this bill unless and until you include at least one initiative for education in America." He pushed hard for it. He achieved it.

I am happy there is more money for Head Start. That is an excellent investment.

There is more money as well for the National Institutes of Health. On a bipartisan basis, we are increasing medical research by 14 percent—a smart thing to do.

The health insurance deduction for the self-employed is accelerated so they can be treated fairly, so small businesses and farmers get a fair share.

And there is agriculture relief which, to those of us in the Midwest, means a lot. In Illinois, the Dakotas, Minnesota, all across the Midwest, we face a crisis. Luckily, with the President's leadership, we increase the money in this bill to take care of it.

There are other things as well—food safety initiatives, which I support, and funding the IMF.

But there are things we failed to do. Can you believe we are still in a deadbeat status, the United States of America, when it comes to paying our United Nations dues? We were a few million dollars away from being disqualified in voting in the Security Council because we continue to stiff the United Nations year after year after year, an agency which we turn to, as President Bush did with the Persian Gulf war, as we do on a frequent basis, to try to promote peace in the world and to promote the goals of our foreign policy.

This Congress refuses to pay our dues. It is an embarrassment. We are a nation which calls on the world to meet its moral responsibilities, and yet we don't meet our moral responsibility in paying these dues. That is a disgrace, as far as I am concerned.

There are going to be things in this 4,000-page bill—I just learned of one. My friend, Senator BARBARA BOXER, got on the floor with me—and Senator WELLSTONE remembers the debate—and we talked about all the oil companies drilling for oil on publicly owned land, land owned by the taxpayers, and refusing to pay us a fair rental based on the cost of the oil.

We basically said to the Department of the Interior: Adjust that rate; make sure the taxpayers don't get cheated on this oil.

Guess what? A provision in this 4,000-page bill will cost the taxpayers 60 million bucks a year so these oil companies can continue to drill on our land that we own as a nation and refuse to pay a fair amount for drilling for that oil. Sound like welfare to anybody? Sounds like welfare to me, and it is in this bill. It is corporate welfare for a handful of the biggest oil companies, and it is shameful.

There are people who take the television stage and go on the shows and talk about, Where is the sense of outrage in America? Good question. They want to address that question as to one

person. I want to address it as to one bill of 4,000 pages. There should be a sense of outrage that this bill was promulgated in darkness, behind closed doors that literally no one has read, that includes gifts like the \$60-million-a-year gift to the oil industry, and God knows what else. And here we are.

I said to the chairman of the Senate Budget Committee, "If we don't need a budget resolution, why do we need a Budget Committee?" Maybe we can start by saving money in the 106th Congress by eliminating the Budget Committee. We didn't need it this year because whatever we did certainly wasn't useful. It didn't produce a budget resolution which was so important for all of us.

There are provisions in here as well that touch people where they live: the whole question, for example, of home health care interim payments. There is a lot of concern, because so many seniors and disabled people rely on home health care. The current system needs to be changed. I will tell you, the so-called "fix" in this bill is no fix at all. We will have to revisit it. It is another failure of the 105th Congress, and that is troublesome to me and, I hope, to a lot of others.

Then, of course, we have this doomsday scenario in the bill which cuts off the spending for the Commerce Department, the State Department, the Justice Department and the judicial branch of Government as of June 15 of next year. So even with the 4,000-page bill, we are not appropriating enough money to fund those agencies for a year.

We are postponing, again, facing the reality of what needs to be done in this Nation. All of us who are elected to the House and Senate are entrusted with the responsibility to enforce and live by the Constitution and to meet the obligations of this country. This 105th Congress has failed to do that. The fact that we are even here on October 20, the fact that we are considering this mystery bill of 4,000 pages, still unread by most, the fact that we don't know what is included, we don't know what favors have been given to special interest groups or individuals and the fact that we are going to vote on this almost blindly within the next 24 hours is testimony to the fact that this Congress has accomplished little or nothing.

When the American people are asked, What did this Congress do this year, what did it achieve? they are at a loss for words.

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

Mr. DURBIN. I virtually am at the same loss today. I regret that. I yield the floor.

Mr. WELLSTONE addressed the Chair.

THE PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. I thank the Chair.

Mr. President, let me just thank my colleague, Senator DURBIN, for his re-

marks. I think they were important. I hope we can translate what the Senator from Illinois had to say about this bill—not into action tomorrow because this is a conference report, there are no amendments, it is voted up or down—I hope it leads to some important changes in this legislative process.

I listened to my colleague from Illinois, and there are two points that he made that I want to build on. The first has to do with the way this was done. I really think it is not just a question of the people in the country, whether they be in Illinois, whether they be in Minnesota, whether they be in Idaho, Alaska or any other State. It is not just a question of people in this country saying, "Listen, we want to have campaigns, not auctions; is there a way we can get this big money out of politics?" But we didn't do anything in this Congress.

It is not just a question of people saying we are one of 43.5 million people with no health insurance, or we are elderly people who are paying a quarter of our budget for prescription drugs, or I am one of too many examples in the country where I was turned down for care that I needed by a kind of bottom-line medicine with insurance companies too much in control; isn't there any protection for me?

It is not just bad enough we didn't respond to any of that. It is not enough that this Congress did absolutely nothing, in spite of all of the hype and too many of the speeches that were given for children in America. I am convinced that the ultimate indictment of the failure of this Congress to do hardly anything positive for people in our country is the way in which we continue to abandon too many children in the country and devalue the work of too many adults who work with those children. For all the families that said to us, Is there some way that you can make child care more affordable for us; is there some way that we can make sure that when both of us have to work, there is good child care for our children, child care that we can afford?—our response was to do nothing.

It is not enough, Mr. President, that when it comes to the issue of living-wage jobs—which I think is going to become a bigger and bigger issue. Sometimes I fault my own party for continuing to talk about the number of jobs and the relatively low level of unemployment. But boy, I will tell you, when you add to the equation people who are only working part time because they can't find the full-time jobs, or when you add to the equation people who are working full time, 52 weeks a year, 40 hours a week and are still poor in America and still look for a raise for themselves, a decent wage, again, the response of our Congress was to do nothing.

I don't think that is the real issue that we are faced with here. I want to count myself as someone who is in profound disagreement with a Congress that basically has been a do-nothing

Congress. I think that in the last several months out here on the floor, as a Senator who really believes in coming out here with amendments and trying to respond to people and really do something for people, it has been a little frustrating to have a process that is just not open and you are able to do that. I also understand the majority leader and some of what he has had to deal with.

Now we have a bill before us—I heard my colleague from Illinois say, I think, 25 pounds. I heard it weighs 40 pounds. Somebody will have to weigh it. It is 2 feet tall. That is a third of my height, if you want to believe that. Actually, not quite. I guess I can't get away with that. But it is 2 feet tall, roughly 40 pounds, and we haven't even seen it.

We have had staff that are now trying to evaluate it. Can you imagine? You have eight appropriations bills put into this piece of what Senator BYRD called "this monstrosity," weighs close to 40 pounds, 2 feet tall, and we have hardly had a chance to look at it. And we are going to vote on it tomorrow.

And in all due respect to my colleague from Alaska, I want to be clear about it. At least in the time I have been here—and I am not just trying to make friends because, boy, if Senator STEVENS does not agree with you, he is out on the floor and he makes it clear what his position is—he is probably the best there is at getting things done here. It is amazing what he can put together. So I do not think it is a question of my colleague from Alaska.

But looking at this overall process, it is no wonder that people lose confidence in us. We have to do better. It is just unbelievable. It is not true that process does not matter. If this just looks like a bunch of behind-the-scenes deal making, with very few people kind of deciding what is in and what is out of a bill that is—how many pages?

Mr. DURBIN. Four thousand.

Mr. WELLSTONE. Four thousand pages. If ordinary citizens—which I mean not in a pejorative way, but in a positive way—have not the faintest clue of what is going on, and those of us supposed to be representing people have not been in a position to know what kind of decisions have been made, then it is no wonder that people say we do not believe in this.

I tell you, between what has happened with this bill and anonymous holds—which is another feature of this process that I really think we have to confront to take on where somebody can just put a hold on something or an individual judge, or whatever; and it is anonymous; and you never find out who it is—between that and conference committees where even if you pass an amendment in both bodies, the conference committee can take it out or something can be put in, I think we do have to do a lot better in this process. I think that should be at the top of the agenda in the next Congress.

Mr. President, I think that this bill—and as I speak, I do not even know how

I will vote on it. On one hand, it is like Fiddler on the Roof. It is certainly better than a Government shutdown. On the other hand, there are some important provisions in this bill. There are some things that are important that have been done. My colleague from Illinois talked about the strong position the President took and the strong leadership the President took on making sure that there are more teachers and how we can reduce class size in grades K through 3—critically important.

On the other hand, I do not really know all that is in this bill. I guess that puts you in a position of not necessarily voting—it is hard to vote for or against a bill if you do not really know what is in it. But I will tell you, some things I heard my colleague talk about—special deals for the oil industry, corporate welfare for the oil industry, and gosh knows what else has been put in this piece of legislation—makes me wonder, makes me wonder.

I say this, I think this bill—25 pounds, 40 pounds, 2 feet tall, several thousand pages—that we have not had a chance to review sort of represents our failure to deal with these appropriations bills, deal with this budget, have an open debate, have an accountable political process. And I think this bill that we are supposed to vote up or down on tomorrow—a conference report—represents the profound failure of this Congress to do well for people in Minnesota and people in the country. I think that is really what it is all about.

I yield the floor.

Mr. CRAIG addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Mr. President, I have been on the floor for all of about 15 minutes. And I have heard—

The PRESIDING OFFICER. Does the floor manager yield time?

Mr. STEVENS. How much time does the Senator seek?

Mr. CRAIG. Ten minutes.

Mr. STEVENS. I yield the Senator 10 minutes.

The PRESIDING OFFICER. The Senator is recognized for 10 minutes.

Mr. CRAIG. Let me thank the chairman of the Appropriations Committee for yielding time. I think he has probably been here on the floor, as I have, for the last few minutes to watch, at least by rhetoric, a very large piece of appropriations grow well beyond the dimension of reality, more into the dimension of hyperbole.

Let us talk about reality for a few moments, because I suspect that there is no Senator on this floor who will today or tomorrow express a great appreciation for the process under which we are now concluding this Congress—by the bringing together under an omnibus appropriations bill a variety of appropriations bills that should have been dealt with, one by one, on an individual basis.

That would have been the desire of every Senator on this floor. It would

have also been the desire of every Senator on this floor, if we had not had 128 filed cloture motions in the last 4 years—cloture motions that were the result of the other side denying or filibustering given provisions of the process that ate up phenomenal amounts of time. That is not an excuse for anything. That is an expression that there is enough blame to go around for any of the process that gets criticized today by any Member who comes to this floor. It takes 60 votes in the Senate—if someone does not want the process to go forward, for that process to be denied to them—to require then the action on any given piece of legislation.

Time and time again, we were faced with the reality of having to file cloture. That is substantially more than was ever filed by Democrats because Republicans forced them to do that. It is the character of the difference—or should I say it is the character of the intensity of concern as it relates to the issues that came to the floor of the 105th Congress. I do not deny that. Those are facts. That is the reality of it.

I also say, if the measurement is a “do-nothing Congress,” you are darn right. We cannot take HMOs and turn the world of medicine upside down, as some of our colleagues on the other side wanted us to do.

We did not raise hundreds of billions of dollars of new taxes on middle America through a tobacco provision, as some of the folks on the other side of the aisle wanted us to do. And we did not take the right of free speech away from the average American in campaign finance reform, as most of our colleagues on the other side of the aisle wanted us to do.

If we did nothing on those things, we did a heck of a lot for the freedom of the average citizen in this country. And that is what ought to be the responsibility of this Congress: to make darn sure that we do not trample on the constitutional rights of our citizens. And that we did not do, over the loud cry and protest of our colleagues on the other side of the aisle.

Now, what did we do? Because the American public has the right to know what the 105th Congress did. Did we balance the budget? You bet we did.

In 1981, I introduced one of the first constitutional amendments to require a balanced budget on the floor of the U.S. House of Representatives. And the old dogs and the pundits at the time laughed and said, “Freshman Congressman, not in your lifetime will you ever see a balanced budget. Deficit spending is the way we stimulate the economy of this great country. It’s the way we give out pork. It is the way we buy political favor. And it won’t happen in your lifetime, Congressman CRAIG”—at that time. “You’ll not see a balanced budget.”

Well, in 1994, the American people spoke. And they spoke in a way they had never before. And that was to

change the Congress from Democrat and liberal to Republican and conservative. And not in 10 years, and not in my lifetime—but in 4 years the budget is balanced. And what we are debating here is an appropriations process that balances the Federal budget and still leaves \$60 billion, or near that, in surplus, to deal with the strengthening and saving of Social Security, and also to deal with some of the emergency expenditures that the White House said were absolutely necessary and that most of us agreed with.

So criticize, if you will—and in any bill this big there is a world of criticism, if you want to be selective—but if you want to look at the biggest picture of all, and that is a fiscal policy in our country and a monetary policy that have meshed to bring one of the strongest economies in the history of the world together into the robust character that it is, then you ought to look at that. And that is called a balanced budget, that is called denying this President his \$150 billion tax increase, and leaving more money in the pockets of the average citizens in our country, and especially the lower middle income working Americans. And that was not a Democrat Congress that did it; it was a Republican Congress.

I am proud of that. If the Democrats want to call that a do-nothing Congress, then please call it what you think it is, but tell the truth. We don’t get it from the White House; we don’t get it from the President.

We understand the reality of the work we do. The reality of the work we do—whether we like the process at hand—is that the budget is balanced, our Nation is in surplus, we will strengthen Social Security, and we didn’t raise taxes on the backs of the American people. There isn’t an economist in the world today who doesn’t say if it wasn’t for the U.S. economy, the world would be in a major recession, but it is because of the strength of our fiscal policy and our monetary policy combined that drives this great economic engine that has more Americans working than at nearly any time in modern history.

What about the problems in the farmlands of America in agriculture? Many of my colleagues went home in August, like I did, to talk to our farmers, and found our farmers not in recession but in depression. Nearly every commodity price was at or below break even, and many of them were well below break even. We had tried to respond in June and July in a very bipartisan way. We came back in August, dedicated to responding more, and we did. Democrat and Republican joined alike.

Now, we had a difference in philosophy. But in the end, we came together with tremendous benefit for production agriculture—both short term, cash-in-the-pocket to the farmer to pay his banker and to pay for his seed and fertilizer costs and, hopefully, to put food on the table for his family and to get ready to farm for next year.

We also did something else. We said what we are doing is short term; let's do some long-term good. Let's do what we promised American agriculture we would do when we passed the 1996 farm policy known as Freedom to Farm. Let's give them some permanent management tools to assure that they can strengthen their economic well-being. We did that in this bill, in this bill that some of our colleagues say they will want to vote against because they haven't read the fine print.

Permanent income averaging, accelerated 100-percent reduction for self-employed health care insurance premiums for both agriculture and small business—the same thing that big business has to write off their health care costs. Good management, good business. You are darn right it is. We offered it to them. We have also allowed them to reach back and pick up losses to carry forward, a tremendous help to production agriculture. I am proud of that. I think we ought to be because it was a promise made and a promise kept.

We also dropped a couple of sanctions that were denying us the ability to sell some of our product in world markets, with the pledge from our chairman of the Senate Agriculture Committee that will do even more of that next year. That was all done in a bipartisan way. We can pick around the edges and we can criticize the process, and my guess is there is lots of room for that.

As a conservative, I am as much a critic of that as anyone. But I am also a realist. I am proud of a balanced budget and I am proud we have a surplus. I am excited that the surplus goes to strengthen Social Security and pay down our debt. And I am pleased that in a real sense we were able to address the problems of American agriculture. I am pleased that in a real sense we were able to address the problems of people who had lived in a crisis because of Mother Nature, and we responded to that.

I also recognize that my colleagues on the other side of the aisle had a lot of heavy lifting to do when it came to trying to represent this White House. They wanted to talk about saving Social Security, yet the President never sent up one bill to address the Social Security problem. They wanted to rail on about taxes and teenage smoking, yet the President did not send up one bill to deal with it.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. STEVENS. I ask unanimous consent that the time allocated to Senator GREGG be vitiated, and I yield the Senator from Idaho the time reserved for Senator GREGG.

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

The Senator from Idaho.

Mr. CRAIG. I thank my chairman for yielding.

What I have talked about is the reality of the 105th Congress. Will it go down as a do-nothing Congress? Not if

you read the facts. If you get caught in the political rhetoric and listen to it, you might be swayed a bit. But if you like balanced budgets, if you don't like to pay more taxes, if you don't want the Federal Government telling you what to do in a variety of areas—including health care—if you want to make sure that we develop and strengthen Social Security and provide for the future of our young people, if you want to assure us that you will work with us as taxpayers to keep the American food supply whole, then you would say that this Congress did something.

Now, let me, for just a moment, talk about some of what we ought to do when we get back. There will be a new Congress. It will convene in January. It will be called the 106th. There is no question in my mind that we ought to address change. The rules of the Senate that we operate under today were not written by this Senator. They were, in large part, by Senators from the other side of the aisle. I, and other Senators on this side of the aisle, have not had the votes to change those rules. Some of those rules ought to change. Why should we take 60 votes to lower taxes? Why should we penalize ourselves for wanting to return money to the American people? We shouldn't. It only takes 51 votes to spend money; why should it take more than that to deny Congress the right to spend? Those are some changes that we ought to make.

What we saw in this process in the last couple of weeks is something that I don't enjoy. The legislative and the executive branches are coequal branches of Government, but our budget and our appropriations process didn't work the way we wanted it to work. We could never engage the White House until they chose to be engaged. You heard on this floor, and it was a fact of life, that our President spent most of the year out of town. I am confident it wasn't too comfortable in the Oval Office because he spent most of his time out of town either in foreign countries or raising money for his colleagues. It wasn't until the last 3 weeks that we finally got his attention. It was only in the last 2 weeks that the White House finally came to the Hill to negotiate. That isn't the way it ought to be but that is the way it was.

Did the President get some of what he wanted? Yes, he did. Did he get all of what he wanted? Absolutely not. In fact, he got little of what he wanted.

All you hear about the President's gains are 100,000 teachers. I don't mind spending money for 100,000 teachers as long as it is under a formula where 30 percent of it doesn't stay in Washington to fund the Department of Education; in this instance it doesn't. It is block granted, in large part, back to the States and the local educational units. I don't think that is a Democrat idea. I think that is a Republican idea. I am proud of that. I think most of our colleagues, when they look at it, will be.

We did something else that this President did not want. We put more money into defense. In 1986, after 6 years of voting for every defense budget from 1981 forward, I quit voting for defense and started voting against it because I thought we spent too much money. Four years ago, I, once again, started voting for defense appropriations at a time when our President wouldn't own up to the fact that he was sending our troops everywhere around the world and pulling that defense money from current operating budgets and depleting our readiness and denying our soldiers the kind of environment and lifestyle that I think they all deserve.

Finally, this Congress and this negotiation process in the last 2 weeks said, "Mr. President, we are going to stop it whether you want to or not. We cannot deny our military its readiness if you are going to use it as a police force running all around the world." And we put in more money.

That process shouldn't have happened in a small room with a few negotiators, but it did. By the way, it wasn't in the dark of night; and by the way, the room wasn't closed. But by the character of where this White House caused us to go, that is ultimately how the process got conducted, with fewer than the whole process and fewer than all of those who should have been there.

We have our work to do in the coming year, and I hope we can make some reforms. I am one that would like to see us streamline this process a good deal more and change some of the rules that allow for a more predictable outcome. But in the end, I am not going to be one standing on the street corner trying to beckon attention to the fact that the 105th Congress was some Congress that did nothing. We didn't do a lot of what some of our liberal colleagues wanted, and that is probably why they yell out today. We did not address the White House agenda in so many areas; we did not tax middle America; we did not take away flexibility from health care recipients; nor did we handcuff the provided.

Most importantly, we balanced the budget. We left a surplus. We are directing it at Social Security. I believe that is a hallmark, and I think the 105th Congress can be credited with doing more for the American economy and more for the working people of our country by keeping them employed in good, high-paying jobs and not taking more out of their pocket than any other Congress in history. That is a record I will stand by. That is a record I think most of our colleagues will want to stand by. If you believe as I do, then I think you ought to vote "yes" tomorrow—"yes" on an appropriations process that is finalized, with all of those hallmarks of accomplishment and success and a balanced budget, and an economy that is strong, and a work force in America that is working, and a sense of security and well-being that

has not been felt in decades. I am proud of that, and I credit the 105th Congress for delivering it.

I yield the floor.

Mr. DORGAN addressed the Chair.

The PRESIDING OFFICER (Mr. HAGEL). The Senator from North Dakota is recognized.

Mr. DORGAN. Mr. President, am I to be recognized for 15 minutes?

The PRESIDING OFFICER. The Senator is correct.

Mr. DORGAN. Mr. President, the 105th Congress is limping to a close, and I listened to my colleague from Idaho who, incidentally, I think is a good legislator and does good work in this Chamber. He is someone with whom I am pleased to work on a wide range of issues, including agricultural issues.

But I must say that I have a different view of the 105th Congress. Abraham Lincoln once said, "Die when I may. Let it be said by those who know me best that I always picked a thistle and planted a flower where I thought a flower would grow."

Let me talk for a minute about thistles and flowers. There is apparently a 4,000 page bill lying in state—Lord knows in what room; I guess it's over here in 224. I heard the previous speaker from Minnesota say it was 40 pounds. I expect that is a guess because he probably didn't weigh it. I guess that the Presiding Officer, the Senator from Minnesota, and most other Senators here have not read it. It is a process that results in a lot of concern here in the Congress. There are 4,000 pages on display.

The whole country is moving toward miniaturization and we are going in exactly the opposite direction. On the final day of the legislative session, we are going to have a 4,000-page bill—a third of the Federal budget—presented in the Senate, and we are told to vote up or down on this. "We assume you have read it, even though we know you just got back into town."

Let me talk about a thistle for just a minute. In this piece of legislation is a provision called section 1005 of the Revenues and Medicare part of the Omnibus Bill, which contains the so-called Subpart F Active Financing Provisions. Now, there might be a couple of Americans who are intimately familiar with Subpart F of the Tax Code and its Active Financing Provisions—but not many. These provisions were added at a time when I spent a lot of time on this floor trying to get some money for the construction of Indian schools, for the Ojibwa School that is falling apart. Kids are walking between trailers in the winter with howling winds blowing and are going back and forth to trailers. These are conditions that every study says are unsafe, but you can't get money to improve these conditions; there's not enough money. Or the Cannonball School, where a little girl named Rosie said to me, "Mr. Senator, will you buy us a new school?" There are 150 kids there, and there's only one

water fountain and two bathrooms. One of the rooms those kids study music in stinks of sewer gas once or twice a week and they have to vacate the room. Half of the school has been condemned. But there's no money for that little girl and her classmates. We just can't afford it.

But let me tell you what we could afford. Stuck somewhere in the 4,000 pages, deep in the bowels of that carcass, are lucrative Subpart F Active Financing Provisions. This means \$495 million of revenue loss to our Government, and an enormous tax windfall to a select group of large multinational financial service businesses. It says to them, in effect, that we provide an incentive in our Tax Code for them to take their businesses—and the jobs they provide—overseas. This bill not only extends this misguided incentive for one additional year at a cost of \$260 million; it also makes matters worse by expanding it by another \$235 million, despite strong opposition from the Treasury Department. It is now a \$495 million gift to say to the financial services industry of this country: Move overseas, hire foreign workers, take your business and jobs elsewhere and we will give you a large tax cut for doing it. What a terrible thing to do, at a time when we don't have money to do the important things here. We are told, gee, there is plenty of money for somebody to slip somewhere in the middle of those 4,000 pages for a special little deal for some very big taxpayers who want to do business elsewhere and get paid for it. Bob Wills of the Texas Playboys talked about this in the 1930s: "The little bee sucks the blossom and the big bee gets the honey; the little guy picks the cotton and the big guy gets the money."

Why is it that every time you turn around here and reach into 4,000 pages, you find something like this? This is just one example. You talk about absurdity at a time when we're told that our priorities aren't affordable. You can't invest in the Cannonball or Ojibwa School; there's not enough money. But there is plenty of money for the big shots.

Let me talk for just a minute about how we got to this point. The Senator from Idaho talked about it at some length. While I disagree with some of his conclusions, I think most people would view this process—coming to the end stage of this Congress with 4,000 pages to be voted on in one vote, with a third of the Federal budget appropriated in one large piece of legislation—as a terrible legislative practice. Does anybody think that makes sense? Instead of passing the bills as they should be passed by Congress, where they can be debated and amended, you put them all in a big package at the end so that you just have one vote. It is just a lot more convenient. That way you don't have to amend and debate all these things.

Does anybody think that is a good idea? I don't. I think it is a terrible

idea. How did this start? On April 15, the law requires that Congress pass a budget. That is what the law requires. It says Congress must pass a budget. This Congress said, no, we have decided not to pass a budget. We have a bunch of folks that are feuding, so we will decide not to pass a budget at all. Then they decided that because we can't agree on a budget, we just won't pass all of our appropriations bills. So they stagger to the end of the 105th Congress, having no budget, few completed appropriations bills, and they create this 4,000-page mountain. Then you have a bunch of folks who say: If there is going to be a pile here, let me stick something in the pile. So the pile grows.

And here we are. I don't happen to think that this is just one party's fault. I agree with the Senator from Idaho on that point, although I reject his implication that somehow the Democratic Members were hindering the business of the Senate and therefore, cloture motions had to be filed. That is not true at all.

In fact, I can tell you example after example after example when a bill is brought to the floor, and before there is any debate—and certainly before there are any amendments—cloture motions are filed at the desk to say, "No, we haven't had any amendments yet, but we want to foreclose amendments; we want to shut off debate."

What kind of practice is that? That doesn't make any sense. That is impeding work of the Senate. That is saying we want to have a legislative body in which there is supposed to be debate, and we want to cut off debate. We don't want debate. We don't want you to offer your amendments. We think our legislation is so good that no one can improve it, and, by the way, you have no right to offer amendments. That is what these cloture motions are about.

With respect to the question of where we are and the balanced budget that was mentioned by one of the previous speakers, there is no question that both parties contributed to a better fiscal policy. But it started in 1993 with a piece of legislation proposed by this President that was unpopular. I voted for it. The easiest thing would have been to vote no. It passed by one vote here in the Senate and one vote in the House and became law. It began the long trail towards stable fiscal policy and getting rid of the Federal budget deficit.

When we cast that vote, the expectation that year was a \$290 billion Federal budget deficit; completely out of balance. We were told by some on the other side of the aisle, if you do this, you are going to wreck this country's economy; if you do this, you are going to throw this country into a recession; if you do this, you will kill jobs. You will throw this country into a depression, we were told. Well, we did it, because the American people understood the fiscal policy we were on. They understood that the road we were traveling was destructive to this country's

interest. They wanted us to make the tough choices. And we did.

Guess what? We have wrestled that budget deficit to the ground. We now have a budget that is very close to being in balance. We now have an economy that is growing. Inflation is almost gone. Home ownership is the highest in 30 years. Unemployment is down, down—way down. Things are better in this country.

Starting in 1993, when the American people saw that Congress was willing to make tough choices, we did it alone. There was not one vote from the other side of the aisle. But I will say this: The Republican Party has helped after that 1993 vote. They also provided some assistance with a fiscal policy that is better for this country, and we ought to have more of that. We ought to have more bipartisanship and more cooperation to do the right things for this country's future.

The difference is, it seems to me, that a product of debate ought not be about aggregate fiscal policy, but rather about priorities. What represents the priorities for our country's future? What should we do that is important?

Again, I think where I would disagree with some previous speakers is that doing nothing ought not be a badge of honor when the agenda of this country cries out to do something to address critical needs. We should have done something on managed care reform. We should have said to HMOs in this country, you must tell patients all of their medical options for treatment—not just the cheapest. You must do that. You must provide reimbursement for emergency care when someone shows up at an emergency room.

I told the story—there are stories that go on forever—of a woman who broke her neck, comes to an emergency room unconscious, and is told later, "We will not reimburse you for the emergency room stay because you didn't have prior approval."

Those are the kinds of things that have been going on in managed care in the name of saving money, but actually degrade and diminish health care standards. This Congress certainly should have addressed this issue. Doing nothing is not a badge of honor on this issue of managed care reform.

Certainly, it is not a badge of honor that we weren't able to pass FAA reform. We should have done that. That piece of legislation included an amendment of mine that would have substantially changed the way the major airlines have to connect with regional jet carriers. And we would have more regional jet carriers in this country, more competition and lower prices for fares had we passed that piece of legislation. I regret that it was not done.

Let me also mention the issue of family farmers and the farm crisis in our part of the country. I know there is a difference of philosophy about this. But there ought not be.

If this country wants family farmers in its future, it ought to decide that

when prices collapse it is going to have to help build a bridge across those price valleys, because, if not, the family farmers won't get across the valley. They will just wash out and be gone. And we will have corporate farmers farming America from the west coast to the east coast, and we will still have crops growing. There will just be no people living out on the land. And this country will have lost something important.

We did something at the end of this session. We reached some bipartisan agreement on an emergency package. But it wasn't enough. It was nearly \$2 billion short of what the President requested, nearly \$3 billion short of what the commissioners of agriculture and the Farm Belt said was necessary to address this farm crisis. We will be right back in this set of circumstances in January, February and March as farmers begin to consider spring planting.

With respect to the agriculture package, we did get nearly \$1 3/4 billion more because we fought and because we did accept the admonition of some to take what they are willing to give you and quit. There was \$100 million more for the family farmers of my State. Is that important? Yes. Some will survive. Some who would not have survived without it will survive to be able to continue farming in the future.

I have mentioned a couple of times the letter from a young boy named Wyatt in North Dakota, a sophomore in high school, the son of a family farmer who wrote to me, and said, "Mr. Senator, my dad can feed 180 people, and he can't feed his family." This young boy wanted to know what kind of a system allows that to happen. This country needs to do better by family farmers.

I was impressed that we could work together on a bipartisan basis toward the end of this session. I hope we can do the same at the start of the next session to address many of these issues.

Let me complete my comments.

There are so many issues in this omnibus appropriations bill. One of them is an issue that I have worked on with the Senator from Alaska, Senator STEVENS, and Senator BYRD, that will create a trade deficit review commission. The reason I mention this is because today the new trade deficit numbers were released for this month. It shows a \$2 billion increase, the largest trade deficit in the history of this country, the largest trade deficit in the history of human kind. We have wrestled the fiscal policy budget deficit to the ground, and our trade deficit is swelling and growing, and we need to do something about it. This omnibus package will include a requirement that a trade deficit review commission be established, and that recommendations will be made to Congress on how to deal with those issues. I hope the Congress will be able to take some steps early in the next session of Congress to respond to that issue.

Mr. President, let me conclude by saying that I hope we will never again be confronted with this circumstance at the end of a Congress. I understand that at the end of Congress there is wrap-up. Sometimes a bill or two doesn't get passed. Sometimes you wrap one or two bills into a package. But this is not a good way to legislate.

It is, in my judgment, subverting the legislative process—the regular order of bringing bills to the floor so we have open debate and amendments, when at the end all of these things are put into one large package, and we are told to just read it, think about it, and then vote on it.

I don't think that is the best that this Congress can offer the American people. I hope this will be the last chapter of this kind of congressional action, or lack of it.

Mr. President, finally, the chairman of the full Appropriations Committee is on the floor. I thank him for his work.

I have not been complimentary of the process, but I know Senator STEVENS and Senator BYRD and their staffs, and many others, have spent an enormous amount of time trying to put this package together simply because the Congress did not get its work done during the year. I compliment them for their work to try to do that. I know, especially from a staff standpoint, what kind of effort and time was required to get this to this point.

Mr. President, I yield the floor.

Mr. STEVENS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I thank the Senator for his comments concerning Senator BYRD and myself. I do want to emphasize just a few things as we close.

In this year, the Appropriations Committee has tried very hard to move forward as quickly as possible to get bills before the Senate as early as possible so that this would not happen.

I wish to place in the RECORD a status of appropriations bills in the second session of this 105th Congress. It shows, and I have circled—and I hope in the RECORD they will highlight those dates circled—the days that the Appropriations Committee first brought to the Senate's attention its work product of the 13 subcommittees that deal with appropriations measures. They were all in June and July, with the exception of one bill, Labor, Health and Human Services, which was brought first to the Senate's attention on September 1 when we held the full committee meeting and reported the bill to the Senate on September 3. This was because of the illness of one of our colleagues. But all of these bills were available for the Senate to act on and for the Congress to act on very early.

This also shows the action by the House committee under Chairman LIVINGSTON—probably one of the earliest periods in history when all of the bills were completed, except one to bring before the House, and the delay has not

been the delay of the appropriations process; but it has been caused by the process of handling those bills once they were reported to the House and Senate.

I decry the process also, as so many people have here today, but I am not ashamed of the work product. I have signed my name to the work product, as Chairman LIVINGSTON has, and a majority of both of our committees has endorsed these bills to be reported to the House and Senate.

We are still the largest military power in the world, the last superpower in the world. We have added \$7.5 billion so the men and women who serve us in uniform can be fully equipped, they can be assured we are trying to get them the best systems available, and we are doing our best to restore the lifestyle we believe a person should be able to

lead in the uniform of the U.S. military.

We have not been able to handle one basic problem, and that is the problem over the pension system. I hope that the Armed Services Committee early next year will address that problem and that we can present in the first bills brought out to the floor by the Appropriations Committees money to fund the restoration of a pension system that is adequate and is an incentive to people to stay in uniform and particularly to use the skills they have developed as members of the armed services in our defense.

Mr. President, this is a good bill. I know a lot of people are going to vote against it for one reason or another, but I hope that the public understands, while this is the largest bill to ever be presented, it is large because it con-

tains eight separate bills plus three supplemental appropriations bills. It contains really 11 appropriations bills. The total adds up to almost \$1/2 trillion. It is large in the sense of spending, but we do spend a lot of money as a large Government, and we have kept these bills to the minimum in terms of the appropriations process. These negotiations that we have been talking about added \$20 billion to that total—plus \$20 billion.

I do believe that the bill is a good one, and I urge our colleagues tomorrow to vote for it.

I ask unanimous consent that the "Status of Appropriations" be printed in the RECORD.

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

STATUS OF APPROPRIATIONS MEASURES, SECOND SESSION, ONE HUNDRED FIFTH CONGRESS

(As of October 17, 1998)

Measure of subcommittee	Bill and report(s)	Report filed	House			Senate			Conference report	Law approved	Public Law
			Sub-committee	Full committee	Floor	Sub-committee	Full committee	Floor			
Veto override of a bill disapproving the military construction cancellations.	H.R. 2631 ¹				Feb 5			Feb 25			105-159
1998 supplemental emergency appropriations.	H.R. 3579 H. Rpt. 105-469	Mar 27		Mar 24	Mar 31			Mar 31 ²	Apr 30 H: Apr 30 S: Apr 30	May 1	105-174
1998 supplemental appropriations.	H.R. 3580 H. Rpt. 105-470 S. 1768	Mar 27		Mar 24							
1998 supplemental appropriations for natural disasters and peace-keeping..	S. Rpt. 105-168 S. 1769	Mar 17					Mar 17	(³)			
1998 International Monetary Fund	S. Rpt. 105-169 S. 2159	Mar 17					Mar 17	(⁴)			
Agriculture and Rural Development 1999.	S. Rpt. 105-212 H.R. 4101	Jun 11	Jun 10	Jun 16	Jun 24	Jun 9	Jun 11				
Commerce, Justice, State, and Judiciary 1999.	H. Rpt. 105-588 H. Rpt. 105-763 S. 2260	Jun 19 Oct 2				Jun 23	Jun 25	Jul 23	Oct 2 H: Oct 2 S: Oct 6	Vetoed ⁶ Oct 8	
Defense 1999	S. Rpt. 105-235 H.R. 4276	Jul 2	Jun 24	Jul 15	Aug 6			Aug 31 ⁷			
Defense 1999	H. Rpt. 105-636 S. 2132	Jul 20				Jun 2	Jun 4				
Defense 1999	S. Rpt. 105-200 H.R. 4103	Jun 4	Jun 5	Jun 17	Jun 24			Jul 30 ⁸	Sep 23	Oct 17 H: Sep 28	
District of Columbia 1999.	H. Rpt. 105-591 H. Rpt. 105-746 S. 2333	Jun 22 Sep 25							S: Sep 29		
District of Columbia 1999.	S. Rpt. 105-254 H.R. 4380	Jul 21	Jul 24	Jul 30	Aug 7		Jul 21				
Energy and Water Development 1999	H. Rpt. 105-670 S. 2138	Aug 3				Jun 2	Jun 4	Jun 18			
Energy and Water Development 1999	S. Rpt. 105-206 H.R. 4060	Jun 5	Jun 10	Jun 16	Jun 22			Jun 23 ⁹	Sep 24 H: Sep 28 S: Sep 29	Oct 7	105-245
Foreign Operations 1999	H. Rpt. 105-581 H. Rpt. 105-749 S. 2334	Jun 16 Sep 25									
Foreign Operations 1999	S. Rpt. 105-255 H.R. 4569	Jul 21	Jul 15	Sep 10	Sep 17		Jul 21	Sep 2			
Interior 1999	H. Rpt. 105-719 S. 2237	Sep 15				Jun 23	Jun 25				
Interior 1999	S. Rpt. 105-227 H.R. 4193	Jun 26	Jun 18	Jun 25	Jul 23						
Labor, HHS, Education 1999	H. Rpt. 105-609 S. 2440	Jul 8				Sep 1	Sep 3				
Labor, HHS, Education 1999	S. Rpt. 105-300 H.R. 4274	Sep 8	Jun 23	Jul 14							
Legislative Branch 1999	H. Rpt. 105-635 S. 2137	Jul 20					Jun 4				
Legislative Branch 1999	S. Rpt. 105-204 H.R. 4112	Jun 5	Jun 10	Jun 18	Jun 25			Jul 21	Sep 18 H: Sep 24 S: Sep 25		
Military Construction 1999	H. Rpt. 105-595 H. Rpt. 105-734 S. 2160	Jun 23 Sep 22					Jun 11				
Military Construction 1999	S. Rpt. 105-213 H.R. 4059	Jun 11	Jun 10	Jun 16	Jun 22			Jun 25 ¹⁰	Jul 23 H: Jul 29 S: Sep 1	Sep 20	105-237
Transportation 1999	H. Rpt. 105-578 H. Rpt. 105-647 S. 2307	Jun 16 Jul 24				Jul 8	Jul 14	Jul 24			
Transportation 1999	S. Rpt. 105-249 H.R. 4328	Jul 15	Jul 16	Jul 22	Jul 30			Jul 30 ¹¹			
Treasury and General Government 1999	H. Rpt. 105-648 S. 2312	Jul 24					Jul 14				
Treasury and General Government 1999	S. Rpt. 105-251 H.R. 4104	Jul 15	Jun 11	Jun 17	Jul 16			Sep 3 ¹²	Oct 1 (¹³) Oct. 7 H: Oct 7		
VA, HUD, and Independent Agencies 1999	H. Rpt. 105-592 H. Rpt. 105-760 H. Rpt. 105-789 S. 2168	Jun 22 Oct 1 Oct 7				Jun 9	Jun 11	Jul 17			
VA, HUD, and Independent Agencies 1999	S. Rpt. 105-216 H.R. 4194	Jun 12	Jun 18	Jun 25	Jul 29			Jul 30 ¹⁴	Oct 1 H: Oct 6 S: Oct 8		
Continuing Resolution 1999 (to October 9)	H.J. Res. 128				Sep 17			Sep 17	(¹⁵)	Sep 25	105-240
Further Continuing Resolution (to October 12).	H.J. Res. 133				Oct 9			Oct 9	(¹⁵)	Oct 9	105-249

STATUS OF APPROPRIATIONS MEASURES, SECOND SESSION, ONE HUNDRED FIFTH CONGRESS—Continued
[As of October 17, 1998]

Measure of subcommittee	Bill and report(s)	Report filed	House			Senate			Conference report	Law approved	Public Law
			Sub-committee	Full committee	Floor	Sub-committee	Full committee	Floor			
Further Continuing Resolution (to October 14).....	H.J. Res. 134				Oct 12			Oct 12	(15)	Oct 12	105-254
Further Continuing Resolution (to October 16).....	H.J. Res. 135				Oct 14			Oct 14	(15)	Oct 14	105-257
Further Continuing Resolution (to October 20).....	H.J. Res. 136				Oct 16			Oct 16	(15)	Oct 16	105-
Fiscal year 1998 revised 302(b).....	S. Rpt. 105-271	Jul 28									
Fiscal year 1999 302(b).....	S. Rpt. 105-191	May 14									
Fiscal year 1999 latest 302(b).....	S. Rpt. 105-382	Oct 8									

¹ H.R. 2631 was vetoed on November 13, 1997.
² Senate passed H.R. 3579 after substituting the text of S. 1768 as read a third time on March 26.
³ On March 26, S. 1768 read a third time, text was subsequently incorporated in H.R. 3579.
⁴ Substance of S. 1769, as reported, was incorporated in modified form in S. 1768. On March 26, a unanimous consent agreement was entered that when the Senate receives the House companion measure making supplemental appropriations for the International Monetary Fund (IMF), that all after the enacting clause be stricken and the text of the IMF title of S. 1768 be substituted and the bill pass.
⁵ Senate passed H.R. 4101 after substituting the text of S. 2159 as read a third time on July 16.
⁶ Veto message (H. Doc. 105-321) referred to House Committee on Appropriations on October 8.
⁷ Senate passed H.R. 4276 after substituting the text of S. 2260 as passed.
⁸ Senate passed H.R. 4103 after substituting the text of S. 2132 as read a third time on July 30.
⁹ Senate passed H.R. 4060 after substituting the text of S. 2138 as passed.
¹⁰ Senate passed H.R. 4059 after substituting the text of S. 2160 as read a third time on June 25.
¹¹ Senate passed H.R. 4328 after substituting the text of S. 2307 as passed.
¹² Senate passed H.R. 4104 after substituting the text of S. 2312 as read a third time on September 3.
¹³ House recommitted conference report on October 5.
¹⁴ Senate passed H.R. 4194 after substituting the text of S. 2138 as passed.
¹⁵ Passed Senate without amendment.

Mr. STEVENS. I ask unanimous consent it be in order to ask for the yeas and nays.

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

Mr. STEVENS. I ask for the yeas and nays on this bill.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. STEVENS. Mr. President, I yield back the remainder of the time that has been allocated to the Senator from West Virginia and myself.

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

Mr. STEVENS. Mr. President, that closes debate on this bill.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT CONCERNING THE CONTINUATION OF THE NATIONAL EMERGENCY WITH RESPECT TO NARCOTICS TRAFFICKERS CENTERED IN COLOMBIA—MESSAGE FROM THE PRESIDENT RECEIVED DURING RECESS—PM 164

Under the authority of the order of the Senate of January 7, 1997, the Secretary of the Senate, on October 19, 1998, during the recess of the Senate, received the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Foreign Relations.

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent the enclosed notice to the *Federal Register* for publication, stating that the emergency declared with respect to significant narcotics traffickers centered in Colombia is to continue in effect for 1 year beyond October 21, 1998.

The circumstances that led to the declaration on October 21, 1995, of a national emergency have not been resolved. The actions of significant narcotics traffickers centered in Colombia continue to pose an unusual and extraordinary threat to the national security, foreign policy, and economy of the United States and to cause unparalleled violence, corruption, and harm in the United States and abroad. For these reasons, I have determined that it is necessary to maintain in force the broad authorities necessary to maintain economic pressure on significant narcotics traffickers centered in Colombia by blocking their property subject to the jurisdiction of the United States and by depriving them of access to the United States market and financial system.

WILLIAM J. CLINTON.
THE WHITE HOUSE, October 19, 1998.

MESSAGE FROM THE HOUSE RECEIVED DURING RECESS

Under the authority of the order of the Senate of January 7, 1997, the Secretary of the Senate, on October 16, 1998, during the recess of the Senate, received a message from the House of Representatives announcing that the House has passed the following joint resolution, in which it requests the concurrence of the Senate:

H.J. Res. 136. Joint resolution making further continuing appropriations for the fiscal year 1999, and for other purposes.

The message also announced that the House has passed the following bills, without amendment:

S. 1773. An act to amend the Food Stamp Act of 1977 to require food stamp State agencies to take certain actions to ensure that food stamp coupons are not issued for deceased individuals, to require the Secretary of Agriculture to conduct a study of options for the design, development, implementation, and operation of a national database to track participation in federal means-tested public assistance programs, and for other purposes.

S. 2241. An act to provide for the acquisition of lands formerly occupied by the Franklin D. Roosevelt family at Hyde Park, New York, and for other purposes.

S. 2272. An act to amend the boundaries of Grant-Kohrs Ranch National Historic Site in the State of Montana.

The message further announced that the House has agreed to the following concurrent resolutions, without amendment:

S. Con. Res. 83. Concurrent resolution remembering the life of George Washington and his contributions to the Nation.

S. Con. Res. 120. Concurrent resolution to redesignate the United States Capitol Police headquarters building located at 119 D Street, Northeast, Washington, D.C., as the "Eney, Chestnut, Gibson, Memorial Building."

The message also announced that the House agrees to the amendment of the Senate to the bill (H.R. 700) to remove the restriction on the distribution of certain revenues from the Mineral Springs parcel to certain members of the Agua Caliente Band of Cahuilla Indians.

The message further announced that pursuant to the provisions of section 168(b) of Public Law 102-138 and clause 8 of rule I, the Speaker appoints the following Members of the House to the British-American Interparliamentary Group: Mr. BEREUTER, Mr. REGULA, Mr. BOEHLERT, Mr. BATEMAN, Mr. GILLMOR, Mrs. ROUKEMA, Mr. BALLENGER, Mr. BLUNT, Mr. SISISKY, Mr. PICKETT, Mr. WISE, and Mr. TANNER.

The message also announced that the House has agreed to the resolution (H.