

issue, one with the FEMA issue that I am told we may have questions about. So I would say in all probability we will not get around to really dealing with the IMF until right after lunch.

Mr. LOTT. I thank the distinguished manager of the legislation and urge him to keep up his good efforts. At some point I hope he will do as he has been known to do, get very aggressive and help bring this to a conclusion.

I do want to say to the Senator from Texas and others who may speak on Bosnia that I think this is a very important issue and, frankly, I hope it will not be just kind of set aside or swallowed up by the supplemental appropriations bill. The supplemental appropriations bill is urgent. It is for 1 specific fiscal year. The Bosnia issue really is broader than 1 year's emergency appropriations. I agree with the Senator from Texas that we need to get a clearer understanding about what is our mission in Bosnia: Is there a mission creep occurring? How much is it going to cost? I do not think we can just give the President a time period with no end in sight, just an interminable presence. I saw one prediction the other day we might have to have troops in Bosnia for 10 years. Not with my vote.

So I do think we need to have a full discussion about this. I try very hard to be bipartisan—nonpartisan on foreign policy issues. But in Bosnia I have never felt comfortable with what our situation is there, and I still do not.

So I understand what she is trying to do. I hope we can work together to find a time when we can have a full debate on this issue this year. I yield the floor.

The PRESIDING OFFICER (Mr. AL-LARD). The Senator from Alaska.

THE IMF AMENDMENT

Mr. STEVENS. I do thank the leader for raising the issue and urging us to move forward. I urge Senators to come forward and discuss with me and Senator BYRD and our staffs any amendments they may wish to raise. We will insist on a time agreement on amendments that are going to need a vote.

Let me state at the outset, however, the real difficulty with this bill now is the IMF amendment. I think the Senate should realize what the situation is. We had a time agreement on the IMF amendment. That time has been exhausted. At my request, it was set aside to consider other amendments. I have been notified by Members on both sides of the aisle that they will not allow this bill to come to final vote without a vote on that IMF amendment, and that there is some indication of a desire to have that amendment wait for a time when the House passes a separate bill dealing with IMF and other subjects.

I want to state to the Senate that I am normally neutral on most of these subjects but I am not neutral on this subject. The Senator from Hawaii and I have traveled to the Pacific for many years together, and only in February I

traveled through the Pacific with several other Members of the Senate. We heard, from New Zealand to Australia and into Hawaii, comments about the Asian flu, what was taking place in Asia. Just recently when I went home, I was exposed to headlines which said, "Market Sales for Salmon Falling Off." I talked to people involved in the coal industry, and they are worried about their markets in Asia. I talked to the people handling the great flow of freight through my State onto the Asian rim, people who handle freight that is on these wide-bodied airplanes. As my friend from Hawaii, Mr. INOUE, says, most people don't realize that four out of five wide-bodied airplanes that take cargo out of this country go west, not east.

Everyone I have talked to is apprehensive of what is going on. We see our markets declining. We see our customers questioning whether they are going to buy in the future. The other side of the coin is that I had noticed we have already seen signs in Alaska of dumping of goods that are coming in from the Far East, where their markets are declining for consumer goods. They are bringing them to our country. It might be a good thing temporarily, but it is something that is very worrisome to those of us who live on the Pacific rim.

Then I talk to my friends from the great grain belt of the country, and they tell me about the problem of the farmers who found a way to independence by opening up the global markets to our farm products, and the primary place where those farm products were sold, the increased production of our farms has been sold, in the Pacific rim.

The Asian flu is the El Nino of economics. Unless we understand that, unless we understand the fear that is coming in our country, we are liable to make a great mistake. I do not want to see games played with the IMF. The IMF is serious to us, those of us who already have felt the touch of this wind that is coming to us from the Pacific rim. Unless we respond, and respond forcefully, and create the image of being willing to assist these people to come through this economic disaster, we will pay a high price. We will pay a price in not only our markets but in our prestige in the world.

These people are expanding a private enterprise economy in a place where 15 years ago there really was not a private enterprise economy. They have had banks that have failed. So did we, 10 and 15 years ago. We should remember the savings and loan crisis and the other crises in banks we faced.

The IMF reforms that Senator HAGEL, Senator ROBERTS, and others have worked on—Senator GRAMM—are good reforms, and they will bring transparency to the banks and the banking transactions. They will protect consumers in the area affected by the Asian flu. But they will also protect our people who want to sell to those markets and give them greater stability.

The IMF money, to me, is money that creates the image of the United States being aware of what is going on and being willing to help, help in the sense of saying we will be there provided you reform. Crony capitalism cannot be allowed to spread throughout the world. The way we can stop that now is to act, and act forcibly, on IMF.

I am one who is going to vote for IMF. It may be that others want to delay it, others want to handle it in different ways. I want to make sure that the first bill that goes to the President has IMF on it, and I hope the rest of the Senate will agree with me. We will have some discussions when we get to the House, but I want the House to know I am going to be arguing for IMF on the first bill that goes to the President. It should be something we act quickly on, for the benefit of this country.

I am happy to yield the floor. The Senator from Texas has an amendment she wishes to call up, Mr. President.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. The Senator will suspend. Under the previous order, the leadership time is reserved.

SUPPLEMENTAL APPROPRIATIONS FOR NATURAL DISASTERS AND OVERSEAS PEACEKEEPING EFFORTS FOR FISCAL YEAR 1998

The PRESIDING OFFICER. The chair lays before the Senate S. 1768, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1768) making emergency supplemental appropriations for recovery from natural disasters, and for overseas peacekeeping efforts, for the fiscal year ending September 30, 1998, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

McConnell modified amendment No. 2100, to provide supplemental appropriations for the International Monetary Fund for the fiscal year ending September 30, 1998.

Faircloth amendment No. 2103, to establish an Education Stabilization Fund to make loans to States for constructing and modernizing elementary and secondary schools.

Stevens (for Nickles) amendment No. 2120, to strike certain funding for the Health Care Financing Administration.

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

Mrs. HUTCHISON. Mr. President, I call up amendment No. 2083.

The PRESIDING OFFICER. Without objection, the pending amendment is laid aside. Is there objection?

Mr. KENNEDY. Mr. President, reserving the right to object, and I will not object, I see Senator NICKLES on the floor. I believe his amendment would be temporarily set aside. I just would like to know from the Senator about what time we might expect to

have the debate on that? I am glad to be here whatever time. I do not want to interfere with the Senator from Texas, but we are here, ready to debate that now or whatever time the floor manager would like. But I would like at least to get some idea. We are setting the Nickles amendment aside. What is the intention?

Mr. STEVENS. Mr. President, I might state—and the Senator from Oklahoma just raised the same question over here—last evening we had a discussion about how to handle the Bosnia issue. I hope the Senator from Texas will not mind my saying, we reached agreement with the Senator from Texas that she would call up this amendment and discuss it for a while and then withdraw it.

As a result of that, there will not be other Bosnia amendments offered at this time. They are waiting for the main bill. It is a matter of getting before the Senate the concerns the Senator from Texas wants to raise, and then we will go to the Nickles amendment. It will be some 15, 20, 30 minutes—I don't know what the Senator wants to take. I urge the Senate to allow us to manage the bill that way. The Nickles amendment will be the first amendment after the Senator from Texas has completed her comments.

Mr. President, before we yield on this, if I may, is it possible to get a time agreement on the Nickles amendment?

Mr. KENNEDY. I don't think just at the present time, but we will be glad to see how we get started with the debate on that.

Mr. STEVENS. I urge the Senators to help us, because we also have three other amendments that are going to require votes following the Nickles amendment.

AMENDMENT NO. 2083

(Purpose: To express the Sense of the Congress that the President and Congress should create the conditions for a withdrawal by a date certain of U.S. ground combat forces from the NATO-led Stabilization Force in Bosnia)

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Texas [Mrs. HUTCHISON] proposes an amendment numbered 2083.

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

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

The amendment is as follows:

At the end of the bill, insert the following title:

TITLE —UNITED STATES ARMED FORCES IN BOSNIA WITHDRAWAL

SECTION 1. SHORT TITLE

This title may be cited as the "United States Armed Forces in Bosnia Withdrawal Act of 1998".

SEC. 2. FINDINGS AND DECLARATIONS OF POLICY.

(A) FINDINGS.—The Congress finds the following:

(1)(A) On November 27, 1995, the President affirmed that United States participation in the multinational military Implementation Force in the Republic of Bosnia and Herzegovina would terminate in one year.

(B) The President declared the expiration date of the mandate for the Implementation Force to be December 20, 1996.

(2) The Secretary of Defense and the Chairman of the Joint Chiefs of Staff likewise expressed their confidence that the Implementation Force would complete its mission in one year.

(3) The Secretary of Defense and the Chairman of the Joint Chiefs of Staff further expressed the critical importance of establishing a firm deadline, in the absence of which there is a potential for expansion of the mission of U.S. forces;

(3) The exemplary performance of United States Armed Forces personnel has significantly contributed to the accomplishment of the military mission of the Implementation Force. The courage, dedication, and professionalism of such personnel have permitted a separation of the belligerent parties to the conflict in the Republic of Bosnia and Herzegovina and has resulted in a significant mitigation of the violence and suffering in the Republic of Bosnia and Herzegovina.

On October 3, 1996, the Chairman of the Joint Chiefs of Staff announced the intention of the United States Administration to delay the removal of United States Armed Forces personnel from the Republic of Bosnia and Herzegovina until March 1997.

(5) Notwithstanding the fact that the President, the Secretary of Defense, and the Chairman of the Joint Chiefs of Staff assured the Congress of their resolve to end the mission of United States Armed Forces in the Republic of Bosnia and Herzegovina by December 20, 1996, in November 1996 the President announced his intention to further extend the deployment of United States Armed Forces in the Republic of Bosnia and Herzegovina until June 1998.

(6) Before the announcement of the new policy referred to in paragraph (5), the President did not request authorization by the Congress of a policy that would result in the further deployment of United States Armed Forces in the Republic of Bosnia and Herzegovina until June 1998.

(7) Notwithstanding the passage of two previously established deadlines, the reaffirmation of those deadlines by senior national security officials, and the endorsement by those same national security officials of the importance of having a deadline as a hedge against an expanded mission, the President announced on December 19, 1997 that establishing a deadline had been a mistake and that U.S. ground combat forces were committed to the NATO-led mission in Bosnia for the indefinite future;

(8) NATO military forces have increased their participation in law enforcement activities in Bosnia aimed at capturing alleged war criminals.

(9) U.S. Commanders of NATO have stated on several occasions that, in accordance with the Dayton Peace Accords, the principal responsibility for apprehending war criminals lies with the Bosnia parties themselves.

(10) The Secretary of Defense has affirmed this understanding on several occasions, including on March 3, 1997, when stated that "[t]he apprehension of war criminals is not a part of the mission . . . It is a police function . . . it is not a military-type mission."

(b) DECLARATIONS OF POLICY.—The Congress—

(1) expresses its serious concerns and opposition to the policy of the President that has resulted in the open-ended deployment of United States Armed Forces on the ground in the Republic of Bosnia and Herzegovina

without prior authorization by the Congress; and

(2) urges the President to work with our European allies to begin an orderly transition of all peacekeeping functions in the Republic of Bosnia and Herzegovina from the United States to appropriate European countries in preparation for a withdrawal of United States Armed Forces ground combat troops by January 1, 1999.

(3) identifies the following conditions that should be satisfied as a minimum to create the environment in which such an orderly transition can take place:

(i) The original parties to the Dayton Accords should be reconvened so that progress towards full implementation can be ascertained and modifications as necessary be made;

(ii) The process of establishing defensible sectors in Bosnia and Herzegovina that was started in the Dayton Peace Accords should be accelerated;

(iii) Establishment of a Combined Joint Task Force (CJTF) in accordance with the President's Partnership for Peace initiative. The CJTF should be under American command but to be turned over to allied command within 90 days;

(iv) Establishment of a civilian led/operated police training task force, including the establishment of a police training academy capable of graduating 500 police every quarter. This force would have ultimate responsibility for maintaining peace and order, as envisioned by the Dayton Accords;

(v) The United States should advise its allies in the NATO-led peacekeeping force in Bosnia that no U.S. ground forces shall be deployed to the province of Kosovo should the conflict there escalate;

(vi) Cessation of U.S. military involvement in local broadcast and print media operations.

SEC. 3. SENSE OF THE CONGRESS REGARDING THE USE OF DEPARTMENT OF DEFENSE FUNDS OR OTHER FEDERAL DEPARTMENT OR AGENCY FUNDS FOR CONTINUED DEPLOYMENT ON THE GROUND OF ARMED FORCES IN THE TERRITORY OF THE REPUBLIC OF BOSNIA AND HERZEGOVINA.

(a) PROHIBITION.—It is the Sense of the Congress that none of the funds appropriated or otherwise available to the Department of Defense or to any other Federal department or agency may be obligated or expended for the deployment on the ground of United States Armed Forces in the territory of the Republic of Bosnia and Herzegovina after January 1, 1999.

(b) EXCEPTIONS.—The prohibition contained in subsection (a) shall not apply—

(1) with respect to the deployment of United States Armed Forces after January 1, 1999, but not later than May 1, 1999, for the express purpose of ensuring the safe and timely withdrawal of such Armed Forces from the Republic of Bosnia and Herzegovina; or

(2)(A) if the President transmits to the Congress a report containing a request for an extension of deployment of United States Armed Forces for an additional 180 days after the date otherwise applicable under subsection (a); and

(B) if a joint resolution is enacted, in accordance with section 4, specifically approving such request.

SEC. 5. SENSE OF THE CONGRESS REGARDING THE USE OF DEPARTMENT OF DEFENSE FUNDS OR OTHER FEDERAL DEPARTMENT OR AGENCY FUNDS FOR LAW ENFORCEMENT OR RELATED ACTIVITIES IN THE TERRITORY OF THE REPUBLIC OF BOSNIA AND HERZEGOVINA.

It is the Sense of Congress that U.S. policy in Bosnia, as that relates to the use of our

forces as a part of the NATO force, should not be changed to include a NATO military mission to hunt down and arrest alleged war criminals and that there should be no change to U.S. or NATO policy regarding alleged war criminals until the Congress has had the opportunity to review any proposed change in policy and authorize the expenditure of funds for this mission.

It is the Sense of the Congress that none of the funds appropriated or otherwise available to the Department of Defense or to any other Federal department or agency may be obligated or expended after the date of the enactment of this Act for the following:

(1) Conduct of, or direct support for, law enforcement activities in the Republic of Bosnia and Herzegovina, except for the training of law enforcement personnel or to prevent imminent loss of life.

(2) Conduct of, or support for, any activity in the Republic of Bosnia and Herzegovina that may have the effect of jeopardizing the primary mission of the NATO-led force in preventing armed conflict between the Federation of Bosnia and Herzegovina and the Republika Srpska ('Bosnia Entities').

(3) Transfer of refugees within the Republic of Bosnia and Herzegovina that, in the opinion of the commander of NATO Forces involved in such transfer—

(A) has as one of its purposes the acquisition of control by a Bosnian Entity of territory allocated to the other Bosnian Entity under the Dayton Peace Agreement; or

(B) may expose United States Armed Forces to substantial risk to their personal safety.

(4) Implementation of any decision to change the legal status of any territory within the Republic of Bosnia and Herzegovina unless expressly agreed to by all signatories to the Dayton Peace Agreement.

Mrs. HUTCHISON. Mr. President, I anticipate for those who are trying to set a time that we will be ready at about maybe 10:30. I would say this will take 30 to 40 minutes.

Let me just briefly state what the amendment does, and then I am going to yield to Senator INHOFE and then Senator ROBERTS and then Senator CRAIG for their remarks.

Mr. President, this is an amendment that would express the sense of the Senate and the Congress to the President that we should create the conditions for withdrawal of U.S. ground troops from the NATO-led stabilization force in Bosnia. That is what the amendment does.

We all know that the President on December 19 of last year declared that Bosnia would be an open-ended commitment for the United States. Congress was not in session. Congress was not consulted. There was no authorization, and the President has made this an open-ended mission. I am very concerned about the mission creep, and I am very concerned that the President has bypassed the Congress, and the Congress has constitutional responsibilities that cannot be bypassed by the President. That is why I am calling up this amendment today.

I very much appreciate the remarks of the majority leader, Senator LOTT, and the chairman, Senator STEVENS, saying that this is going to be brought up, we are going to discuss it, we are going to tell the President that the Congress of the United States is not

asleep, that we know our constitutional responsibilities and that we now have a commitment that this is going to be discussed and a policy will be set, and we will have an up-or-down vote in the defense appropriations bill later this year before the June 30 deadline that we now face and that we have now seen the President walk away from.

So, Mr. President, we are going to exercise our responsibilities. We can do no less, and that is why we are discussing this today.

I am very pleased to now ask Senator INHOFE of Oklahoma to take up to 5 minutes for his views on this issue. I intend to talk about what the amendment does as soon as those who have time commitments have been able to speak. I yield to Senator INHOFE.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I thank the Senator from Texas for yielding a little time here.

I can remember in November of 1995 when the Senator from Texas was the primary author of the resolution of disapproval of sending troops into Bosnia. I was on the resolution with her. We only lost by three votes. In other words, if three Senators had voted the other way, we very likely would not have had to send troops into Bosnia to begin with.

In anticipation of this, I went to Bosnia, up to the northeast sector, only to find there was never any belief that we could get into this thing and be out in 12 months. The reason the President was able to get the three votes necessary to defeat the resolution of disapproval was the guarantee that our troops that were going to be sent over there in November of 1995 would be home for Christmas in 1996. That was not an expectation; that was a guarantee. I can remember so well talking to General Haukland up in the northeast sector when he laughed and said, "You mean 12 years." As the years and months are going by now, it looks like there is more and more truth to that.

Let me just mention my concern is a little different than the concerns that are expressed by most people. Mine is one as to how this involvement in Bosnia is adversely affecting our ability to defend America.

I am chairman of a committee called the Readiness Subcommittee of the Senate Armed Services Committee that is in charge of training and making sure that we are ready. Until some of the recent scandals have taken the headlines off the front page, we have finally broken through the national media so that people realize, and the national media realizes, that we are facing huge threats today all over the world with over 25 nations with weapons of mass destruction with delivery systems that can reach the United States from anywhere in the world.

With all this, we are concentrating our efforts and spending our defense dollars on Bosnia. This is the thing that concerns me. We keep hearing

that there are only 8,500 troops in Bosnia. That is not much of a commitment, but I can assure you, Mr. President, it is far greater than that. If you just add the troops who are directly affected by the Bosnia operation in the rim countries, in Croatia, that adds up to 12,000. Then you go over to Europe and you see the logistical support of that operation. We find that in the 21st TACOM, for example. That is the operation that is responsible for logistical support of any ground operation, for example, if we should have to send ground troops into Iraq.

I don't think anyone is naive enough to think we could surgically bomb Iraq if it became necessary and not have to make a commitment of ground troops. But if that happened, we don't have any way to support logistically those ground troops that would be sent to Iraq. The 21st TACOM, which has to support logistically ground troops anywhere in that theater, which includes Iraq, is now totally consumed by their participation and their support in Bosnia. Right now they are operating at a very high op tempo and pers-tempo rate so individuals are being consumed by the operation in Bosnia.

We are at 115 percent capacity just supporting Bosnia. What does that mean? That means in the event we had to send ground troops someplace else in the world, we would not have the logistical support for them.

When you ask the question, "What would you do if that happened," the commanding officer at the 21st TACOM said we would be totally dependent upon the Guard and Reserves. I suggest to you, Mr. President—you know and the rest of us know who are close to this subject—we don't have the necessary MOSs and capacity in Guard and Reserves to make that support. You go 10 miles up the road to the 86th Airlift in Ramstein. In Ramstein, they are right now at 100-percent capacity just supporting the airlift to Bosnia.

So the cost is far greater, even far greater than \$8 billion that so far we have admitted we have spent in Bosnia. We are making a commitment that makes it virtually impossible for us to support any other operations should it become necessary.

So I think there has to be an end to this thing. It is easy to get into these things; it is very difficult to get out. We got in; we got in with a guarantee it would be a 12-month operation; we got in with the expectations it would cost \$1.2 billion. We knew better at the time. We knew they were not telling the truth about what kind of a commitment we were making and, consequently, we have to have some way of getting out.

So this is a major national security issue, Mr. President, that we get out of Bosnia so that we can have the capacity to take care of the needs of the American people in terms of defending our country.

With that, I defer to the Senator from Kansas for any comments he might want to make.

The PRESIDING OFFICER. The Senator from Kansas is recognized.

Mr. ROBERTS. Mr. President, I thank the Senator from Oklahoma, and I especially want to thank the Senator from Texas for raising this issue.

Mr. President, I say to my colleagues, before coming to the floor, I looked up the definition of "wise" in Webster's Third International Dictionary—that is the recognized authority with regard to the English language—and it read:

Characterized by wisdom; knowledgeable; exercising sound judgment.

It even went on to say if you were a wise person that you were "alert," and further described a wise person as being a person "in a condition where an individual becomes aware of the slow, steady creep of the tide, lest they will be in it up to their hubcaps before they realize it."

Mr. President, I think there is another definition of "wise" in this body, and perhaps the synonym would be the distinguished Senator from West Virginia, Senator BYRD, who made a speech on Monday that I commend to the attention of my colleagues. It is in Monday's RECORD. It is on page S2382. If my colleagues and staff are paying attention to the floor, write that down, S2382. It is the distinguished Senator from West Virginia, Senator BYRD, who says:

With respect to Bosnia, the President has provided a certification and report, required by Fiscal Year 1998 Defense Authorization and Appropriations Acts, that the continued presence of U.S. armed forces—

Mr. STEVENS. Will the Senator yield for just one moment?

Mr. ROBERTS. I will be delighted to yield to the distinguished chairman.

Mr. STEVENS. Mr. President, I ask unanimous consent that the Chair notify each speaker on the Bosnia issue when 5 minutes have expired. We are not under a time agreement, but I think we have an understanding that speakers will limit their remarks to 5 minutes.

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

The Senator from Kansas is now recognized.

Mr. ROBERTS. I would like to ask of the Chair if that means I have an additional 5 minutes or about a minute has been taken off? I would assume that I have an additional 5 minutes.

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

Mr. ROBERTS. I thank the Chair, and I thank the chairman of the Appropriations Committee.

I will continue with Senator BYRD's remarks:

Last year, the administration told us that we would be out of Bosnia in about a year.

All of the witnesses who came up before the Armed Services Committee and the Appropriations Committee assured the committees that that was the expected timeframe which would be needed during which we

would have to place our men and women in possible harm's way, but we were assured—we didn't just ask the question once or twice, and the response didn't come forth just once or twice, but the response was always in the context of a year's time.

Then Senator BYRD went on to comment that he had strong suspicions that it really wouldn't work out that way. And he referred to the report that was made, and the report said:

"We do not propose a fixed end-date for the deployment." That says it all. So we are in a different situation now. The exit strategy—in other words, the required conditions for our forces to come out and come home—reads like a nation-building strategy.

That is the concern of this Senator and the Senator from Texas and the distinguished Senator from West Virginia.

What is required for us to leave Bosnia? First, judicial reform—

The Senator from West Virginia said—

Just a minor thing, judicial reform. Then, development of an independent media throughout the territory.

He said that was a pretty big order, and it certainly is.

Then there is more. Democratic elections. What do we mean by democratic elections? Democratic elections followed by free market economic reforms . . . privatization of the economy, and so on and on.

And the Senator said:

We all get the point. This is a formula requiring the completion of a new, integrated democratic state. That is what nation-building is. I didn't buy on to that. The U.S. Senate has not bought onto that. And if the duration of our stay is going to be based on nation-building, as the President is obviously saying in the report, we are [going to be] there for a good, long [period of] time.

I was in Sarajevo. I talked with our officials there. That was last year, I say to the Senator from Texas. The conditions at that time were troop protection, refugee relocation, economic restoration, and a rather hard-to-understand policy in regard to war criminals.

That has changed, and the Senator from Texas is precisely correct; we have not even had that under consideration or with any kind of talk, other than that of the Senators here on the floor and the distinguished Senator from West Virginia in regard to what the end policy is in regard to Bosnia.

I indicated the definition of somebody being wise, other than being Senator BYRD of West Virginia, was that they be alert—and I repeat that—further described by Webster's as "a condition where an individual knows and is aware of the slow, steady creep of the tide, lest they will be in it up to their hubcaps before they realize it." Mr. President, we are not only in it to our hubcaps; we are in it to the axle with no reverse gear.

It was Herbert Hoover who said in 1958, "Wisdom consists not so much in knowing what to do in the ultimate as in knowing what to do next." I do not know what we are going to do next, but it is the responsibility of this Senate to consider that.

We will do it in the 1999 defense authorization and appropriations bills. I credit the Senator from Texas for focusing on this, and I thank the Senator from West Virginia and remind all of my colleagues that it ought to be required reading in regards to his remarks on the floor of the Senate last Monday, again, page S2382. Please, my colleagues, pay attention to the Senator from West Virginia. He is right on in regards to this terribly important and difficult issue.

Mr. President, I thank the Senator for yielding.

Mrs. HUTCHISON addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I yield up to 5 minutes to Senator CRAIG.

The PRESIDING OFFICER. Who seeks recognition?

Mr. CRAIG addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

Mr. CRAIG. Mr. President, I will be brief. Others are gathered here to speak on the Hutchison amendment.

But let me first of all recognize the Senator from Texas for highlighting and bringing to the surface an issue that is growing in the minds of many of us and we hope will alert the minds of many Americans.

We were engaged here for a week on the debate on the expansion of NATO. This Senate more than likely will vote to expand NATO in the course of this session. But as we do, we ought to remember the consequence or the potential impact of that kind of a vote. And I think it is reflected in this drifting policy that we have currently in Bosnia.

Peacekeeping operations so designated by our President are important and should be well defined. But I will tell you, the Senator from Texas is right. Our President operates in an unauthorized situation in Bosnia today. The Senator from Oklahoma has brought up the mounting costs. We are able to measure some \$8 billion in costs. We know they are much larger than that.

The mission appears at date to be endless as it relates to some culmination. Do we have to lose American men and women in Bosnia before our citizens wake up or, more importantly, the Congress begins to move with its constitutional authority to deal directly with this issue? I hope not.

The mission in Bosnia is now just what we were promised it would not be. We were promised it would not be an unauthorized, open-ended, nation-building deployment with no withdrawal criteria. It is now all of those things by definition.

In 1995, President Clinton vowed that the U.S. troops deployed to Bosnia "should and will take about one year." Three years and nearly \$8 billion later, the administration now admits, "We do not propose a fixed end date for the deployment."

This unauthorized, open-ended deployment is affecting the readiness of our troops, their morale. Some anecdotal evidence is clearly available if you scratch the surface.

Increasingly, Army and Air Force units put off combat training because they are too busy with low-intensity missions, and they need the money elsewhere. We see that great shift of dollars underneath the surface that this administration has been unwilling to admit. And, finally, just in the last month, the chairman of the Appropriations Committee said we will do no more of that. Following this supplemental, the administration must now bring to the Hill as an authorization the appropriate expenditures for the mission in Bosnia.

Another anecdotal piece of evidence: A particular Marine expeditionary unit deploys more than 220 days in a 365-day period as if we were at war. That is how we are using our men and women in uniform today.

Air Force pilots are fleeing to the commercial sector despite cash incentives from the Air Force of up to \$22,000 to reenlist. We all know the kind of investment we have in these pilots—millions of dollars of training and, of course, operational time.

There are serious problems that the President is turning a blind eye on so he can continue to deploy troops to humanitarian missions. If we are going to declare humanitarian missions in our national interest, then let us declare them. Let us come to Congress and get the constitutional authorization necessary for those kinds of actions. Let us appropriate the money accordingly instead of slip money and the necessary resources away from certain missions to other missions of the kind that we have talked about.

Meanwhile, there are fewer dollars for defense and increasing orders to deploy.

Since 1989, manpower has been cut by nearly one-third, the number of missions has quadrupled, and defense spending has been dramatically reduced.

This year's defense budget marks the fourteenth consecutive year of decline for defense spending.

President Clinton's \$270 billion 1999 defense budget represents a real decline of 1.1 percent from current spending levels, and marks a 39-percent drop from the spending levels of the mid-1980's.

While defense spending declines, the U.S. military has been asked to do more. Since 1990, U.S. Armed Forces have been used in 36 major foreign missions, compared to 22 between 1980 and 1989.

The commitment of United States troops to Bosnia is a commitment of United States blood. The decision to place United States troops in harm's way is a commitment that I do not take lightly. The President not only broke his promise to have our troops home by December 1996, he has also de-

creased the readiness of our troops by taking scarce dollars from an underfunded defense budget and used them to defend causes that have little to do with our national security interest.

I hope my colleagues will support Senator HUTCHISON's amendment which will allow for an honorable exit of U.S. troops from the region, and turn over the operation to our European allies.

That is why it is time to debate this issue. I am proud that the Senator from Texas brings it to us, highlights it, gets it on the national agenda, not just the agenda of Congress and this Senate, but brings it forth for a national agenda. I thank my colleague for doing so.

Mr. President, I stand in support of this amendment.

Mrs. HUTCHISON addressed the Chair.

The PRESIDING OFFICER (Mr. ROBERTS). The Senator from Texas is recognized.

Mrs. HUTCHISON. Thank you, Mr. President.

Mr. President, I appreciate the remarks of a member of our leadership team on our side, the Senator from Idaho. I think he is right on. I think the Senator from Kansas was right on. The Senator from Oklahoma was right on. I want to talk about what my amendment does. It expresses the sense of Congress that the President and Congress should create the conditions for withdrawal of U.S. ground combat forces from the NATO-led stabilization force in Bosnia. What we are trying to do is lay the groundwork for an honorable exit.

You know, every time we come up to a deadline that the President himself has set, he says we cannot just leave, it would be irresponsible to leave, it would throw everything into chaos. That is absolutely true. It would be irresponsible to leave right now. But why is that? Why would it be irresponsible to leave right now? It would be irresponsible to leave right now because we have not laid the groundwork for an honorable exit and the President has gone on without the authorization of Congress to say this is going to be an unending mission.

On November 27, 1995, the President said, "First, the mission will be precisely defined with clear, realistic goals that can be achieved in a definite period of time. Our Joint Chiefs of Staff have concluded that the mission should and will take about a year."

The Secretary of Defense and the Chairman of the Joint Chiefs strongly concurred with the President's assessment in their testimony before Congress that it would not get involved in such tasks as forcing the resettling of refugees or capturing war criminals and that we should have an end date.

The Vice President of the United States also provided additional assurances, arguing that the deployment would not lead to mission creep and that within a year hostile forces would be separated, the borders would be

marked, elections would be organized and held, and police forces would be established.

As that deadline approached, the President extended the mission further by announcing a new deadline of June 1998, once again assuring the American people and Congress that the mission would be achievable.

The mission creep, which concerned General Shalikashvili when he said that, without a fixed end date, mission creep would occur, has come to pass with our military now adding missions such as capturing indicted war criminals, seizing and controlling broadcast facilities.

U.S. commanders of NATO have stated on several occasions, in accordance with the Dayton peace accords, the principal responsibility for apprehending war criminals would be the parties themselves.

Mr. President, Secretaries of Defense and Chairmen of the Joint Chiefs have said throughout this 3-year period that setting a deadline is a good thing. But on December 19, 1997, President Clinton finally said he had misjudged the mission and he was committing the U.S. military to an open-ended mission which would only end when certain unnamed, concrete benchmarks had been accomplished.

Since then, we have seen the benchmarks, but they are not very concrete. I introduced a resolution of disapproval for this mission to Bosnia in November 1995. It was narrowly defeated, by three votes. Many of my colleagues specifically said they voted against that resolution only after receiving solid assurances from the administration regarding the length and cost of the deployment. The mission is now in its third year, and the President is saying there is no end in sight.

Mr. President, unless Congress exercises our constitutional responsibility, we are going to see an unending mission where there are no clear goals and there is no exit strategy.

I am second to none in appreciating the great work that our military has done in Bosnia. I have been there five times. I have met with the troops. Their courage, their dedication, their professionalism have permitted a separation of the belligerent parties.

There has been a significant reduction in the violence and suffering in the Republic of Bosnia and Herzegovina. They have accomplished every mission they have been given, and they have done it in exemplary fashion. But, Mr. President, the administration keeps moving the goalposts. Now we have had forces in Bosnia for 3 years, we have spent \$8 billion of our taxpayers' money, and now we see the President expanding the mission without coming to Congress first.

My resolution today says that Congress is expressing its concern and opposition to the policy of the President that has resulted in this open-ended deployment without the prior authorization of Congress and urges the President to work with our European allies

to set an orderly transition so that American troops can leave by January 1, 1999.

Mr. President, I think my 5 minutes are up. I want to ask that others be allowed to speak. I hope Senator BYRD is going to be able to speak, and certainly Senator FEINGOLD. I do have some closing remarks, but I would like to yield at this time.

Mr. FEINGOLD addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized.

Mr. FEINGOLD. Mr. President, I very much would like the opportunity to speak on the subject of Bosnia. Does the Senator from Texas control the time?

The PRESIDING OFFICER. There is no time control. The Senator is advised he is recognized on his own time.

Mr. FEINGOLD. Thank you, Mr. President.

Let me first take this opportunity to—

Mrs. HUTCHISON. Let me make a parliamentary inquiry.

Don't we have unanimous consent that there would be a 5-minute notification to every speaker?

The PRESIDING OFFICER. There will be notification as to the 5-minute time period expiring, but there is no time agreement regarding control of the time.

Mrs. HUTCHISON. I would just like to point out I had told Senator STEVENS that I thought we would be finished by 10:30. If the Senator from Wisconsin would look at the time—and also Senator BYRD is on the floor, and I would like him to have a chance to speak, if he seeks recognition. So with that in mind, I just wanted to set the parameters of our informal agreement.

Mr. FEINGOLD addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, at the appropriate time I will send an amendment to the desk with regard to Bosnia, but let me take this opportunity to thank the Senator from Texas once again for her leadership on this issue. I have enjoyed working with her on the issue. I think the only thing that is regrettable is, we still have to be working on it so many years later, after we identified the problem in the misrepresentations that have been demonstrated in this Bosnia mission.

I am hearing more and more concern back in my State of Wisconsin about the unlimited nature of this engagement. It troubles me a good deal that my constituents feel they were told that this was going to be a 1-year mission, that it was only going to cost \$2 billion, and if this didn't work out we would be out of there. Nothing could be further from the truth.

Mr. President, I hope that either on this bill or in the bills that come later this year we have an opportunity to get some clarity and some time line and some absolute definition to this operation, because the American people are just saying, "Why? Why is it that we

are bearing this entire burden, or such a huge percentage of this burden, when it seems that the European countries could do so much more to provide for the needs of this area?"

I will say a word or two about an amendment I intend to offer later. The amendment is a little unusual and requires a little explanation. What my amendment would do is strike the "emergency" designation from each of the line items in this supplemental appropriations bill that provide funds to support U.S. peacekeeping operations in Bosnia, but it would leave such designation intact for funds to support our additional military needs in the southwest Asia area, which, as we know, refers to the U.S. military buildup in the Persian Gulf.

I will offer this amendment for two reasons. First and foremost, I have always had serious questions about our involvement in the Bosnia mission. I was the only Democrat to vote against the deployment of U.S. troops back in 1995, in large part because I did not believe that the United States would be able to complete its mission there within the time and within the financial constraints that have been identified. I am sorry to say that I have been proven right. I take absolutely no pleasure in this. It has been very expensive and very dangerous.

U.S. forces have now been in Bosnia for more than 2 years—much longer than the original 1-year mandate—and I don't think anyone has a good idea about how much longer we will be there. More significantly perhaps, the cost of our involvement hasn't been \$2 billion, it has actually been quadrupled from that figure; it has been \$8 billion. And now Congress is being asked to fork over another half a billion, with no end in sight.

There is a second reason for this amendment, and that is that the legislation before the Senate today, S. 1768, is an emergency appropriations bill. The President has submitted a supplemental appropriations request, and we are debating this bill today precisely because we have been faced with some unforeseen emergencies. There have been floods in California, tornadoes in Florida, a typhoon in Guam, and ice storms in many areas of the Northeast. The showdown with Saddam Hussein took on new and frightening intensity in the past 6 months, and the United States came very close to carrying out airstrikes on a scale that was at least somewhat reminiscent of Desert Storm. We have all faced the unforeseen consequences of the so-called ubiquitous El Nino effect which has had bizarre and sometimes tragic influences on our weather patterns nationwide.

The Congress has never developed firm rules on how we should define an "emergency." Everybody assumes that we will use common sense when deciding when to grant special emergency treatment to certain expenditures. And common sense tells us that floods and tornadoes clearly are emergencies.

In my view, however, the mission in Bosnia, is not. It is a substantial, long-term commitment. It is something the United States has, for better or worse, decided to do for the long-term. If events there take an unexpected turn for the worse, it may become an emergency. But as we stand here and debate this spending bill, it is not an emergency.

Webster's New Collegiate Dictionary defines the word "emergency" as follows: "an unforeseen combination of circumstances or the resulting state that calls for immediate action."

This definition clearly does not apply to the Bosnia mission. The Bosnia mission is an emergency only in the strange language of appropriations bills. The Bosnia "emergency" is a legislative fiction.

The line items in this bill—military personnel, operations and maintenance, and contingency funds—are standard military costs that would be part of any military mission. U.S. troops have been on the ground in Bosnia for more than two years. The change in designation from IFOR [eye-fore] to SFOR [less-fore] was made more than a year ago and is scheduled to continue through June of this year. Then, last December, the President announced that he would forego imposing a deadline altogether, and opt instead for a policy of benchmarks whose definitions remain open to interpretation.

How can Congress and the President possibly profess to the American people that the additional costs for the Bosnia mission constitute an emergency? On the contrary, it has been clear for quite a while now that the cost of this mission would again rise substantially. Some would say it has been clear from the start.

Ironically, Congressional appropriators and our military leaders have planned for many months on obtaining these funds in this emergency spending bill.

So that invites my next question: What are these funds doing in this bill? I just do not think that you can equate the long anticipated needs of the operation in Bosnia with the urgent, unexpected needs of the farmers in California or homeowners in Florida who have been devastated by natural disaster.

Despite my long-standing opposition to the mission in Bosnia, I believe the Congress should take up and debate the additional appropriations needed to advance the administration's goals in that war-torn region, but not on an "emergency" bill. In the proper context of an ordinary appropriation, subject to ordinary budget rules, I will state my own reservations about this mission and will listen carefully to my colleagues who have supported this mission. Then we can decide whether to spend this money and where to get it without increasing the deficit.

This supplemental appropriation, which represents so many dire and urgent needs, is not the appropriate legislative vehicle for Bosnia spending.

Now, I considered offering an amendment that would have stricken all of the funds designated for the Bosnia mission based on this same rationale. I am not doing that today, because I recognize there is little support in the Senate for such an abrupt funding cut-off. My amendment is neutral as to the merits of the mission in Bosnia. It simply requires us to fund it in a responsible manner.

This bill should be limited to the true emergencies represented by the bulk of the remaining \$2 billion and should not include the non-emergency that is the Bosnia mission. But as important as that technical change may be, this amendment has some real substantive teeth. By changing the designation in this way, Congress will be mandating that funds used to support the Bosnia operation fall under the same budgetary scrutiny and discipline that other spending does. If this amendment is adopted, and the Senate decides the Bosnia appropriations do not merit the special treatment an emergency designation confers, the Bosnia-related appropriations would be subject to the same budget discipline we impose on all other non-emergencies. Congress would have to cut enough spending to offset the cost of this new Bosnia money. If that did not happen, OMB would trigger an across-the-board sequester—in effect doing the work for us.

The mission in Bosnia does not represent an emergency that legitimately calls for us to depart from these, established, vital budget rules so casually. We must separate the Bosnia money from the true emergencies funded in the rest of this bill.

I urge my colleagues to think carefully about my amendment, because this speaks to our commitment to truly balance the budget. Any Senator can support this amendment, and then consider funding for Bosnia operations in a more fiscally responsible way, without stepping away from any existing commitment to the troops and the mission in Bosnia.

I thank the chair, and I yield the floor.

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

Mr. BYRD. Mr. President, I thank both the distinguished Senator from Texas, Mrs. HUTCHISON, and the distinguished Senator from Wisconsin, Mr. FEINGOLD, for the courtesies they have extended to me.

Mr. President, the distinguished Senator who is now presiding over the Senate, Senator PAT ROBERTS, quoted me earlier in respect to the Bosnian matter. I wish to quote a great American President—a great American President. And that President's comments were pertinent at the time and are pertinent today.

Perhaps I should first thank Senator HUTCHISON for offering the amendment. I can assure her and assure the Senator from Wisconsin that when the time

comes to discuss and to consider appropriations for the fiscal year 1999, I shall be active, the Lord willing, in dealing with this matter that is the subject of this amendment; namely, Bosnia and our participation in the circumstances and conditions that presently prevail in that area.

The constitutional framework arranged by the framers speaks with crystal clarity regarding the war powers. The authority to initiate war rests solely with Congress, except for one narrow area, the defensive authority to repel sudden attacks which is granted to the Commander in Chief. Let us listen, though, for a moment to the words of President Abraham Lincoln, in a letter, to William H. Herndon, on the subject of the exercise of the unfettered use of the war power by a President.

Mr. Lincoln wrote:

Allow the President to invade a neighboring nation whenever he shall deem it necessary to repel an invasion and you allow him to do so whenever he may choose to say he deems it necessary for such purpose and you allow him to make war at pleasure. Study to see if you can fix any limit to his power in this respect after you have given him so much as you propose. If today he should choose to say he thinks it necessary to invade Canada to prevent the British from invading us, how could you stop him? You may say to him, "I see no probability of the British invading us," but he will say to you "Be silent. I see it, if you don't."

Lincoln continues:

The provision of the Constitution giving the war-making power to Congress was dictated, as I understand it, by the following reasons. Kings had always been involving and impoverishing their peoples in war, pretending generally if not always that the good of the people was the object. This our convention understood to be the most oppressive of all kingly oppressions, and they resolved to so frame the Constitution that no one man should hold the power of bringing this oppression upon us.

So, Mr. President, Lincoln spoke to the subject in his day.

This is a very difficult area. It is an area of mixed powers, and the problem is, Presidents in recent years have been prone to put men and women of the U.S. Armed Forces in areas of danger and then call upon the Congress for appropriations to sustain that American manpower, and Congress is reluctant, of course, once the men are in the area, reluctant to be charged with pulling the rug out from beneath them.

But there has to be an accounting. Congress has to be a part of this equation. Congress has the responsibility and duty to make itself heard in this matter. The time will come when we will have that opportunity. I hope that Congress will rise to the situation.

I will have considerably more to say on this subject at that time, as will others, I am sure. But we cannot just sit back and leave it up to the administration to use the term "Commander in Chief," which is a British term from the beginning and which was used to designate various army officers in various locations during the time of Charles I, Charles II, and so on.

That term is not enough. It is time to use the power of the purse. And many of us in this Chamber have fought for that power of the purse. We have resisted the efforts to give the President, whether he be a Democrat or a Republican, a share in the control of the purse. That matter is coming home to roost. We will see here, as we have seen it previously, that Congress' power over the purse is the one voice, the one voice that every administration, Republican or Democratic, will hear and will heed. I hope that we in this body will remember that the time was not too long ago when Congress gave to the President of the United States the line-item veto. When we did that, we stuck a dagger in the back of the Senate. I hope that the Supreme Court will strike that nefarious law dead, dead, dead.

But that is just one example of our being the culprits in giving to the Chief Executive a power that the Constitution does not give him. But in this case let us speak up. Again, I congratulate the lady from Texas. I will be with her, we will talk, we will work together, and I have a feeling that the administration will come back to the Appropriations Committee and the Armed Services Committee, and I believe that the administration will be shorn of its trappings, which were so impressive, they thought, a year ago as they assured us on the Armed Services Committee that our troops would be in Bosnia only, perhaps, about a year. I think they were dissimulating at the time. I think they knew better than that. I think we had a strong suspicion that that would not be the case. They were being a little disingenuous at the time—not the first time Congress has been treated in that fashion; there have been other times.

It is time that Congress spoke up and took a stand for this Constitution of ours.

I thank the Senator from Texas for her courtesy.

Mrs. HUTCHISON. Mr. President, I so appreciate the great leadership of the Senator from West Virginia. He understands better than any Member of this body the role of Congress in sending our troops into foreign conflicts or into harm's way anywhere overseas. He understands and he has spoken eloquently about not only our role but our responsibility.

He well knows that the Founders who wrote the Constitution of the United States had a model. They had a model of a king. The king was able to declare war and implement it. The king held the purse strings and the power. Our Founders very clearly said, "We are not going to do that." And in the Constitution they provided that there would be a dual power. The President can commit troops; only Congress can declare war.

That is what our Constitution says, and if one side falls down on their responsibility, then we have an unlimited power in the President. That is not the

American way; furthermore, it is a dangerous precedent. Congress must stand for its responsibility to make sure that if our troops are going into harm's way, if our taxpayers are going to spend \$3 billion a year on a mission overseas, Congress must authorize it, and we do it with the power of the purse, which is the appropriations process. That is why we are standing here today, to serve notice to the President that we are not going to stand here for an unlimited commitment in Bosnia until we have a rationale for it, until the President comes to Congress and says, "Here is why we are doing this, here is the United States security interest, here is our responsibility as a superpower to our allies in NATO, and here is our exit strategy." That is what the President must come to Congress to give—a responsible exit strategy. I think we could ask the President for that. We could ask the President to look again at the Dayton accord. Let's see how it goes and what can we do to have a better prospect for lasting peace, have a combined joint task force that would be led by Americans, but in which we would transition out at a specified time. Let's have an orderly transition and let our allies know up front what they can expect from us, so that we don't come on to a deadline and then have the President say to us, "Oh, but it would be irresponsible to leave right now." It is irresponsible to leave right now because we haven't laid the groundwork for an honorable exit, and now is the time to do that. That is why we are talking about it today and why we will have, as part of our defense appropriations bill this year, a statement of purpose, which we hope the President will give us, that will include an honorable exit strategy. We can do it if we start now. We can work with the President toward this honorable exit, and we can go back to our constitutional responsibility to make sure that the President presents a mission before he sends our troops into harm's way, and that the President makes sure that he provides for the funding when it doesn't take from our readiness and the quality of life of the troops that we have all over the world for missions that only the United States can fulfill and for which we must remain ready.

Mr. President, that is the responsibility of Congress. That is what my amendment would do today. Mr. President, I am going to withdraw this amendment because the chairman of the committee and the majority leader have given us a time certain when we can vote on a policy statement by this Congress which will have the force of law, and I hope the President will work with us so that we can agree on an honorable strategy that fulfills our commitment to our allies, that fulfills our responsibility to the world, that makes sure we have a United States security interest and provides for the payment for it, and last but certainly not least, an exit strategy that is honorable in line with the United States of America.

Mr. President, I withdraw my amendment.

I suggest the absence of a quorum.
The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

Mrs. HUTCHISON. Mr. President, I reserve the right to object on behalf of the chairman—

The PRESIDING OFFICER. The Senator may not reserve the right to object.

Mrs. HUTCHISON. I object on behalf of the chairman.

The PRESIDING OFFICER. The clerk will continue to call the roll.

The bill clerk continued the call of the roll.

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

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

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized.

Mr. FEINGOLD. Mr. President, what is the pending business?

The PRESIDING OFFICER. The pending business is amendment No. 2120 by the Senator from Oklahoma.

Mr. FEINGOLD. Mr. President, I ask unanimous consent that the pending business be set aside for 1 minute so that I can simply offer the amendment I referred to earlier, and I won't discuss it right now.

The PRESIDING OFFICER. Is there objection?

Mr. NICKLES. Mr. President, reserving the right to object. What is the amendment?

Mr. FEINGOLD. It is the amendment I discussed during the time of the Senator from Texas that removes the emergency designation for the Bosnia money. I indicated that I would offer that amendment later this morning, and I simply want to offer it, call for the yeas and nays, and not discuss it further at this time.

Mr. NICKLES. Reserving the right to object. I am not managing this bill, so I ask my colleague from Wisconsin if he would withhold that amendment until the Senator from Alaska is back. That would be appreciated. So I object at this time.

The PRESIDING OFFICER. Objection is heard.

Mr. LIEBERMAN addressed the Chair.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

AMENDMENT NO. 2083

Mr. LIEBERMAN. Mr. President, I had come to the floor to speak very briefly on the amendment, now withdrawn, that had been offered by the Senator from Texas.

Mr. President, I thank the Chair and my colleagues. Briefly, I wish to speak on the amendment offered by the Sen-

ator from Texas and the one that has been referred to by the Senator from Wisconsin about our Bosnia policy.

A discussion was offered by the Senator from West Virginia about the power of the purse, and that is a power that we, of course, continue to have. We have, by explicit and implicit expressions, consented to and supported the policy that we are following in Bosnia. It is a successful policy. We will return to these discussions, as these two amendments suggest, before this year is ended.

When it comes to discussing the power of the purse and the relations between the President and Congress on this matter of Bosnia policy, I simply wanted to say that I will be recorded as being in favor of the current course of our policy. It has worked. To set a date to create an exit strategy other than the one that is there now, which is the accomplishment of the Dayton process, would be to snatch defeat from the jaws of victory, or more colloquially, as our distinguished former majority leader Bob Dole has said, to impose an exit date now on our Bosnia policy, to cut off funding would be "like a football team leaving the field in the second half when they are ahead of the game."

Remarkable progress has been made in Bosnia, thanks to the presence of the NATO troops and, most particularly, our American presence there to end the war, to begin to rebuild a civil society. Even in the Serbian section there is new hope with new leadership from President Plasic and Prime Minister Dodik. We have proven that the reasonable exercise that diplomacy matched with force can end conflict and genocide in Europe.

Now, that is a remarkable accomplishment. I would hate to see us jeopardize it by congressional termination of the funding or by artificially setting an exit date, or even an exit strategy, short of the accomplishment of the goals of the Dayton process. I thank my colleagues for giving me this opportunity.

I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. WELLSTONE. Mr. President, I want to take 1 minute to thank my colleague from Connecticut for his remarks. I had a chance to meet with some educators from Bosnia and Herzegovina, who are actually in the gallery. The one thing they said to me is, "Please support this peace process. There is so much appreciation for what America has done. Give us time. The world will be a much better place if you are willing to make this commitment."

I wanted to associate myself with the eloquence of my colleague from Connecticut.

Mrs. HUTCHISON addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mrs. HUTCHISON. Mr. President, I appreciate very much the remarks of both the Senator from Connecticut and the Senator from Minnesota. I hope that we will be able to work something out that they would also be comfortable with, because we do want to exercise a responsible approach to our role in this whole Bosnia peace process. But I do think we also have a responsibility to have clear conditions and a clear exit strategy. So I hope we will be able to work together.

I ask unanimous consent that Senator SESSIONS be added as an original cosponsor of my amendment.

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

Mr. FEINGOLD addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, I ask unanimous consent that the pending business be set aside.

The PRESIDING OFFICER. Is there objection?

Mr. STEVENS. I did not hear the Senator.

The PRESIDING OFFICER. The request of the Senator from Wisconsin was to set the pending business aside.

Mr. STEVENS. There is no objection.

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

Mr. KENNEDY. Mr. President, reserving the right to object, and I will not object. Senator NICKLES and I have been here for about an hour and 15 minutes wanting to debate the Nickles amendment. I hope that we at least have an opportunity to get to the substance of it. I want to accommodate all of our colleagues here.

Mr. FEINGOLD. Mr. President, I will reassure the Senator that this is merely to offer an amendment, and it will take 30 seconds.

Mr. KENNEDY. I have no objection.

The PRESIDING OFFICER. The Senator from Wisconsin.

AMENDMENT NO. 2121

(Purpose: To remove the emergency designation for the supplemental appropriations to fund incremental costs of contingency operations in Bosnia)

Mr. FEINGOLD. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Wisconsin [Mr. FEINGOLD] proposes an amendment numbered 2121.

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

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

The amendment is as follows:

Beginning on page 7, strike out line 13 and all that follows through page 12, line 1, and insert in lieu thereof the following:

MILITARY PERSONNEL, ARMY

For an additional amount for "Military Personnel, Army", \$184,000,000: *Provided*, That of such amount, \$72,500,000 (the amount for funding incremental costs of contingency

operations in Southwest Asia) is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

MILITARY PERSONNEL, NAVY

For an additional amount for "Military Personnel, Navy", \$22,300,000: *Provided*, That of such amount, \$19,900,000 (the amount for funding incremental costs of contingency operations in Southwest Asia) is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

MILITARY PERSONNEL, MARINE CORPS

For an additional amount for "Military Personnel, Marine Corps", \$5,100,000: *Provided*, That of such amount, \$3,700,000 (the amount for funding incremental costs of contingency operations in Southwest Asia) is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

MILITARY PERSONNEL, AIR FORCE

For an additional amount for "Military Personnel, Air Force", \$10,900,000: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

RESERVE PERSONNEL, NAVY

For an additional amount for "Reserve Personnel, Navy", \$4,100,000: *Provided*, That of such amount, \$2,000,000 (the amount for funding incremental costs of contingency operations in Southwest Asia) is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

For an additional amount for "Operation and Maintenance, Army", \$1,886,000: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

OPERATION AND MAINTENANCE, NAVY

For an additional amount for "Operation and Maintenance, Navy", \$33,272,000: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

OPERATION AND MAINTENANCE, AIR FORCE

For an additional amount for "Operation and Maintenance, Air Force", \$21,509,000: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

OPERATION AND MAINTENANCE, DEFENSE-WIDE (INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Operation and Maintenance, Defense-wide", \$1,390,000: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

For an additional amount for "Operation and Maintenance, Defense-wide", \$44,000,000, for emergency expenses resulting from natural disasters in the United States: *Provided*, That the entire amount shall be available only to the extent that an official budget re-

quest for \$44,000,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act; *Provided further*, That the Secretary of Defense may transfer these funds to current applicable operation and maintenance appropriations, to be merged with and available for the same purposes and for the same time period as the appropriation to which transferred: *Provided further*, That the transfer authority provided in this provision is in addition to any transfer authority available to the Department.

OPERATION AND MAINTENANCE, ARMY RESERVE

For an additional amount for "Operation and Maintenance, Army Reserve", \$650,000: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

OPERATION AND MAINTENANCE, AIR FORCE RESERVE

For an additional amount for "Operation and Maintenance, Air Force Reserve", \$229,000: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

For an additional amount for "Operation and Maintenance, Army National Guard", \$175,000: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

OVERSEAS CONTINGENCY OPERATIONS TRANSFER FUND

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Overseas Contingency Operations Transfer Fund", \$1,556,000,000, to remain available until expended, of which \$46,000,000, shall be available for classified programs: *Provided*, That of such amount, \$1,188,800,000 (the amount for funding incremental costs of contingency operations in Southwest Asia) is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985.

Mr. FEINGOLD. Mr. President, this is simply an amendment that removes the emergency designation for the additional Bosnia money, which I mentioned a few minutes ago.

At this point, I simply ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 2120

Mr. STEVENS. Mr. President, I call for the regular order.

The PRESIDING OFFICER. The pending business is the Nickles amendment No. 2120.

Mr. NICKLES. Mr. President, for the information of my colleagues, the amendment I am offering today will strike a nonemergency appropriation

of \$16 million for the Health Care Financing Administration, commonly called HCFA. This provision in the supplemental bill includes \$6 million for HCFA to hire 65 new Federal employees. That is an average of \$92,300 per person. Mr. President, I will try to be very blunt and very quick with my discussion on this amendment.

HCFA has today 4,002 employees. It is unbelievably large, and some would say not a very well-run agency. It has an administrative function that spends \$364 million. Its total program management is \$1.88 billion and it has been growing significantly.

The administration in their budget request says next year they want to hire an additional 215 employees, an increase in their Federal administrative request from \$364 million to \$456 million. This is an agency that has been growing and, under the administration's request, would continue to grow profusely. It doesn't need to be in this so-called emergency supplemental bill. The administration requested it, and it was initially agreed upon.

But I started looking at the request, and I am astounded that it would be made. Supposedly, the request was made to fund HCFA's enforcement of the Health Insurance Portability and Accountability Act, the so-called Kassebaum-Kennedy bill that we passed last Congress. This provision would hire an additional 65 bureaucrats. They now have 26 administering the program. Forty-five States have already complied. This is temporary assuming all 50 States are going to comply. Twenty-six employees were able to help monitor compliance and help achieve compliance within 45 States. Five States have not. All five States, I believe, will at some point be in compliance.

Do we really need to hire an additional 65 and expand this bureaucracy? I don't think that we should. I think we should save the taxpayers the \$16 million.

One of the things that bothers me is how we are paying for this. This is paid for by taking money out of a function that is paid for in the Medicare trust fund. So we are taking money out of entitlement functions and putting it in discretionary funds so we can hire more bureaucrats. HCFA already has over 4,000. I really do not think we need another 65, especially in an emergency supplemental bill.

So my amendment would be to delete this amendment to the bill that would add \$16 million in new federal spending, and I urge my colleagues to support it.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER (Mr. HUTCHINSON). The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, this amendment by the Senator from Oklahoma should be called "The Abusive Insurers Protection Act."

The Kassebaum-Kennedy legislation, which protects consumers against insurance company abuses, passed the

Senate by 100-0 on April 23, 1996. The conference agreement passed it on August 2, 1996, by a vote of 98-0. It has unanimous support—not once but twice. But now some Senators are proposing to effectively gut that legislation by denying HCFA the staff and the resources they need to enforce the bill.

Let us be very clear. This is not about the budget. This is not about wasteful spending. The HCFA request is fully paid for by a cut elsewhere in the HCFA budget. This is about an inexplicable effort to deny millions of people the right to portable, accessible health insurance.

Let me review the history of the Kassebaum-Kennedy bill and explain to the Members why the request for the additional staff and resources is needed.

The Kassebaum-Kennedy bill bans some of the worst abuses by health insurers—abuses that affect millions of people a year. It says that insurers could not impose preexisting condition exclusions on people who have faithfully paid their premiums but changed insurance carrier because they changed their job. It says that insurers could not penalize members of a group by excluding workers who happen to be in poor health or by charging them additional premiums. It says that small businesses could not be denied insurance coverage or have their policy canceled because one worker developed a health problem. It says that people who lost their job through no fault of their own could not be denied insurance in the individual market.

According to the General Accounting Office, as many as 25 million people annually benefit from this health insurance bill of rights. But patchwork enforcement and a concerted effort by unscrupulous insurers to violate the law have raised serious concerns during the early implementation period.

For too many Americans the promise of the Kassebaum-Kennedy bill has been a broken promise. The President and the Department of HHS are moving decisively to address some of the worst abuses, but their ability to do so will be crippled if this amendment passes.

When our legislation initially passed, we envisioned that enforcement against insurance carriers would be a State responsibility, since State insurance commissioners have traditionally been the regulators of health insurance. Federal regulation was the fallback only if States failed to act. Most States have passed implementing or conforming legislation and are enforcing the law. But there are a significant number of States that have not yet come into compliance. Four States have failed to pass implementing legislation and have no comparable State laws on the books. Many, many more have only implemented parts of the law. One of the States that has failed to act is California with more than 30 million people.

The issue goes beyond the insurance performance standards included in the

original Kassebaum-Kennedy bill. Congress has acted to expand the bill by passing the mental health parity requirements and a ban on drive-by deliveries. These provisions, too, will remain an empty promise if HCFA does not have the staff to enforce the law.

In every State that has failed to act, in whole or in part, the responsibility for assuring compliance in responding to complaints and informing the public has fallen on the Health Care Financing Administration. But HCFA has just over 20 people working on this issue in its headquarters and a handful spread across the regions.

The recent GAO report expressed concern that HCFA's current resources are inadequate to effectively enforce the bill. If this amendment passes and the supplemental request is denied, HCFA will have to wait for the completion of the regular budget process for next year. But consumers cannot afford to have HCFA wait a year or more to hire new staff. And because HCFA lacks the institutional expertise to deal with private insurance issues, it cannot simply transfer responsibilities to existing staff. The GAO report was a preliminary one. If anything, it only scratches the surface of insurance companies' attempts to evade or subvert the law. But even in the short time the law has been operative, it is clear that there is a substantial abuse by greedy insurance companies and more rigorous enforcement is needed to make the right granted by Kassebaum-Kennedy a reality.

The GAO found that many companies were engaging in price gouging with premiums being charged to consumers exercising their rights to buy individual policies when they lost their job. They were charged as much as 600 percent above standard rates. These overcharges make a mockery of the right to purchase coverage.

Other carriers continue to illegally impose preexisting condition exclusions. Still others, the GAO found, delayed the processing of enrollee applications beyond the 63-day window allowed by the law, leaving applicants high and dry. Other carriers illegally failed to disclose to consumers that they have a right to buy a policy. Some carriers refuse to pay commissions to agents who referred eligible individuals, and others told agents not to refer any eligibles for coverage. Other carriers put all the eligibles with health problems in a single insurance product, driving up the rates to unaffordable levels while selling regular policies to healthy eligibles. Without the staff increase requested in this bill, this situation will get worse—not better.

The Senate should not be voting for a free ride for greedy insurance companies, and it should not be an accomplice in denying families the health benefits they were promised by unanimous votes just 2 years ago.

The need for additional staff goes beyond enforcement. The GAO found wide

gaps in consumer knowledge—gaps that prevented consumers from exercising their rights under the law. HHS wants to launch a vigorous effort to address this problem. But, according to the GAO, because of resource constraints the agency is unable to put much effort in consumer education.

I understand that the assistant majority leader believes this isn't an emergency situation. This logic makes me wonder if he opposes the other non-emergency provisions in the bill. I can count some two dozen.

For millions of Americans, the failure to enforce this legislation is an emergency. Every family who is illegally denied health insurance faces an emergency. Every child who goes without timely medical care because this bill is not enforced faces an emergency. Every family who is bankrupt by medical costs because this bill is not enforced faces an emergency. This may not be an emergency for an abusive insurance company, but it is an emergency for families all over this country. For some, it is literally a matter of life and death.

The Senate should reject this amendment. We need to toughen the Kassebaum-Kennedy bill—not weaken its enforcement. This is a test of whether the Senate wants to protect greedy insurance companies that break the law or protect American families.

Mr. President, I see my friend from Minnesota wants to address this issue and then I will have more to say with regard to the GAO report.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. WELLSTONE. I thank the Chair.

Mr. President, let me, first of all, just associate myself with the remarks of Senator KENNEDY from Massachusetts. And let me talk specifically to my colleague, whom I have a lot of respect for even though we sometimes sharply disagree on issues.

I am particularly concerned about the effect this has on the mental health parity law that we were able to pass. This was worked out. I was able to do it with Senator DOMENICI and other Senators as well. My understanding is that there are actually up to 30 States that have yet to comply with this.

My concern is simple. We passed this legislation. I thought it was a real step forward. I think it is. When we passed this legislation, what we were trying to say—my colleague from New Mexico is here. He may add, and hopefully not detract from what I am saying. But I think what we were trying to say with this legislation is let's try to end some of this discrimination and let's try to make sure that people who are struggling with mental illness get treatment. We ought not to be denying treatment. We ought to, to the maximum extent possible, be treating this differently than any other kind of illness.

We were able to at least make some progress when it comes to annual caps, and when it comes to lifetime caps, that was kind of a commitment we made.

I say to my colleague from Oklahoma that this money—especially the \$6 million that deals with the enforcement—is all about making sure that HCFA has the capacity that we as a Government have, the capacity to do some monitoring to make sure that as a matter of fact what the Senate passed and what Congress passed by way of mental health parity is implemented around the country.

In a way, this is an emergency. You can't on the one hand raise people's hopes and say finally we are going to end some of this discrimination, finally you and your loved ones who have been affected by this illness are going to have the opportunity to get some treatment, and then turn around and basically gut the mental health parity provision.

I say to colleagues that many Senators, Democrats and Republicans alike, voted for this. I would make an appeal to you. When you come to the floor of the Senate, either to speak or to vote, please don't vote for an amendment which is going to gut part of the enforcement of this. We need to make sure that this is enforced around the country.

We made some progress. It was a step forward. But we still have 30 States that aren't in compliance with the mental health parity legislation. This was legislation that commanded widespread support in the U.S. Senate. This was legislation by two authors—Senator DOMENICI and myself, a Republican and a Democrat. It would be cruel to pass that legislation and then turn around and deny HCFA—I am not as concerned about HCFA as I am the people who would be affected—with having the women power and man power to enforce this. We simply have to make sure that the health care plans and the insurance companies live up to the law. They are not going to do that if we pass a law and then we turn around and undercut the enforcement of this. I think that would be cruel. I think we ought not to do this.

The intention of my colleague from Oklahoma is not to deny people good coverage. I know that. My colleague from Oklahoma is operating within a different framework. But, from all I have been able to glean from my understanding of what is at stake here, we have two things going on. We have the Kennedy-Kassebaum legislation, an important piece of legislation which basically said to people in the country: Look, you are not going to be denied coverage because you had a bout with cancer or because you are a diabetic or whatever the case might be. Now, as it turns out, we are having trouble around the country with this, because a lot of insurance companies are raising the rates so high that people cannot afford it anyway. But it was an important step forward.

Now we have the situation where there is another part that I want to bring to the attention of my colleagues, which is the mental health parity part. We are not going to be able to have mental health parity, we are not going to be able to make sure there is some enforcement in the country, if we turn around and gut HCFA's capacity to do so.

So I say to colleagues, please, when you come down here to speak or when you vote, do not vote for this amendment. Whatever the good intentions, the effects of this amendment will be cruel. The effects of this amendment are going to turn the clock backwards. This would be a huge mistake, and that is why I come to the floor to speak against this amendment and urge an overwhelmingly strong vote against this amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I appreciate the statement of my colleague from Minnesota, but he is absolutely wrong. Let me just tell my colleague from Minnesota, the administration did not request a dime dealing with mental health parity—not a dime, I tell my friend from New Mexico.

Let's go back to the legislation, the original legislation—

Mr. WELLSTONE. Will my colleague yield for a question?

Mr. NICKLES. Let me just complete my response. I think I will answer my colleague's statement.

The Senator from Minnesota says if we do not fund this money we are jeopardizing mental parity enforcement, and he is absolutely wrong—absolutely wrong. I want to make sure people understand it. The reason why Kassebaum-Kennedy had a lot of support is because it provided major reforms to improve access and portability, to make sure if somebody loses insurance in a group plan they can have access to coverage in an individual plan. I supported that. But we left it under State regulation. We gave States the authority to regulate this. Mr. President, 45 States have stepped forward. We passed that bill 20 months ago. The bill became effective, I tell my colleague, in January of this year. It has only been in effect for 2½ months. 45 States now comply; 45 States have done what we asked them to do. They have amended their State laws, because States regulate insurance.

I know a lot of people in this body would like the Federal Government to regulate all insurance, but a lot of us said no, we should keep that under State control, we should let the States do it. We are not insurance commissioners. And needs may vary from State to State. Some people wanted to nationalize it. They have not been successful. They were not successful when they passed the so-called Kennedy-Kassebaum legislation in federalizing insurance.

What the bill did say is: States, make these changes. Make sure insurance in

your State is portable. Make sure there are options to go to individual plans if they lose coverage under a group plan. We passed that unanimously in the Senate. Mr. President, 45 States have adopted it. The law became effective January 1 this year. It has only been in effect for 2½ months. To help the States make that transition, HCFA had 26 employees—26. Forty-five States now comply. The other five States, as I understand it, are still working on it, and maybe they have had a disagreement between the Governor and the legislature or one body in the House or the Senate, and so they have not passed legislation in their State to be in compliance. So they are working on it.

But wait a minute. Do we need to hire a whole new army? Do we need to go from 26 employees and add another 65 on top of it, creating a whole new big base or army of HCFA employees to get these 5 States to comply? I do not think so. I think it would be a serious mistake. And it has absolutely nothing to do with mental health parity.

I look at the administration's HCFA supplemental request; it doesn't mention mental health parity. It doesn't have anything to do with mental health parity. Those are all under the State plans. So I just mention that. I want to make sure my colleagues understand that.

Let me now just touch on a couple of other things. Senator KENNEDY mentioned that GAO came up with a report.

Mr. WELLSTONE. Will the Senator yield just for a question?

Mr. NICKLES. Let me conclude, if you don't mind.

Mr. WELLSTONE. I am sorry.

Mr. NICKLES. He said this GAO report mentioned there was widespread abuse and so on, and I take issue with that. The GAO report says this, and I will just quote:

HHS regulatory role under this law is not yet known. Some implementation challenges may soon recede. Others are hypothetical and may not materialize. As Federal agencies issue more guidance and States and insurers gain more experience with HCFA, concerns about the clarity of its regulations may diminish.

In other words, we have 45 States now in compliance, according to HCFA; 5 are in the process of working on it, and maybe those 5 will never get it together. Then maybe there will have to be some Federal implementation of Kassebaum-Kennedy, but that remains to be seen; we don't know. This has only been in effect for 2½ months. So, do we really have an emergency of such a magnitude that we must triple the staff for HCFA so these five States can get in compliance? Those five States may sign up within the next month, or the next 2 months. So there is no reason to hire 65 people. There is no reason whatsoever, at \$92,000 each—or an average cost of \$92,000. I don't think it makes sense.

Does HCFA have some other alternatives? Yes; they have over 4,000 em-

ployees. Do we really need to give them 65 more in this so-called urgent supplemental? HHS has a total of 58,500 employees—58,000 employees. Do we really need to give them an extra 65? I don't think so. I mean, this administration has shown a great ability to be able to borrow employees from agency to agency. The Legal Counsel's Office in the White House seems to borrow quite a few from various agencies to help in their legal battles that they have ongoing in the White House. They can move employees within HHS, they can move employees within HCFA, to meet with any temporary demand that is there. This is a temporary demand. You only have five States in noncompliance. They may be in compliance by this summer. So why in the world would we need to hire 65 additional bureaucrats that would be permanent, that would be added on forever, that would be looking for other things?

I might mention, we even found a list from HCFA that says what these people will be doing after these five States are in compliance. I might tell my colleague from Minnesota, it doesn't have anything to do with mental health parity but it is "review all State legislation"—it has a bunch of things that they would be doing. In other words, more bureaucrats, more Federal intervention over State law. That is not what we passed in Kassebaum-Kennedy.

My colleague from Minnesota was successful, with the Senator from New Mexico. They said, we want to have mental health parity. That passed as part of Kennedy-Kassebaum, but I tell my colleague, dealing with Federal legislation, it only would deal with the Labor Department on ERISA plans. It has nothing to do with State regulation of plans. We do not send out an army of bureaucrats to set out and micromanage insurance throughout the States. Maybe that is what some in this administration would like to do. I hope we will not do it. I hope we will have the wisdom to say we will not give them this additional money for 65 employees. They have 26, and 45 States signed up—45 States in the last 20 months signed up. Do we really need to give them an additional 65 employees in hopes that maybe they will be able to run the insurance programs of the 5 States that haven't yet signed up? I don't think so.

This is an urgent supplemental. This is an abuse of the process, I think, by HCFA, to expand their bureaucracy, and I think it would be a serious mistake. So I urge my colleagues to support this amendment.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. I say to my colleague, very briefly, a couple of things. First of all, the administration didn't need to mention specifically mental health parity, because this is the same staff. The 65 additional people, man-

and women-power to enforce Kennedy-Kassebaum, it is the same staff that enforces the mental health parity. They don't need to list it. We all know it. It is the same staff. We need that staff.

There are 30 States that are not in compliance. We have had to battle with companies over the 1 percent rule as well that we had, which said to a company: Look, if your costs go up more than 1 percent—we do not believe that will happen—you can opt out. We had a big battle on that. HCFA is very much a part of making a determination on that question as well.

Ultimately this is a national law. Ultimately HCFA, indeed, has a very important role to play in monitoring this and in making sure that the law of the land is enforced. So I say to colleagues, this has everything in the world to do with the mental health parity bill that was passed. That is why I am out here on the floor. I am in complete support of the Kennedy-Kassebaum legislation. I agree with the Senator from Massachusetts, it needs to be strengthened. But right now what I am trying to do is fight to make sure that we do not turn the clock back half a century.

It is time to make sure that States are brought into compliance, that the mental health parity legislation which was passed by this Senate means something in a concrete way for many families, millions of families all around the country. That is not going to happen if we turn around and gut the enforcement of this.

So I just want colleagues to know, this has everything in the world to do with that mental health parity legislation and it has everything in the world to do with making sure that that law of the land really becomes the law of the land, because it is implemented, because it is enforced, and because it makes a positive difference for millions of families. This amendment takes us in exactly the opposite direction. I say to my colleague from Oklahoma, he is profoundly mistaken.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I beg to differ with my colleague. The original legislation set up said: States, do these things. We told the States to do them, and 45 States have done them. This is a temporary — temporary — encouragement to get the States to have portability. We did it; 45 States have done it. This was not to have HCFA micromanage State insurance plans throughout the land. That was not why this bill was passed. If they could not do that with 26 employees, then I would be surprised if they could do it with 65 employees.

Some people are trying to take a bill that passed unanimously and say that gives us great authority to be able to micromanage all the health care plans in the States. That is not what we passed. That is not what we agreed to. What we told the States to do was put in portability and put in conversions,

where you could convert to an individual plan. We did that; 45 States said yes; 5 still have not. That is temporary. Even the GAO report that was quoted by my colleague from Massachusetts said—he was quoting that report where the director who made the report said we may not have this need. We don't even know, because those five States may be in compliance, and once they sign up, we are done, they are done.

My colleague is talking about mental parity. The States have that in their plans if they are complying. That is a State regulatory function, it is not ours, where the Federal Government has an involvement to tell my colleague under an ERISA plan, that's enforced under the Department of Labor. It is not under HCFA. HCFA did not ask for that, because it is not under their domain, their jurisdiction. I don't want people to be confused and say this may hinder mental health parity enforcement. It does not. It doesn't have a thing to do with that.

What this whole legislation is about is getting the States to comply with HIPAA, the Health Insurance Portability and Accountability Act. Mr. President, 45 States have done that; 5 are in the process, working on it. They have done that with 26 employees. This is a measure to say we need another 65, and incidentally, when they finish this, we will have them doing something else. This is a massive effort to expand the bureaucracy of an agency that already spends \$364 million, has 4,000 employees.

I might mention, the administration wants to increase that next year by about \$80 million, just in administration function, and increase that by another 215 employees. We will have to wrestle with that in next year's appropriation bill, which will just be another few months from now. But what we have on the floor now is the so-called urgent supplemental that the administration tried to stick in the back-door to expand their bureaucracy. They want to use this urgent supplemental as an excuse to expand the bureaucracy when there is nothing urgent.

I think if you have a bill that passed 20 months ago and you have 45 States in compliance and the bill has only been in effect 2½ months and there are 5 remaining, there is no reason to almost triple the bureaucracy to be able to get those 5 States to comply. That is what we are talking about. That is a temporary need, and surely HCFA, with 4,000 employees, if they need a couple more employees, can borrow a couple of those employees out of that 4,000. I mean the 26 that are already working in this one branch, they still have 3,970-some-odd that they could use, that they could borrow. They can borrow a couple of people.

Or there is something like almost 60,000 people in Health and Human Services—60,000 employees. Maybe they could borrow a couple of those. We don't need to permanently fund an ad-

ditional 65 employees to expand this bureaucracy.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I think it is worthwhile to get back to the real situation with regard to the implementation of this legislation. With all respect, my good friend from Oklahoma has failed to describe accurately the kind of crisis that is affecting so many families in this country and then differ with what the conclusions would be in terms of his amendment on that particular crisis.

No. 1, there is an emergency. It is an emergency for individual families. The Kassebaum-Kennedy bill addressed the group-to-group issues, where you have large groups moving into other groups in terms of the State, where about 80 percent of those have insurance and have some preexisting condition. But it has significant problems with regard to groups going to individual policies in the State. That is basically what we are talking about.

Let's get serious about understanding what the issue is and the kind of pain and anxiety that is taking place. Every Member of this body ought to understand and get ready, that if the Nickles amendment goes through, you had better put on three or four more people in your office to answer the phones, because that is what is going to happen, from individuals all across this country who are going to be facing many of these kinds of problems, such as gouging by some of the unscrupulous insurance companies that have raised the premiums to gouge American families some 600 percent. We are not addressing that particular issue today, although the administration has a proposal and I have a proposal. We didn't believe that was going to be a problem under the Kassebaum-Kennedy bill. We said let the States do this, and the majority of the States have done it and have done it well with regard to the issues of pricing, but not all of them have. We ought to try and address that. We will do that but at a different time.

What we are talking, Mr. President, with all due respect to my colleague, is many States, not just five. There are five States that have not passed State laws to address this issue, but there are many, many other States that have passed laws that are still out of compliance. The Senator does not recognize that. Just read in the GAO report, which I will.

Let's think about what we have asked. I am not here to try to defend HCFA, although I will on this particular occasion. We have put a very heavy burden on HCFA. We put a heavy burden on HCFA to try to implement the changes in the Medicaid Program to provide the savings in the budget last year.

We have put a heavy burden on HCFA to try to deal with the fraud and abuse issues with new rules and regulations

as a result of the excellent hearings that were held by Senator HARKIN, and that has broad bipartisan support.

We put the burden on HHS and HCFA to implement the legislation dealing with children's health insurance last year—that is taking place all across the country—to work with States. I have attended those conferences. There are HCFA people there trying to work with the States to implement the program we passed last year. That is State implementation, and HCFA is working with those States—just to mention a few of the additional burdens we have put on them.

We have put on them the drive-by deliveries to make sure the States are going to comply with the legislation that was initiated by Senator Bradley and others, a bipartisan effort, to make sure we are not going to have drive-by deliveries.

Also, to implement the provisions of mental health that Senator DOMENICI and Senator WELLSTONE added to it, to make sure that the States—and many States have not—are going to be able to include the mental health programs that are being included in the existing programs. We had a serious debate on that. We made very, very important progress. We had bipartisan support.

Mr. President, it is true this bill went into effect last January, but I think it was the height of responsibility that the chairman of our Human Resources Committee, Senator JEFFORDS, asked the GAO to do a review of the implementation of the bill to find out where the bugs were so we could try to address them before it deteriorated and became more serious. That is an important, responsible oversight function. And we got the report back on the result of the legislation, being implemented now for 2 months, but we have the warning signs out there. We have the recommendations, and we have a proposal that doesn't increase the burden on the American taxpayer. It is a transfer of funds, not an additional burden. It is a recognition by the agency that we need to get additional personnel who have a high degree of expertise and an understanding of the insurance problems.

This is the first time HCFA has had to face the various issues on insurance. They have to go out and hire people. It isn't somebody you are bringing up to run the garage down at HCFA, it isn't that you can just hire and fire people at will. These are very specialized and important functions, and you need a considerable degree of skill and experience in order to make sure that they are going to be done right and well to protect the people. That is what we are talking about in this circumstance. There is no additional burden or weight in terms of expenditures for the taxpayers, but just the recognition within HCFA that this is a priority and we need these quality people to be able to do it. That is where we are at, Mr. President.

Let me respond to the Senator from Oklahoma on this issue. And make no

mistake about it, all of us have been around this place long enough to know that if you don't have the people in these various agencies, the phones just continue to ring. And the people who will be ringing are the people who have these preexisting conditions and disabilities—make no mistake about it. They are already stretched out, as far as the mind and eye can possibly see, and they will not be able to get any kind of responses.

We have in this GAO report the recognition that if you have more than a 63-day gap in your coverage, you do not have an entitlement to get the insurance at the State level. We have testimony in the GAO report that many companies stretch out the period beyond the 63 days in order to effectively deny people from receiving what they otherwise would be entitled to. That is in the GAO report. We want to stop that.

So, if you are going to vote for the Nickles amendment, be prepared to face a mother in your State or a father in your State who says, "I was strung out; I wasn't aware of the 63 days, and my insurance people dragged this thing out; I finally found out after 64 days that I should have gotten this proposal, and now I am denied. What am I going to do for my child?"

This does not cost the taxpayers any more. We are responding to real needs, not needs that the Senators from Massachusetts or Minnesota are saying, but the General Accounting Office is saying and HCFA is saying. It is going to make a major difference to people who have these kinds of preexisting conditions and illnesses.

Look at what the General Accounting Office has said:

preliminary data from an October 1997 NAIIC survey indicate that while most States have made progress in enacting statutes implementing key HIPAA provisions, many gaps remain. For example . . . in the individual market, eight States have not passed laws to implement guaranteed renewal. In the group markets, two States had not passed laws to implement small-group guarantee access, and four States had not passed laws to implement guarantee renewal and limits on preexisting condition exclusion periods in the large-group markets. In addition, these preliminary data do not include HIPAA's certificate insurance requirement, and anecdotal evidence suggests that many States have not incorporated this requirement into State statutes.

There are not just the States that haven't passed the law, there are all of these kinds of problems. It is all spelled out.

While States continue to pass legislation to close some of these gaps, the possibility remains that not all the provisions in all market segments will be addressed, necessitating an expansion of HHS's enforcement role.

That is what the GAO understood, that is what the appropriators understood, that this has a higher priority. Here it is in the GAO report.

Then it goes on in the report, saying:

HHS resources will be further strained if the enforcement role it is serving in these

five States becomes permanent or expands to other States. If HHS determines that other States have not passed one or more of the HIPAA provisions, as the preliminary data suggest, HHS will have to play a regulatory role in these additional States.

Mr. President, Senator Kassebaum believed all the States should, and we want all the States to conform to this. But the fact of the matter is, we have the warning signs right out here in this GAO report. We have the suggestion in the emergency supplemental, and the reason that it is in there is because this is a real emergency for families that will not be able to get coverage as the law was intended and as the testimony indicated, individuals with preexisting conditions.

I listened to the Senator talk about his conclusions on the GAO report. It was very interesting, but it was limited. He read part of one page but did not read the conclusion.

It points out in the conclusion of the GAO report:

Finally, two implementation difficulties are substantive and likely to persist unless measures are taken to address them. First, among the 13 Federal fallback States, some consumers are finding it difficult as a result of high premiums to obtain the group-to-individual guaranteed access coverage that HIPAA requires . . . Second, HHS's regulatory role could expand as the status of States' efforts to adopt and implement HIPAA provisions becomes clearer in 1998. HHS's current enforcement capabilities could be inadequate to handle the additional burden unless further resources become available.

I do not know how much clearer that can be. We can say, Mr. President, "Well, we will just let it go and see what happens." It is extraordinary to me—extraordinary to me—when we are putting at risk families that have, primarily, children or parents or other families who have preexisting conditions and disabilities, we are going to say on the floor of the U.S. Senate, "We are going to put you at risk"? It might get better; sure, there are one or two people in each State that can try and work it all out. We have been put on notice. It is the height of irresponsibility to fail to respond to that notice. This is not just shuffling papers around, this is not just a question of bureaucracy, this is a question of whether we are going to provide the protection for those families. That is the issue.

We know what is happening, and families now—too many of them—are being gouged by the 500-, 600-percent increase in the premiums. We had hoped the States would address those. Many States have. The majority have. We are proud of them. But we know that some have not. What if you or someone you knew lived in that State, or family lived in that State, and you found out these games were being played? These games are being played. The GAO report points out in its study that, "Some carriers initially attempted to discourage the consumer from applying for products with guaranteed access rights. Some are charging premiums 140 to 600 percent of the standard rate."

What kind of a chance does a family have with a child with a preexisting condition to pay 600 percent more? It is gouging.

This measure is trying to say, OK, let's implement the enforcement of these programs to the extent that we can protect the public. What is the point of passing a law on burglary and then saying we are not going to have any policemen to enforce it? That is what we are doing.

We all celebrate the fact that we passed this law—bipartisan—passed the law. And then to take away the enforcement of it? What sense does that make? Particularly when it isn't costing any more.

Now, Mr. President, as you go through this GAO report

After the Federal fallback provisions took place on July 1, 1997, many consumers complained to State insurance regulators that carriers did not disclose the fact that a product with HIPAA guaranteed access rates existed, or, when consumers specifically requested one, they were told that the carrier did not have such a product available. One State regulator we visited said that some carriers told consumers HIPAA products were not available because the State had not yet approved them. However, the regulator had notified all carriers that such products were to be issued starting July 1997, regardless of whether the State had yet approved them.

Here we have examples of various agents who are completely distorting and misrepresenting what the bill was all about. All we are saying is, let us have an opportunity to work with the States to make sure that these individuals and families are going to be protected.

We have in the GAO report examples where agents are not demonstrating the options to eligible individuals. They say the policies are not available. We have allegations in this GAO report that some of the major insurance companies are docking the agents' fees if they sell these policies to people with preexisting conditions. That is happening today—today. And the Senator from Oklahoma says that we do not have a problem. We will just wait another year and get another GAO report. We have this now, here. This isn't just some document that was produced for the Senator from Massachusetts or any of the rest of us who are going to oppose the Nickles amendment.

They talk in here about the confusion among consumers. And with the confusion among consumers, we find out that these parents are calling Members of the Senate or calling whoever they can to find out what the information is. There is one individual out in the State. The Senator says 24 individuals ought to be able to work this. We have one individual in northern California covering about 10 million people, responding to all of these questions, all of the kinds of questions that have come up.

What did HHS say when it came and testified? We have had a hearing on this very measure in our Human Resources Committee, Mr. President. And

what the HHS said is that they needed these resources because they wanted to go out and help educate consumers—who are the consumers? those with the preexisting conditions—about how this law works, if they have the protection or if they have not got the protection. And that was one of the things that they wanted to do. Because as a result of the GAO review that said there is confusion out there, they wanted to address this problem. But you are not going to be able to do that if the amendment of the Senator from Oklahoma is accepted. They will not be able to reach out and educate because they will not have the resources to be able to do it.

Mr. President, one of the really insidious aspects of this was the finding of the GAO report on the questions of the waiting period. They had an example. According to NAIIC, the National Association of the Independent Insurance Commissioners, some health plans have established waiting periods of up to a year during which certain conditions or procedures, such as organ transplants, are excluded from an enrollee's coverage. Requiring such waiting periods effectively excludes such preexisting conditions from coverage, and, according to regulators, it is contrary to the statutory intent to provide the portability of coverage. It is here in the GAO report. We can take—and I will take—time to go through this in greater detail.

But the idea, Mr. President, that we have just five States that have not conformed, that they are going to do it, that the bill has just been put into effect and we have no problem out there, is a complete distortion and misrepresentation of an excellent GAO report that points out what is happening out on Main Street—what is happening out on Main Street—to the families with these preexisting conditions. Those with the disabilities are facing very high hurdles. They are facing those hurdles every single day.

Finally, we have some opportunity to work out in a bipartisan way a bill that got votes of 100-0 and 98-0 for some relief for 25 million Americans who have some preexisting condition or disability. The GAO report flagged for us the need for some oversight as well as some of the real problems. Although the solution will not cost the taxpayer additional money, we are being told that we do not have to be concerned about this, that there really isn't such a need out there, that all of these problems are going to be easily resolved. That flies in the face of this excellent report, and we should not—we should not—accept it, Mr. President.

I yield the floor.

Mr. NICKLES addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, just for the information of my colleagues, I think we are winding down. Just a couple comments.

HCFA is not a starved agency. This is not an agency that has been ignored by

this Congress in last year's appropriations bill. Last year, in 1997, we spent \$1.77 billion in HCFA. In 1998, this year we are in, \$1.88 billion. I tell my colleagues, that is \$110 million, and an increase of \$30 million just in the administrative portion of HCFA alone.

And the number of full-time employees, I have mentioned before, is over 4,000—4,000. So this is not an agency that has been starved. If you ask anybody in the medical community, anybody in a hospital, HCFA is a disaster. It takes 10 years sometimes to promulgate regulations. I do not think there is a direct relationship between increasing an agency's budget and improving the quality of health care for families.

My colleague from Massachusetts said, "Boy, if we don't give them more money, we're going to have bad quality health care in various States." I do not think there is a direct correlation between an increase in HCFA's budget for bureaucrats and improving quality health care.

It may be just the opposite. It may be that a lot of those bureaucrats, instead of increasing the quality health care, frankly, cause a lot more headache, a lot more paperwork, a lot more compliance costs and less quality health care. And so is this urgent?

Now, the administration has a big request in 1999. And we are going to fight that on the appropriations bill. I am sure they have asked for \$80 million in new money. They have asked for another 217 employees. Now they are trying to squeeze in an extra 65. I do not think we should do it. I do not think we should do it. It is not that big of a deal, but, hey, do we want to turn that much additional bureaucracy over to HCFA, that much more money, or can't they borrow some more of those employees that they now have who are probably reading through reports that are obsolete and maybe not doing so much good?

Sixty-five happens to be about 1.5 percent of their work force. Surely, they can borrow a few employees if they have this urgent request to get these five States in compliance. Heaven forbid, five States. It is 2½ months, and they have not stepped up to do what we told them to do.

Now, does that mean those States do not care about quality health care? I do not think so. Maybe they have not passed the bill in their legislatures, but, all right, let us borrow some employees from HCFA. Maybe that can encourage this process. But do we really need to hire 65 more when 26 were doing this function for the first 20 months? Do we really need to hire an additional 65? That is an increase of 250 percent, when you only have basically five States that have not complied when GAO says that HHS' regulatory role under this law is not yet known. Some implementation challenges may soon recede. Others are hypothetical and may not materialize. And yet we are going to more than double the

number of bureaucrats dealing with this? I do not think that makes sense.

And then, Mr. President, I want to touch on—and I have the Budget Committee chairman here and the Appropriations Committee chairman here. I want to touch on how this was paid for. Now, this is supposedly an urgent supplemental. I know on occasion—I know on the highway bill we are going to make a change on an entitlement program to help pay for the entitlement program, and most everybody signed off on it. Maybe that is good; maybe it is not good.

But the way we are paying for this, I tell my colleague from Minnesota, we are taking money out of the Hospital Insurance Fund. We are taking money out of an entitlement program, mandated program, that is supposed to be dealing with quality health care. We are taking money away from that program and saying, well, we want to spend it in an urgent supplemental and money going out this year. Now, we only have a few months left this year. The HI, the Hospital Insurance Fund, happens to have some problems. Its problems are that more money is going out than going in. And so now we are all of a sudden saying—and this portion of it deals with peer review organizations, and so on. We are supposed to be implementing quality, supposed to be improving quality for seniors, and we are going to say, "Oh, no, we're going to take money out of that. We'll take enough money out of that to pay for this."

We are taking money out of the entitlement side to pay on the discretionary side, and further compound the problems we have in the Medicare trust fund. I just do not think that makes sense. I do not think it is right. I told the chairman of the Finance Committee we should not do this. I have heard people say we are going to protect the Medicare fund and we are going to protect seniors and we are going to have quality health care for seniors, and the next thing you know, well, we are playing games on HI, on the Hospital Insurance Fund, so we can get more bureaucrats for HCFA.

I do not think we can do it. If HCFA has the need, they have 4,002 employees. They can borrow, they can get by, they can make sure they can make it happen. They have a total of 58,000 employees in their whole organization. Health and Human Services has 58,500 employees. Maybe they could borrow one or two of those. They could borrow 1 percent of those. My land, 58,000—1 percent would be 580. Do we really need that? I do not think so.

So I just urge my colleagues to vote no on expanding bureaucracy. Let us allow some common sense and some fiscal discipline to happen for a change. Let us not be taking money out of an organization that is supposed to be improving quality health care for seniors and further jeopardizing the Hospital Insurance Fund at the same time.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, if other colleagues want to speak on this amendment, I would be pleased to defer to them. If not, I want to go on and speak.

Mr. President, I would like to bring us back to what I think is the central question before us, and this will be the vote. We passed the Kennedy-Kassebaum bill. It was noncontroversial. We believed it was the right thing to do. What we said, the U.S. Senate, in our collective wisdom, Democrats and Republicans, was that it was simply wrong for an insurance company to deny someone coverage because of a preexisting condition. That was part of what we said with that vote.

In addition, because the mental health parity amendment was passed, the law was passed as well, we said that we were going to at least take a giant step forward in ending some of the discrimination against people struggling with mental illness.

We had a request, it was part of this supplemental, for some additional funding for HCFA to administer this law. That was noncontroversial until the Nickles amendment. The Nickles amendment eliminates that funding.

Now my colleague from Oklahoma keeps talking about bureaucrats. Sometimes that gets to be a tiresome and tiring argument because sometimes it is not like "bureaucrats" with a sneer, it is women and men in public service with a very important mission, and the mission is to make sure that people in our country, families in our country, are not denied health care coverage because of discrimination by insurance companies, by health care plans. It is not "bureaucrat" with a sneer, it is men and women who are part of a mission to make sure that we do not just pass a law—we pass a law with great fanfare, and we say to families in the country: "Listen. No longer will it be true that because your daughter is a diabetic and she has now graduated from college, and she is off your health insurance plan, she can't get coverage. No longer will it be true that because your husband had a bout with cancer when he was 55, now that his company has downsized and he is out of work, he won't be able to find any coverage at all. No longer will it be true that if you are suffering, struggling with mental illness, a company or a plan can say to you, 'We are going to put a cap on an annual limit of how much coverage you can get, or a lifetime limit.'"

It won't be like someone who is struggling with a heart condition. It won't be like a diabetic. It won't be like someone struggling with another illness. We will put you in a whole other category, that is to say, second-class citizens. It doesn't matter that we have all this research talking about biochemical connection. It doesn't matter we are finally getting out of the dark age and getting beyond the stig-

ma. We will make sure some of this discrimination ends.

We said all of that.

Now the rubber meets the road. That was noncontroversial, I think, before this amendment. A request by the administration for some additional funding for HCFA to make sure that this law of the land is implemented, that people are held accountable should be noncontroversial. It is like you give with one hand and you take away with another.

Now, Pennsylvania, for example, has notified HCFA they are not going to comply with the mental health law. There are some 20 other States that are expected to miss the original deadline. That is just the tip of the iceberg.

The truth of the matter, I say to my colleague, is that when States do a great job, insurance companies do a great job. We are pleased with that. But if you don't, the way the law of the land reads is that HCFA can come in and say, "You have to; this is the law of the land. That is the legislation we passed."

What we have here, just be clear about this, is an effort to gut this. My colleague from Oklahoma says you can hardly expect, if it is such a serious problem, you can hardly expect that an additional 60 people are going to solve it. You know what. I would rather err on the side of trying to make sure that we do everything we can as policymakers to make sure that these laws that have been passed, that have given people so much hope, given families so much hope, are implemented, enforced. Why in the world would we want to pass legislation that gives people hope and then dash that hope?

I will go back to what I think is at stake, and then I will conclude. There are other colleagues on the floor. I think this is all about living up to a commitment. I think this is about living up to a kind of sacred contract we have with a lot of families in this country. I am proud of what we did with Kennedy-Kassebaum. Not to be a know-it-all, because certainly I am wrong more than I want to be, but I always thought there was going to be a problem with the premiums being jacked up, and in some States that is indeed the problem, where companies say, "Fine, we will cover you—you had a bout with cancer—but we will charge you \$15,000 a year." We have that problem out there. That is the problem. With the voice of the U.S. Senate that said to people in this country, "We are going to try to give you some protection that you are not denied coverage because your loved one has Parkinson's or Alzheimer's or has struggled with cancer or diabetes," that was the right thing to do.

On the mental health part, I conclude. That is why I am out here. I am sorry, I will err on the side of caution. To me, what that means is when I see that States aren't able to comply—not all the States are complying—and when I know what the law of the land

says and I know what a difficult struggle it has been and I know that a lot of people have some hope that at least this ends part of the discrimination, when I hear we need some additional manpower and womanpower to enforce that law, I am not going to support an amendment that guts that.

Now, I am quite sure that it will never be perfect. And I am quite sure that these "bureaucrats" may not be able to do it all. But you know what. Enforcement of legislation that we pass, it doesn't just sort of happen by accident. It is all about women and men who are involved in public service, who have certain jobs, and who carry out their responsibility. We need that enforcement power. This amendment guts it.

I just want colleagues to understand what is at stake here. There is more at stake than just this specific amendment. I certainly agree with what the Senator from Massachusetts said about what our offices can expect because those of us, and I think probably all of us, Democrats and Republicans, I think we understand that part of our work is here, but every bit as important is our work back in our States. I find in Minnesota, I say to my colleague from Oklahoma—I can get a smile from him on this even though we are sort of in disagreement on most things—we have a great political event, the Minnesota State Fair. Half the State's population, in 13 days, over 2 million people, come to the Minnesota State Fair. It is unbelievable. Everyone comes up to you. People are generally speaking nice, but they give you a piece of their mind if they don't agree with you. I have learned at the Minnesota State Fair there is hardly anybody talking to me about a lot of bills we deal with. The vast majority of people talk about a letter I responded to, a phone call that I received, or a specific problem that they had as a family that our office in Minnesota was able to help them out on. That means more to people than almost anything.

I tell you something, that is what this is about. This is about making sure that we help a whole lot of families, families that have to deal with illnesses, and want to make sure they get coverage, families that are in pain and look for someone to help them, families that are struggling with physical illness and, yes, mental illness, that are looking for help and looking for support and looking for protection. There are a whole lot of families like that. There but for the grace of God go I.

We should not vote for this amendment. This amendment should be soundly defeated, whatever the good intentions of my colleague from Oklahoma are. He always has good intentions, but in my humble opinion, he is profoundly wrong on this question.

I yield the floor.

Mr. DOMENICI. I waited on the floor to see if Senator KENNEDY was coming back, and I am glad he is here, because

I have reviewed this as best I can and I am going to support the amendment that Senator NICKLES has offered.

There is a very good argument that can be made that, in fact, this request that the administration puts forth in a two-thirds sheet of paper, may be justified. Let me suggest there is equal reason to say the administration has done a very poor job of preparing for the implementation the law has referred to with reference to access, with reference to portability, and with reference to another law that is different from that that has to do with mental parity.

As a matter of fact, it seems to this Senator that if Senator NICKLES prevails—and I don't know whether he will or not—HCFA ought to get the message that they have two very difficult statutes to enforce and they ought to get ready for enforcing them in an orderly manner, not to come up here 6 months into a year with a request that all of a sudden they found out that they may have to enforce, because of the absence of State willingness, they may have to enforce in a number of States.

Who would ever have thought you could put together a HCFA budget charged with these two responsibilities and assume that States will all enforce them? Is there anybody who knows what goes on who would agree with that? They should have at least in their regular budget anticipated that they would have a very major enforcement requirement and responsibility.

Now, I also want to say to those who think that maybe this is harsh on HCFA, I have not said this before, but if you want to see some action that is harsh on HCFA, look at the President's budget. The President's budget on HCFA does the following: It assumes a series of user fees, one of which is extremely high that one would hardly believe would ever pass, and the President assumes those user fees are going to pay for HCFA, so he doesn't put enough money in HCFA. Forget this little \$6 million. He shortchanges it by many, many millions on a wish that user fees will be adopted because he has requested it.

Now, frankly, I think they better get their act together, and they will find a very sympathetic Senator DOMENICI.

My second point. I have read everything I can from this administration, and I say to my wonderful cosponsor and hard worker on mental parity that I find nothing in the written material that suggests that mental parity is an issue here, mental illness parity. They are talking about the statute that KENNEDY referred to.

Now, they can get up this morning and say, "Maybe we need some more support on the floor, so let's talk about mental illness parity also." If that is the case, let me just ask, did they ever assume that all the States would have taken up the enforcement of mental illness parity? Of course not. They should have been prepared for it. They just prepared a budget and they will have another one in 6 months. So es-

entially, while I will do everything within my power to see that the letter of the law on mental illness parity is enforced, I don't think we ought to just accept from the administration, from a HCFA that is rather disorganized, to say the least, another request for \$16 million.

Now, I understand \$10 million is not nearly as urgent, and probably even those who oppose Nickles can agree that the \$10 million is not necessary. So perhaps I am erring on the wrong side here, but I think my judgment is to send a signal back to them, loud and clear, that the Senate will put up the money to enforce these two provisions because we voted for them very heavily. In fact, we voted almost as heavily for parity as we did for the rather famous Kassebaum-Kennedy bill.

I am very pleased people supported my efforts and the efforts of Senator WELLSTONE on that. I won't take a back seat to anyone in my willingness to do anything I can to see if mental illness parity will work. I don't think this is necessary to move it down the line and see it work.

I yield the floor.

Mr. KENNEDY. I see other friends and colleagues who want to speak on this issue. I want to review just for a minute or two the provisions of the legislation.

First of all, the GAO report came out January 25 and the request for the additional funds was made last Thursday. This was all done within a relatively short period of time. I am quite amazed they were able to get their act together to be able to make the assessment and to be able to review the various materials of the Appropriations Committee. The Appropriations Committee responded in finding offsets so we weren't going to increase the expenditures. These are basically offsets.

Mr. President, this legislation was put in the form of a request to the States to conform. If the HCFA had been up here last year, the voices out here would say, "Well we haven't seen what the States are going to do. We believe the States will conform. We have to wait to see what has actually happened with the States before we know whether there is going to be conformity with this provision or not."

At the excellent request of our chairman of our Human Resources Committee, 2 months into the bill we get a report that says there are these kinds of problems and they need these kinds of solutions. Then we had the corresponding action to try to have the personnel to deal with this. That is really the history of this.

I know the Senator from New Mexico has spent an enormous amount of time on the whole issues of mental health because he knows that issue is of particular importance. Although it was not illustrated in the central findings of the GAO, the Senator would know, based upon past experience, that it is always the lost child in any kind of discussion of health insurance policies.

There will always be more complexities and difficulties dealing with that. That is just the history. The Senator knows this better than I, as well as the Senator from Minnesota. So if they are having these kinds of implementation problems now with the existing kind of statute, I think it is not unreasonable to think that we are going to have those kinds of problems on the issues of mental health.

I am just mindful, Mr. President, and my friend from Oklahoma—Oklahoma has hired five more people in their insurance department in order to help implement this in its State. We are talking about a handful of people nationwide, at no additional cost, dealing with disability, our most vulnerable citizens. We are on notice. These are our most vulnerable citizens, those that have preexisting conditions and those that have disabilities, most of them children. We are going to be put on notice by the GAO, and through a nonadditional-dollar cost to the taxpayer, saying, no, we are not going to permit the agency that has the prime responsibility for enforcement to have the adequate personnel.

That may carry the day here on the floor of the U.S. Senate, but I just hope that our colleagues who support that position—as I mentioned before, these parents are going to be calling all of our offices, and they are going to be calling the agency asking questions about what to do about their children.

Mr. REED. Will the Senator yield for a question?

Mr. KENNEDY. Yes, I would be happy to.

Mr. REED. Aren't we missing the point when we look at HCFA and try to blame them for the complicated issues that we have asked them to enforce? We are missing the point. Who is really suffering, if we do this, are the thousands of families in the country that won't have access to good health care. It is our responsibility to ensure that HCFA and the States provide real access to the hundreds of thousands of families that need good health care around the country. We just heard yesterday at a hearing about the struggles and travails of a young mother who was trying to get good care for her daughter in the context of Kennedy-Kassebaum, and without good enforcement she would not realize these benefits. I think you are absolutely right, Senator, in terms of the message we are sending. It is not, "HCFA, get your act together." It is to thousands of families we are not going to enforce the right that we thought we gave 2 years ago.

Mr. KENNEDY. Well, the Senator is absolutely correct. We are on notice now. The decision was made—and I give great credit to Senator Kassebaum—that we were going to have State implementation of this. There were many of us on this side that believed that there would be danger, in terms of the escalation of insurance premiums, if we did not at least set

some kind of parameters for the increase. We had testimony based on different models to indicate what the framework for that kind of an increase was. It was a decision that was made that we would defer and then have an examination of what the States would do.

So we have now had a preliminary finding. In a few States, we have seen this dramatic escalation, a 600 percent increase in the premiums. But in many States, we find out all of these other kinds of enforcement problems, where we have had agents for various insurance companies that are being penalized if they include in their various programs children with disabilities or those individuals with some preexisting condition. They are penalized. Or, if individuals call up, they are given misinformation or disinformation about what their rights are. We have all of that illustrated in this GAO report. We have had it illustrated out there.

Now, what the Appropriations Committee said is, OK, if we have this problem, we have read through this, we have a way of trying to make important progress in alleviating the anxiety of these families that are facing the most extraordinary kinds of pain and suffering that one can imagine when they have disabled children in these circumstances. I know that because the Senator from Rhode Island has a superb bill on the issues of pediatric patients' rights, the whole issue on children. The Senator has been a real leader here. I think he knows this issue well. Now we have a way of trying to address this issue and we have our colleagues—we are talking about the emergency supplemental, which is dealing with these major issues that comes up with an amendment to strike this \$16 million. Now, as the Senator from New Mexico pointed out, \$6 million is the most important of that \$16 million because that will be for the actual implementation of the enforcement. The others, I think, are important, too. I think a case, perhaps, can be made if we are following a very strict interpretation—and that is another issue—a strict interpretation about whether we could not defer that, but certainly not with regard to the protection of those families.

Mr. REED. If the Senator will yield again, as I understand it, there are 45 States that have adopted local State laws. Even within those States, they are not fully complying with the strictures of the Kennedy-Kassebaum Act. As a result, even in the States that did what we thought they would do, we still need Federal oversight. As a result of that, I hope we will elect to pass this measure.

Mr. STEVENS addressed the Chair.

Mr. KENNEDY. If I can answer the question—

The PRESIDING OFFICER. The Senator from Massachusetts has the floor. The Senator may yield for a question.

Mr. REED. My question, if I may, Senator—

Mr. STEVENS. Mr. President, there is no way to control the floor unless a Senator addresses the Chair.

The PRESIDING OFFICER. The Senator is correct.

Mr. REED. Mr. President, if I may address the question to the Senator from Massachusetts.

The PRESIDING OFFICER. The Senator may ask a question.

Mr. KENNEDY. The Senator is entitled to ask a question. He was asking whether the suggestion that because 45 States passed laws, does that mean that all 45 States are in conformity, which is a reasonable question since that has been the statement made on the floor. The answer to his question is that it is not a fair indication of the amount of implementation of this particular program, according to the GAO, because even though those States have passed laws, within those laws they fail to conform with a number of the other provisions in here. I have indicated those particular provisions. They are primarily targeted on the group-to-individual. As I pointed out, the record on this legislation with regard to group-to-group in the States has been good. As it should also be for group-to-individual policies. It was supposed to give the States the first crack. There were some general criteria established for moving ahead on that. That criteria has been spelled out. We can take some time to go through that criteria. But it has been spelled out in those areas. I have outlined some of those, and I will come back to those at a later time.

Mr. REED. Mr. President, if I may address an additional question to the Senator from Massachusetts.

The PRESIDING OFFICER. The Senator from Rhode Island may if the Senator yields for a question.

Mr. KENNEDY. Yes, I yield. And I intend to yield the floor in a few moments. I intend to answer the question now.

Mr. REED. I understand that last week the Labor Committee had a hearing on this issue, and it came with great evidence that we need to do more to enforce effectively this bill. And it seems to me that, in the context of that hearing, this provision to strike out needed money is absolutely the wrong approach in terms of ensuring that American citizens have all the benefits of the bill that we all passed, which we all thought would be a major breakthrough in health care in the United States. I wonder if that is the case, and, in fact, did the Labor Committee indicate that these issues were necessary to be enforced?

Mr. KENNEDY. Mr. President, the Senator is absolutely correct about the hearing. We had the hearing, and we heard testimony from the General Accounting Office. I tried to get the transcript, which has not been printed up, because I think any fair presentation on the basis of the review of the transcript would support our position very clearly.

Our position is that States were invited to pass the legislation that was

going to conform with the various provisions of the legislation, and some 45 States have. Some States have not, and some States even at this time have indicated that they are not going to conform with the mental health various provisions. But even with the States that have filed legislation, a number of those States are out of compliance. That is illustrated in the GAO report. In the GAO report, as well as in the testimony of the individual who made that report—I think his name was Bill Scanlon—there was an excellent presentation, basically outlining the concerns that I have expressed here. I believe that my representation, having attended that hearing, is a fair summary of what his position is.

Nonetheless, what we have, Mr. President—the bottom line is that as a result of careful oversight, we have a report on a bill that was just passed recently, some 20 months ago, going into effect in January of last year, reviewed by the General Accounting Office, some important abuses that have been outlined, and the effort by the Appropriations Committee—correctly I think—to try to address those abuses. And now we have an amendment that will effectively make it much more difficult to protect those individuals that have disabilities.

I have been around here long enough to know the problems that we have been facing in order to strike down the barriers of discrimination on the basis of disability. We have had a difficult time, and it is interesting that we have only in recent years passed the Americans With Disabilities Act. It took a long time. This country has been reluctant to bring those that have been facing physical and mental challenges into the bright sunshine of fair treatment. So it doesn't surprise me that we are out here on the floor of the U.S. Senate battling for those who have disabilities and preexisting conditions once again. It doesn't surprise me all that much. But that is what we are doing. You make a step forward and you have a step that goes back. We have been around here long enough and we have seen that, unless you are going to provide a remedy, a right that you provide is not an awful lot.

We passed the 1968 Fair Housing Act to try to eliminate discrimination on the basis of race in housing. It didn't mean a darn thing. A remedy wasn't out there. We passed the 1987 Fair Housing Act that had remedies in it and enforcement provisions in it. Now we need to have enforcement protections in here for those who have disabilities.

It isn't costing the taxpayer an additional dollar. We are basing it not on just our own kind of assessment, but on an independent study by the General Accounting Office on a supplemental. Now, I know the good Senator, my friend from Alaska, wants to get on with this issue. We are not the ones who raised this issue. This was just a small housekeeping provision about

setting some different priorities in HCFA, setting some different priorities. But it is more than a house-keeping provision to those families that are going to be affected.

We are not going silently into the night on it. We don't want to be labeled as holding up the supplemental on this issue because we are contesting something that isn't going to cost the taxpayer another dollar, on which the Appropriations Committee itself made a decision and a judgment that it ought to go ahead. This is about protecting families that have disabilities—mental disabilities, physical disabilities, and preexisting conditions. We are standing here to protect those individuals, and we have the GAO report that says we should.

So, Mr. President, this is a very important kind of question that we are faced with here. I think it takes some time. Some came in last evening when it was offered. We have only had a brief time to sort of talk about this issue, but there is more that ought to be said about it.

Mr. REED. I thank the Senator for his remarks.

Several Senators addressed the Chair.

The PRESIDING OFFICER (Mr. BURNS). The Senator from Missouri.

Mr. BOND. Mr. President, I seek recognition to offer two amendments. I would be happy to defer to the distinguished chairman of the committee.

Mr. STEVENS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I ask unanimous consent that the amendments—the Senator from Missouri will offer two budget amendments based on budget requests—once introduced, be immediately set aside to be in the line for regular order following the amendment of the Senator from Wisconsin.

What is the order now?

The PRESIDING OFFICER. We are on the Stevens amendment No. 2120.

Mr. STEVENS. I wish the Bond amendments to be offered after Senator FEINGOLD in the regular order. The first regular order would be, as I understand it, Senator FAIRCLOTH, and then Senator FEINGOLD, and then the Bond amendments would be after that, if my unanimous consent request is agreed to.

The PRESIDING OFFICER. The Senator is correct.

Mr. KENNEDY. Mr. President, can the Senator tell us where we are on the list?

Mr. STEVENS. The one of the Senator from Massachusetts is the pending business. Mr. President, I say to the Senator, it is my understanding that his is pending business. I want to get to the budget amendments. There will be some amendments to those. So they would come after Senator FEINGOLD, if my unanimous consent request is granted.

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

The Senator from Missouri.

Mr. BOND. Mr. President, I thank the Chair and I thank the distinguished chairman of the committee.

I have two very important amendments that really deal with the substance of disaster relief, particularly, in fact, not only New York and the New England States, but the Southeastern States and the Western States.

There was a request—I repeat it—that the pending amendment be temporarily set aside.

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

AMENDMENT NO. 2122

(Purpose: To provide emergency community development block grant funding to assist States in recovering from natural disasters occurring in Fiscal Year 1998)

Mr. BOND. Mr. President, concerning community development block grant programs, on behalf of myself, Senators MIKULSKI, STEVENS, SNOWE, COLLINS, D'AMATO, JEFFORDS, LEAHY, MACK, GRAHAM of Florida, and BOXER, I send the amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Missouri (Mr. BOND), for himself, and Ms. MIKULSKI, Mr. STEVENS, Ms. SNOWE, Ms. COLLINS, Mr. D'AMATO, Mr. MOYNIHAN, Mr. JEFFORDS, Mr. LEAHY, Mr. MACK, Mr. GRAHAM, and Mrs. BOXER, proposes an amendment numbered 2122.

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

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

The amendment is as follows:

Insert at the appropriate place:

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

COMMUNITY PLANNING AND DEVELOPMENT COMMUNITY DEVELOPMENT—BLOCK GRANT FUNDS

For an additional amount for "Community development block grants funds", as authorized under title I of the Housing and Community Development Act of 1974, \$260,000,000, which shall remain available until September 30, 2001, for use only for disaster relief, long-term recovery, and mitigation in communities affected by Presidentially declared natural disasters designated during fiscal year 1998, except for those activities reimbursable or for which funds are made available by the Federal Emergency Management Agency, the Small Business Administration, or the Army Corps of Engineers: *Provided*, That in administering these amounts and except as provided in the next proviso, the Secretary may waive or specify alternative requirements for, and provision of any statute or regulation that the Secretary administers in connection with the obligation by the Secretary or the use by the recipient of these funds, except for statutory requirements related to civil rights, fair housing and non-discrimination, the environment, and labor standards, upon a finding that such a waiver is required to facilitate the use of such funds and would not be inconsistent with the overall purpose of the statute: *Provided further*, That the Secretary may waive the requirements that activities benefit persons of low and moderate income, except that at least 50 percent of the funds under this head must benefit primarily persons of low and moderate income unless the Secretary makes a finding of compelling need: *Provided further*,

That all funds under this head shall be allocated by the Secretary to states to be administered by each state in conjunction with its Federal Emergency Management Agency program or its community development block grant program: *Provided further*, That each state shall provide not less than 25 percent in public or private matching funds or its equivalent value (other than administrative costs) for any funds allocated to the state under this head: *Provided further*, That, in conjunction with the Director of the Federal Emergency Management Agency, the Secretary shall allocate funds based on the unmet needs identified by the Director as those which has not or will not be addressed by other federal disaster assistance programs: *Provided further*, That, in conjunction with the Director, the Secretary shall utilize annual disaster cost estimates in order that the funds under this head shall be available, to the maximum extent feasible, to assist states with all Presidentially declared disasters designated during this fiscal year: *Provided further*, That the Secretary shall publish a notice in the Federal Register governing the allocation and use of the community development block grants funds made available under this head for disaster areas and publish a quarterly list of all allocations of funds under this head by state, locality and activity (including all uses of waivers and the reasons therefor): *Provided further*, That the Secretary and the Director shall submit quarterly reports to the House and Senate Committees on Appropriations on all allocations and use of funds under this head, including a review of all unmet needs: *Provided further*, That the entire amount shall be available only to the extent an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined by the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

Mr. BOND. Mr. President, I ask that this amendment be temporarily set aside.

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

AMENDMENT NO. 2123

(Purpose: To provide additional funding for disaster relief to aid disaster-stricken States)

Mr. BOND. Mr. President, I now send an amendment to the desk relating to the Federal Emergency Management Agency on behalf of myself and Senator MIKULSKI.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Missouri (Mr. BOND), for himself, and Ms. MIKULSKI, proposes an amendment numbered 2123.

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

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

The amendment is as follows:

On page 46, at the bottom of the page, insert the following:

INDEPENDENT AGENCY—FEDERAL EMERGENCY MANAGEMENT AGENCY DISASTER RELIEF

For an additional amount for "Disaster relief", \$1,600,000,000, to remain available until

expended: *Provided*, That these funds shall be available only to the extent that an official budget request for a specific amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to Congress: *Provided further*, That the entire amount appropriated herein is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

Mr. BOND. Mr. President, I now ask that the amendments be temporarily set aside.

The PRESIDING OFFICER. That is under the order.

Mr. BOND. I thank the Chair.

I look forward to debating at the appropriate time these two very important amendments which provide roughly \$1.86 billion for emergency relief. I hope that we will be able to deal with those amendments this afternoon. I thank the Chair, and I thank the chairman of the committee.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

AMENDMENT NO. 2124

(Purpose: To make perfecting and technical amendments to section 404)

Mr. DOMENICI. Mr. President, Senator BINGAMAN and I have an amendment which was agreed to in the Appropriations Committee. I told the Members that we were going to attempt to resolve one issue that was in dispute. We have resolved it. I send the amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New Mexico (Mr. DOMENICI), for himself, and Mr. BINGAMAN, proposes an amendment numbered 2124.

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

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

The amendment is as follows:

On page 29, line 20, strike "(PANO)", and insert "(JPANO)". At the end of page 29, insert the following new paragraphs:

(7) the National Park Service has identified the realignment of Unser Boulevard, depicted on the map referred to in section 102(a) of the Petroglyph National Monument Establishment Act of 1990 (Public Law 101-313; 16 U.S.C. 431 note), as serving a park purpose in the General Management Plan/Development Concept Plan for Petroglyph National Monument;

(8) the establishment of a citizens' advisory committee prior to construction of the Unser Boulevard South project, which runs along the eastern boundary of the Atrisco Unit of the monument, allowed the citizens of Albuquerque and the National Park Service to provide significant and meaningful input into the parkway design of the road, and that similar proceedings should occur prior to construction with the Paseo del Norte corridor;

(9) parkway standards approved by the city of Albuquerque for the construction of Unser Boulevard South along the eastern boundary of the Atrisco Unit of the monument would be appropriate for a road passing through the Paseo del Norte corridor;

On page 30, redesignate paragraphs (7) and (8) as paragraphs (10) and (11).

On page 30, beginning on line 13, strike "**STORM WATER DRAINAGE AND TECHNICAL ASSISTANCE.**", and insert "**PLANNING AUTHORITY.**".

On page 31, beginning on line 1, strike paragraph (2), and insert the following:

(2) ROAD DESIGN.—

(A) If the city of Albuquerque decides to proceed with the construction of a roadway within the area excluded from the monument by the amendment made by subsection (d), the design criteria shall be similar to those provided for the Unser Boulevard South project along the eastern boundary of the Atrisco Unit, taking into account topographic differences and the lane, speed and noise requirements of the heavier traffic load that is anticipated for Paseo del Norte, as referenced in section A-2 of the Unser Middle Transportation Corridor Record of Decision prepared by the city of Albuquerque dated December 1997 * * *

(B) At least 180 days before the initiation of any road construction within the area excluded from the monument the amendment made by subsection (d), the city of Albuquerque shall notify the Director of the National Park Service (hereinafter "the Director"), who may submit suggested modifications to the design specifications of the road construction project within the area excluded from the monument by the amendment made by subsection (d).

(C) If after 180 days, an agreement on the design specifications is not reached by the city of Albuquerque and the Director, the city may contract with the head of the Department of Civil Engineering at the University of New Mexico, to design a road to meet the design criteria referred to in subparagraph (A). The design specifications developed by the Department of Civil Engineering shall be deemed to have met the requirements of this paragraph, and the city may proceed with the construction project, in accordance with those design specifications.

On page 33, beginning on line 13, strike all through line 22, and insert the following:

(B) by inserting "(1)" after "(a)";

(C) by adding at the end the following:

"(2)(A) Notwithstanding paragraph (1), effective as of the date of enactment of this subparagraph—"

On page 34, line 9, strike "DOCUMENT.—".

On page 34, line 12, after "Corridors", insert "dated October 30, 1997,".

Mr. DOMENICI. Mr. President, this amendment, that I am offering with Senator BINGAMAN, represents the conclusion of several months of constructive discussion between us.

Together, we have reached an agreement on this legislation, which will allow the City of Albuquerque to proceed with the extension of a roadway to the west side of Petroglyph National Monument, if it decides to do so.

This amendment also provides that if the city elects to move forward with this extension, that: The road will be similar in design to a road that is already constructed along the monument boundary; the Park Service will have the opportunity to provide constructive comments on the road design; if needed, the roadway could be expanded to as many as six lanes at some point in the future; and Washington will not stand in the way of this local decision-making process.

Mr. President, I ask that this amendment be accepted.

The PRESIDING OFFICER. Is there objection to the request?

Mr. STEVENS. Mr. President, this has been cleared on both sides. It is a managers' amendment.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 2124) was agreed to.

Mr. DOMENICI. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

Mr. STEVENS. Mr. President, it is my understanding that the Senator from Minnesota wishes to offer some amendments and have them sort of get in line. I yield for that purpose.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. I thank the Senator from Alaska.

AMENDMENTS NOS. 2125, 2126, 2127, AND 2128 EN BLOC

Mr. WELLSTONE. Mr. President, I send four amendments to the desk and ask that they be separately reported.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Minnesota (Mr. WELLSTONE) proposes amendments numbered 2125, 2126, 2127, and 2128.

The amendments (Nos. 2125, 2126, 2127, and 2128) en bloc are as follows:

AMENDMENT NO. 2125

(Purpose: To encourage reform of International Monetary Fund policies, and for other purposes)

At the appropriate place, add the following:

SEC. . REFORM OF INTERNATIONAL MONETARY FUND POLICIES.

(a) IN GENERAL.—The United States Government shall employ its best efforts to do the following, and such efforts shall include but not be limited to the Secretary of the Treasury instructing the United States Executive Director at the International Monetary Fund to use the voice and vote of the Executive Director aggressively to these ends:

(1) Structure the International Monetary Fund programs and assistance so that—

(A) recipient governments commit, as a condition of loan approval and renewal, to affording workers the right to exercise internationally recognized worker rights, including the right of free association, collective bargaining through unions of their own choosing, and the use of any form of forced or compulsory labor;

(B) measures designed to facilitate labor market flexibility are consistent with such core worker rights; and

(C) the staff of the International Monetary Fund adequately takes into account the views of the International Labor Organization, particularly with respect to the importance of labor market flexibility measures in reducing unemployment in recipient countries, and the impact such measures may have on core worker rights in such countries.

(2) Vigorously promote the adoption and enforcement of laws promoting respect for internationally recognized worker rights (as defined in Section 507(4) of the Trade Act of 1974 (19 U.S.C. 2467(4)).

(3) Structure the International Monetary Fund programs and assistance so that recipient governments commit to compliance with

all environmental obligations and agreements of which it is a signatory.

(4) Work with the International Monetary Fund to incorporate the recognition that macroeconomic development and policies can affect and be affected by environmental conditions and policies, including by working independently and with multilateral development banks to encourage countries to correct market failures and to adopt appropriate environmental policies in support of macroeconomic stability and sustainable development.

(5) Structure the International Monetary Fund programs and assistance so that governments which draw on the International Monetary Fund channel funds away from unproductive purposes, such as excessive military spending, and towards investment in human and physical capital as well as social programs to protect the neediest and promote social equity.

(6) Work with the International Monetary Fund to foster economic prescriptions that are appropriate to the individual economic circumstances of each recipient country, recognizing that inappropriate stabilization programs may only serve to further destabilize the economy and create unnecessary economic, social, and political dislocation.

(b) REPORT TO CONGRESS.—The Secretary of the Treasury shall submit a semi-annual report to Congress on the status of International Monetary Fund programs linked to official United States government financing.

(c) CONTENTS OF REPORT.—With respect to each program, the report shall include the following:

(1) Whether International Monetary Fund involvement in labor market flexibility measures has a negative impact on core worker rights, particularly the rights of free association and collective bargaining.

(2) A description of any abuses of core worker rights and how the International Monetary Fund addresses such abuses.

(3) Whether the program adequately balances the need for austerity, economic growth, and social equity.

(4) What measures are included in the program to ensure sustainable development and address environmental devastation.

AMENDMENT NO. 2126

(Purpose: To express the sense of Congress on the treatment of Muchtar Pakpahan)

At the appropriate place, add the following:

SEC. . SENSE OF THE CONGRESS ON THE TREATMENT OF MUCHTAR PAKPAHAN.

It is the sense of Congress that the Government of Indonesia should immediately release Muchtar Pakpahan from prison and have all criminal charges against him dismissed.

AMENDMENT NO. 2127

(Purpose: To encourage the International Monetary Fund to require burden-sharing by private creditors, and for other purposes)

At the appropriate place, add the following:

SEC. . BURDEN-SHARING BY PRIVATE CREDITORS.

(a) IN GENERAL.—The Secretary of the Treasury shall instruct the United States Executive Director at the International Monetary Fund to use the voice and vote of the Executive Director aggressively to amend the International Monetary Fund bylaws to provide that the Fund shall not provide funds to any country experiencing a financial crisis resulting from excessive and imprudent borrowing unless the private creditors, investors, and banking institu-

tions that had extended such credit make a significant poor contribution by means of debt relief, rollovers of existing credit, or the provision of new credit, as part of an overall program approved by the International Monetary Fund for resolution of the crisis.

AMENDMENT NO. 2128

(Purpose: To provide for an Advisory Committee on IMF Policy)

At the appropriate place, add the following:

SEC. . ADVISORY COMMITTEE ON IMF POLICY.

(a) IN GENERAL.—The Secretary of the Treasury shall establish an International Monetary Fund Advisory Committee (in this section referred to as "Advisory Committee").

(b) MEMBERSHIP.—The Advisory Committee shall consist of 8 members appointed by the Secretary of the Treasury, after appropriate consultations with the relevant organizations, as follows:

(1) at least 2 members shall be representatives from organized labor.

(2) at least 2 members shall be representatives from nongovernmental environmental organizations.

(3) at least 2 members shall be representatives from nongovernmental human rights or social justice organizations.

(c) DUTIES.—Not less frequently than every six months, the Advisory Committee shall meet with the Secretary of the Treasury to review and provide advice on the extent to which individual IMF country programs meet the policy goals set forth in Article I of the Fund's Articles of Agreements and this Act.

(d) INAPPLICABILITY OF TERMINATION PROVISIONS OF THE FEDERAL ADVISORY COMMITTEE ACT.—Section 14(a)(2) of the Federal Advisory Committee Act shall not apply to the Advisory Committee.

Mr. WELLSTONE. Mr. President, these amendments deal with IMF.

I ask unanimous consent that they now be laid aside.

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

Mr. STEVENS. Mr. President, I ask unanimous consent that they be in order behind the two amendments offered by the Senator from Missouri.

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

Mr. JEFFORDS addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

AMENDMENT NO. 2123

Mr. JEFFORDS. Mr. President, I want to speak first very briefly on the amendment offered by the Senator from Missouri that would help the disaster areas of the Northeast.

First I want to commend the Senator from Missouri for helping the areas of the Northeast that were so punished by the recent problems with respect to the ice storms. Vermont suffered very significantly in the upper part of the State, but with the knowledge that we have with respect to what happened in New York and Maine which so far outpaced our problems, I can certainly commiserate with their need to have assistance, especially with respect to utilities, which have been greatly harmed by the weather problem.

AMENDMENT NO. 2120

I now would like to talk a little bit about the problems regarding the Kennedy-Kassebaum bill of the 104th Congress, the Kassebaum-Kennedy legislation, also known as the Health Insurance Portability and Accountability Act of 1996, called HIPAA. Many consider this legislation to be the most significant Federal insurance reform in the past decade. During this Congress, I have tried to closely monitor the impact of HIPAA over the past year to ensure successful implementation and consistency with legislative intent.

On March 19th, the Labor and Human Resources Committee held an oversight hearing to focus on the findings of a GAO report, which I requested, entitled, "Health Insurance Standards: New Federal Law Creates Challenges for Consumers, Insurers, Regulators." The report examines the HIPAA first-year implementation issues and the challenges that consumers, issuers of health coverage, state insurance regulators, and federal regulators have faced since HIPAA's passage.

This legislation was limited to the problems of individual insurance. And another GAO report will be coming forward with respect to the problems of going from one group to another.

The report confirms that federal regulators have faced an overwhelming new set of duties under HIPAA. In the five states that have failed to or chosen not to pass the legislation required by HIPAA (California, Massachusetts, Michigan, Rhode Island, and Missouri), the Department of Health and Human Services is now required to act as insurance regulator for the state HIPAA provisions. As a result, HHS has requested an additional \$6 million in the supplemental appropriations bill to fund 65 new full-time equivalent staff for HIPAA-related enforcement activities in fiscal year 1998.

I share many of the concerns raised by my friend Senator NICKLES in offering his amendment. The federal government is ill equipped to carry out the role of insurance regulator. Building a dual system of overlapping state and federal health insurance regulation is in no one's best interest, and I intend to examine carefully this consequence of the act. However, we are currently faced with a real problem. We do not know when the five states will pass the necessary legislation in order to rely on state regulation. I believe HCFA currently lacks the expertise and resources to carry out its HIPAA-related responsibilities absent state action.

I suggested to Senator NICKLES an alternative to his amendment. HCFA has identified a need for 36 employees for essential enforcement in those states where conforming legislation has not passed. I believe that Congress should grant HCFA temporary authority to hire these 36 employees for its new HIPAA enforcement in these states for this fiscal year only. By approving the temporary positions during this fiscal year at a cost of \$3.3 million, we will